

**§ 51-4.4 Subcontracting.**

\* \* \* \* \*

(c) Nonprofit agencies may subcontract a portion of the process for producing a commodity or providing a service on the Procurement List provided that the portion of the process retained by the prime nonprofit agency generates employment for persons who are blind or have other severe disabilities. Subcontracting intended to be a routine part of the production of a commodity or provision of a service shall be identified to the Committee at the time the commodity or service is proposed for addition to the Procurement List and any significant changes in the extent of subcontracting must be approved in advance by the Committee.

\* \* \* \* \*

**PART 51-6—PROCUREMENT PROCEDURES**

5. Section 51-6.12 is amended by revising paragraph (c), to read as follows:

**§ 51-6.12 Specification changes and similar actions.**

\* \* \* \* \*

(c) For services on the Procurement List, the contracting activity shall notify the nonprofit agency furnishing the service and the central nonprofit agency concerned at least 90 days prior to the date that any changes in the statement of work or other conditions of performance will be required, including assumption of performance of the service by the contracting activity.

\* \* \* \* \*

6. Section 51-6.14 is revised to read as follows:

**§ 51-6.14 Disputes.**

Disputes between a nonprofit agency and a contracting activity arising out of matters covered by parts 51-5 and 51-6 of this chapter shall be resolved, where possible, by the contracting activity and the nonprofit agency, with assistance from the appropriate central nonprofit agency. Disputes which cannot be resolved by these parties shall be referred to the Committee for resolution.

Dated: September 23, 1997.

**Beverly L. Milkman,**

*Executive Director*

[FR Doc. 97-25610 Filed 9-25-97; 8:45 am]

BILLING CODE 6353-01-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 97-203, RM-9132]

**Radio Broadcasting Services; Wallace, ID and Lolo, MT**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Hawkeye Radio Properties, Inc., permittee of Station KQWK(FM), Channel 248C2, Wallace, Idaho, requesting the reallocation of Channel 248C2 to Lolo, Montana, as a Class C3 channel, and modification of its authorization accordingly, pursuant to the provisions of § 1.420(i) of the Commission's Rules. Coordinates used for Channel 248C3 at Lolo, Montana, are 46-53-07 and 114-06-30. As Lolo, Montana, is located within 320 kilometers (199 miles) of the Canadian border, the Commission must obtain concurrence of the Canadian government to this proposal.

The petitioner's modification proposal complies with the provisions of § 1.420(i) of the Commission's Rules, and therefore, we will not accept competing expressions of interest in the use of Channel 248C3 at Lolo, Montana, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before November 10, 1997, and reply comments on or before November 25, 1997.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Dale A. Ganske, President, Hawkeye Radio Properties, Inc., 5546-3 Century Avenue, Middleton, WI 53562.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-203, adopted September 10, 1997, and released September 19, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the

Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 97-25592 Filed 9-25-97; 8:45 am]

BILLING CODE 6712-01-F

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 97-194; RM-9128]

**Radio Broadcasting Services; Shelley and Island Park, ID**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Woodcom, Inc. seeking the substitution of Channel 292C1 for Channel 300C at Shelley, Idaho, and modification of its authorization (File No. BPH950123MH) to specify operation on the lower class channel. Additionally, to accommodate the requested substitution at Shelley, petitioner requests the substitution of Channel 300C for Channel 293C at Island Park, Idaho, for which an application is pending. Coordinates designated for Channel 292C1 at Shelley are 43-06-45 and 112-29-34. Coordinates specified for Channel 300C at Island Park are those set forth in the pending application at Island Park at 44-10-31 and 111-25-47.

Additionally, petitioner's modification proposal is consistent with the provisions of § 1.420(g)(2) of the Commission's Rules as an additional

equivalent channel can be allotted to Shelley in the event other parties express an interest in the proposal. Therefore, we will not accept competing expressions of interest in the use of Channel 292C1 at Shelley.

**DATES:** Comments must be filed on or before November 3, 1997, and reply comments on or before November 18, 1997.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: David Tillotson, Esq., 4606 Charleston Terrace, NW., Washington, DC 20007.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-194, adopted August 27, 1997, and released September 12, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-25595 Filed 9-25-97; 8:45 am]

BILLING CODE 6712-01-F

## DEPARTMENT OF TRANSPORTATION

### 49 CFR Part 1111

[STB Ex Parte No. 527 (Sub-No. 1)]

#### Expedited Procedures for Processing Simplified Rail Rate Reasonableness Proceedings

**AGENCY:** Surface Transportation Board; DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** On February 12, 1997, the Surface Transportation Board issued an Advance Notice of Proposed Rulemaking soliciting comments on how the complaint and investigation procedures at 49 CFR part 1111 should be modified to reflect the Board's adoption of *Simplified Rate Guidelines*.<sup>1</sup> Based on the comments received, the Board proposes to amend part 1111 to facilitate the processing of cases using *Simplified Rate Guidelines*. Comments are invited.

**DATES:** Comments are due November 10, 1997.

**ADDRESSES:** Send comments referring to STB Ex Parte No. 527 (Sub-No. 1) to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Stilling, (202) 565-1567. (TDD for the hearing impaired: (202) 565-1695.)

**SUPPLEMENTARY INFORMATION:** The Board is charged with expediting the processing of rate complaint proceedings. Under 49 U.S.C. 10704(c), we are required to make a determination as to the reasonableness of a challenged rate within 9 months after the record closes if the determination is based on stand-alone cost (SAC) evidence, and within 6 months if it is based upon a simplified methodology adopted pursuant to 49 U.S.C. 10701(d)(3). On October 1, 1996,<sup>2</sup> we adopted rules to expedite the handling of complaints challenging the reasonableness of railroad rates using SAC,<sup>3</sup> including the

<sup>1</sup> *Rate Guidelines—Non-Coal Proceedings*, Ex Parte No. 347 (Sub-No. 2) (STB served Dec. 31, 1996), *pet. for rehearing and reconsideration denied* (STB served Sept. 24, 1996), *pet. for judicial review pending sub nom., Association of Am. Railroad v. Surface Transp. Bd.*, No. 97-1020 (D.C. Cir. filed Jan. 10, 1997).

<sup>2</sup> *Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings*, STB Ex Parte No. 527, published in the **Federal Register** on October 8, 1996, (61 FR 52710), modified by decision served November 15, 1996.

<sup>3</sup> SAC is one of four constraints on railroad pricing adopted in *Coal Rate Guidelines—Nationwide*, 1 I.C.C.2d 520 (1985). Notwithstanding its title, *Coal Rate Guidelines* procedures are not

generally applicable procedural schedule of 49 CFR 1111.8 that requires completion of the evidentiary phase of a SAC case in 7 months. We declined to adopt a procedural schedule to govern the filing of evidence in cases using the then unadopted *Simplified Rate Guidelines* procedures. Rather, we decided to consider the adoption of regulations covering such cases following completion of the *Simplified Rate Guidelines* rulemaking.

On December 31, 1996, we adopted simplified evidentiary guidelines in *Simplified Rate Guidelines* to determine the reasonableness of rail rates on captive traffic where the *Coal Rate Guidelines* could not be practicably applied. Subsequently, by Advance Notice of Proposed Rulemaking, served February 12, 1997 (62 FR 6508), we solicited comments on whether a general procedural schedule applicable to cases processed under the *Simplified Rate Guidelines* could be promulgated (and, if so, what that schedule should be), or whether we should delay the adoption of a general procedural schedule and proceed on a case-by-case basis until all concerned acquire some experience utilizing the new guidelines.<sup>4</sup>

Comments were filed by the Association of American Railroads (AAR), the National Industrial Transportation League (NITL), Barbara R. Kueppers, and the United Transportation Union-Illinois Legislative Board (UTU-ILB).

#### Positions of the Parties

AAR acknowledges that the choice of guidelines (*Coal Rate Guidelines* or *Simplified Rate Guidelines*) must be made at the outset of a case. However, AAR sees no need to adopt a set timeframe, such as the 45-day schedule suggested in *Simplified Rate Guidelines* (at 38) for deciding whether a case should proceed under the *Coal Rate Guidelines* or the simplified procedures. AAR claims that a 45-day schedule would be unfair because it would give a shipper unlimited time to prepare its initial case while giving the defendant only two weeks to analyze complainant's case and prepare opposing evidence.<sup>5</sup> AAR also notes that

limited to coal cases. Rather, the guidelines are the preferred method of evaluating the reasonableness of any rate.

<sup>4</sup> *Simplified Rate Guidelines* suggested that procedural schedules should initially be set on a case-by-case basis. *Id.* at 38 n.145.

<sup>5</sup> Under the 45-day schedule, the defendants would have 15 days after the complaint is filed to oppose use of the simplified procedures. Complainant would have 10 days to respond to the railroad position, and the Board would have 20 days to make its determination.