

NATIONAL PRIORITIES LIST PROPOSED RULE #20, FEDERAL FACILITIES SECTION

[Number of Sites Proposed to Federal Facility Section: 2]

State	Site name	City/County	NPL Gr ¹
FL	Tyndall Air Force Base	Panama City	5/6
VA	Sewells Point Naval Complex	Norfolk	5/6

¹ Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Environmental Protection, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: June 6, 1996.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

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BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 87–75; FCC 96–161]

Provision of Aeronautical Services via the Inmarsat System

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted restrictions on use of the Inmarsat system for aeronautical services in the U.S. in *Aeronautical Services Order II*. In a Further Notice of Proposed Rule Making (FNPRM), the Commission is examining the prior restrictions and seeking comment on alternative arrangements. In the FNPRM the Commission proposed to establish the scope of permissible uses of Inmarsat aeronautical services in the United States. The Commission has generally promoted competition in satellite communications in both the international and U.S. domestic markets. Due to spectrum availability constraints in the L-band it was necessary to propose limits on the use of Inmarsat aeronautical services in the United States. The spectrum in which mobile satellite services (MSS) will operate is limited and appears

insufficient to meet the stated spectrum requirements for the North American coverage area for American Mobile Satellite Corporation, Inmarsat and three other countries developing MSS systems—Canada, Mexico and Russia. In the future, the Commission may permit entry by Inmarsat into the U.S. domestic aeronautical market—but not until the U.S. has ensured sufficient spectrum for domestic needs without interference to communications links. The intended effect of this proceeding is to establish the manner in which Inmarsat aeronautical services will be available in the U.S. consistent with competition policies and spectrum availability.

DATES: Comments are due July 17, 1996; reply comments are due August 16, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Olga Madruga-Forti, International Bureau, Satellite and Radiocommunication Division, Satellite Policy Branch, (202) 418–0766.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Further Notice of Proposed Rule Making* in CC Docket 87–75, Provision of Aeronautical Services via the Inmarsat System, Commission 96–161, adopted April 9, 1996, released May 9, 1996. The Commission is considering adopting geographical restriction to Inmarsat aeronautical services similar to those established in *Aeronautical Services Order II*, 54 FR 33224 (August 14, 1989). The complete text of this FNPRM is available for inspection and copying during normal business hours in the Commission Reference Center, 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

I. Introduction

In this Further Notice of Proposed Rulemaking, the Commission initiated a further notice of proposed rulemaking

concerning the geographic restrictions on the domestic use of Inmarsat-based aeronautical satellite services adopted in *Aeronautical Services Order II*, 54 FR 33224 (August 14, 1989). The Commission identified three possible models for geographic limitations: (1) Decline to authorize Inmarsat aeronautical services in U.S. airspace; (2) Authorize Inmarsat aeronautical services in the U.S. for aircraft in international flight up to the first port of entry and from the last port of departure from the U.S.; and (3) Authorize Inmarsat aeronautical services in the U.S. for all international flights including the domestic legs of international flights. Analysis and comment should consider the reliability and quality of communications and the Commission's desire to promote competition. Furthermore, in order to ensure continuity of service the Commission granted those parties already authorized to provide Inmarsat aeronautical mobile satellite service to aircraft in international flight special temporary authority to provide service to aircraft in domestic flight.

II. Background

In 1987, the Commission initiated a rulemaking to determine how aeronautical mobile satellite service ("AMSS") via Inmarsat would be provided in the United States. In *Aeronautical Services Order II*, the Commission authorized COMSAT to provide Inmarsat aeronautical services to United States aeronautical earth stations for aircraft in flight: (1) from the United States to a foreign point; (2) from a foreign point into the United States; and (3) between any two foreign points. The Commission also specified that aircraft in flight between two U.S. domestic points may use only the domestic mobile satellite system for satellite communications to the extent the coverage area of that system permits.

3. We have generally promoted competition in satellite communications in both the international and U.S. domestic markets. The circumstances presented here pose certain limitations on the extent to which we can achieve a fully competitive U.S. market for MSS systems in the L-band. The spectrum in

which the MSS systems will operate is limited and appears insufficient to meet the stated spectrum requirements for the North American coverage area for AMSC, Inmarsat and three other countries developing MSS systems—Canada, Mexico, and Russia. In seven years of negotiations, the five systems have been unable to successfully complete coordination to operate the same frequencies on a co-coverage basis in North America and the surrounding geographical area. The five systems are vying for access to 33 MHz of spectrum in each direction but have claimed requirements for significantly more than that amount. Moreover, this problem is complicated because the current designs of the MSS systems do not permit sharing frequencies in the same geographic area or adjacent areas. Inmarsat claims a need for exclusive use of considerable spectrum over the continental United States (CONUS) for its maritime and other services. However, AMSC likely will have to use noncontiguous spectrum segments and share some of these segments with other MSS systems. We have two specific concerns about permitting Inmarsat to provide aeronautical services in the United States under these circumstances: (1) Inmarsat may claim additional spectrum needs over CONUS in order to provide this service; and (2) AMSC may receive technical interference from proximate Inmarsat channels and not be able to operate on those channels assigned to it.

4. We want competition in the U.S. market, but the first step is to ensure sufficient spectrum for the U.S. domestic MSS system to become an effective competitor. This will require successful completion of the current coordination process. Any policy that we propose here for aeronautical services must not exacerbate this situation or complicate ongoing negotiations. Therefore, we propose an approach similar to that in our 1989 *Aeronautical Services Order II*. That is, we propose that Inmarsat continue to provide primarily international AMSS to the United States. We may, at a future date, permit entry by Inmarsat into the U.S. domestic aeronautical market—but, we will not propose to do so until we have successfully coordinated sufficient spectrum for the U.S. licensed domestic MSS system.¹

¹ The circumstances under which Inmarsat may offer domestic services within the U.S. are also a subject under consideration in a notice of proposed rulemaking on the provision of domestic service by non-U.S. satellites. See *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United*

5. We do not propose to adopt a policy that takes into account the economic impact on the AMSC system of Inmarsat entry into the U.S. aeronautical service market. AMSC already faces competition from other U.S. satellite systems such as Qualcomm's OmniTracs service and Orbcomm's land mobile and maritime services. It will eventually face competition from low earth orbit (LEO) systems recently authorized by the Commission.² There does not appear to be any reason to single out Inmarsat's economic impact on the AMSC system. Moreover, Inmarsat does not consider economic impact in evaluating the provision of aeronautical and land mobile services by non-Inmarsat satellite systems, and no longer considers it for competing maritime services.³ The United States has been in the forefront of the effort to ensure that Inmarsat does not use economic impact analysis to prevent or discourage competition in the provision of international satellite services.

6. Accordingly, in this FNPRM, we seek comment on the circumstances in which we should permit the use of Inmarsat aeronautical satellite services in the United States. We tentatively conclude that due to spectrum availability constraints, we must limit the scope of Inmarsat aeronautical services in the United States pending completion of current negotiations. We believe that this approach will ensure that the available spectrum is adequate to serve the United States public interest in the provision of aeronautical satellite services. We specifically request parties disputing our spectrum analysis to

States, Commission 96–210, adopted May 9, 1996, released May 14, 1996. Inmarsat could only enter the domestic aeronautical MSS market in accordance with the rules and policies adopted in this rulemaking as well as any rules or policies that may be adopted in the broader proceeding. We also defer consideration of NTIA's request in its comments for initiation of a Further NPRM on the issue of direct access to Inmarsat by multiple providers. This direct access issue is a part of a broader review of U.S. satellite policy by relevant agencies.

² See e.g., *Motorola Satellite Communications, Inc. Order and Authorization*, 10 F.C.C. Rcd. 2268 (International Bureau, released January 31, 1995); *Loral/Qualcomm Partnership, L.P.*, 10 F.C.C. Rcd. 2333 (International Bureau, released January 31, 1995); *TRW, Inc. Order and Authorization*, 10 F.C.C. Rcd. 2263 (International Bureau, released January 31, 1995).

³ Article 8 of the Inmarsat Convention provides, in general, that in order to ensure technical compatibility and avoid economic harm to the Inmarsat system, a Party shall notify Inmarsat before the Party uses separate space segment facilities for maritime purposes. The Ninth Assembly of the Inmarsat Assembly of Parties decided that no system which falls within the scope of Article 8 of the Convention shall be deemed to cause significant economic harm to the organization.

submit detailed comments addressing this issue. We seek comment on our tentative conclusion and on defining the scope of Inmarsat aeronautical service.

7. Initially, we identify three possible models for establishing geographic limitations:

1. Decline to authorize the use of Inmarsat aeronautical services in U.S. airspace.

2. Authorize the use of Inmarsat aeronautical services, both safety and APC, via U.S. earth stations for aircraft in international flight: (a) from the United States to a foreign point; and (b) from a foreign point into the United States.

3. Authorize the use of Inmarsat aeronautical services, both safety and APC, via U.S. earth stations for aircraft in international flight: (a) from the United States to a foreign point; (b) from a foreign point into the United States; and (c) on domestic legs of international flights.

8. We seek comment on the definitions of the scope of service proposed in this FNPRM and we invite additional or alternative proposals. We believe that this approach is necessary to ensure the development of a United States domestic MSS-AMSS(R) system that has sufficient reliable spectrum to meet the needs of the public, including safety needs. We propose to adopt one of the definitions of the scope of Inmarsat aeronautical services discussed above as reasonable to fulfill this objective.

Initial Regulatory Flexibility Act Analysis

9. Pursuant to Section 603 of the Regulatory Flexibility Act, the Commission has prepared the following initial regulatory flexibility analysis ("IRFA") of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Further NPRM, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of the FNPRM, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Public Law No. 96–354, 94 Stat. 1164, 5 U.S.C. § 601 et. seq. (1981).

10. Reason for Action. This FNPRM proposes to establish regulations establishing geographical boundaries for

the use of Inmarsat aeronautical services in the United States.

11. Objectives. To propose rules to govern the use of Inmarsat-based aeronautical services in the United States.

12. Legal Basis. Authority as proposed for this rulemaking is contained in the provisions of the Communications Act, 47 U.S.C. §§ 151, 154, 303(r), 403, and 405.

13. Description, Potential Impact and Number of Small Entities Affected. None.

14. Reporting, Record Keeping and Other Compliance Requirements. None.

15. Federal Rules Which Overlap, Duplicate or Conflict with this Rule. None.

16. Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives. None.

Paperwork Reduction Act

17. This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due August 16, 1996. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Procedural Provisions

18. This is a non-restricted notice and comment rulemaking proceeding. Ex Parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in 47 CFR § 1.1206(a).

19. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415 and 1.419, interested parties may file comments on or before July 17, 1996 and reply comments on or before August 16, 1996. To file formally in this proceeding, you must file an original

plus four copies of all comments, reply comments and supporting comments. If you want a Commissioner to receive a personal copy of your comments and reply comments you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Commission Public Reference Center, Room 239, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

20. Written comments by the public on the proposed and/or modified information collections are due July 17, 1996 and reply comments on or before August 16, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before August 16, 1996. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to t@al.eop.gov. For additional information concerning the information collections contained in this NPRM contact Dorothy Conway at 202-418-0217.

Ordering Clauses

21. Accordingly, it is further ordered that the Secretary shall send a copy of this Further Notice of Proposed Rulemaking to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601 et. seq. (1981).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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47 CFR Part 64

[CC Docket No. 92-77, FCC 96-253]

Billed Party Preference for O+ InterLATA Calls

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a Second Further Notice of Proposed Rulemaking (NPRM) seeking comment on tentative conclusions that it should establish benchmarks for the rates that consumers are asked to pay for operator service calls reflecting what consumers expect to pay for those calls and require that, if consumers will be charged rates above the benchmarks, the operator service provider (OSP) offering services through payphones and other aggregator locations disclose the applicable charges for the call to the consumer orally before connecting the call. The NPRM also seeks comment on what benchmark rates the Commission should establish, as well as on an alternative that would require all OSPs to disclose their rates orally on all operator service calls. The NPRM also solicits comment on whether the FCC should forbear from applying informational tariff filing requirements for interstate operator services, and, if not, on proposed rules and a waiver policy with respect to the filing of such tariffs. Finally, the Commission seeks comment on the best means to remedy the problem of high rates charged by some carriers that serve phones in prisons that are used by inmates to make collect calls. The proposed rule changes are intended to enable consumers to make better informed decisions whether to use a particular OSP when making a call from a payphone or other aggregator location away from home.

DATES: Written comment by the public on the Second Further Notice of Proposed Rulemaking and the proposed and/or modified information collections are due July 17, 1996. Reply comments are due on August 16, 1996. Written comments by the Office of Management and Budget (OMB) on the proposed and/or modified information collections are due on or before August 16, 1996.

ADDRESSES: Comments and reply comments should be sent to the Secretary, Federal Communications Commission, 1919 M St. N.W., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications