occurring at an installation; however it does not replace other types of community outreach and participation activities required by applicable laws and regulations.

§ 202.2 Criteria for establishment.

(a) A RAB should be established when there is sufficient and sustained community interest, and any of the following criteria are met:

(1) The closure of an installation involves the transfer of property to the community;

(2) At least 50 local citizens petition the installation for creation of an advisory board;

(3) Federal, state, or local government representatives request the formation of an advisory board; or

(4) The installation determines the need for an advisory board.

(b) To determine the need for establishing a RAB, an installation should:

(1) Review correspondence files;

(2) Review media coverage;

(3) Consult local community members;

(4) Consult relevant government officials; and

(5) Evaluate responses to notices placed in local newspapers.

(c) The installation shall have lead responsibility for forming and operating a RAB.

§ 202.3 Notification.

Prior to establishing a RAB, an installation should notify potential stakeholders of its intent to form a RAB. In announcing the formation of a RAB, the installation should describe the purpose of a RAB and discuss opportunities for membership.

§ 202.4 Composition of a Restoration Advisory Board (RAB).

(a) *Membership.* At a minimum, each RAB should consist of representatives from the Department of Defense (DoD), the U.S. Environmental Protection Agency (EPA), state government, community, and local government. At closing installations, the representatives of the Base Realignment and Closure (BRAC) Cleanup Team (BCT) may also serve as the government representative(s) of the RAB. For non-closing installations, or installations where EPA has not been given support resources from DoD, EPA's involvement will be at the discretion of the Administrator of the appropriate EPA regional office.

(b) *Chairmanship.* Each RAB established shall have two cochairs; one representing the DoD installation and the other a community member. Co-chairs shall be responsible for directing and managing the operations of the RAB.

(c) *Compensation for Community Members of the Restoration Advisory Board.* The community co-chair and community members serve voluntarily, therefore they will not be compensated by DoD for their participation.

Subpart B—Operating Requirements

§ 202.5 Creating a mission statement.

Each RAB should develop a mission statement that describes its overall purpose and goals.

§ 202.6 Selecting co-chairs.

(a) *DoD Installation Co-Chair.* The DoD installation co-chair shall be selected by the installation's Commanding Officer or in accordance with military service-specific guidance.

(b) *Community Co-Chair.* The community co-chair shall be selected by the community members of the RAB.

§ 202.7 Developing operating procedures.

(a) Each RAB should develop a set of operating procedures. Areas that may be addressed in the procedures involve:

(1) Announcing meetings;

(2) Attendance of members at meetings;

(3) Frequency of meetings;

(4) Addition or removal of members;

(5) Length of service for members and co-chairs;

(6) Methods for dispute resolution;

(7) Review and responses to public comments;

(8) Participation of the public in operations of the RAB;

(9) Keeping the public informed about proceedings of the RAB.

(b) The installation and community co-chairs should prepare meeting minutes summarizing the topics discussed at meetings of the RAB. The installation should make the meeting minutes available in information repositories.

Subpart C—Administrative Support, Funding, and Reporting Requirements

§ 202.8 Administrative support and funding.

(a) Subject to the availability of funding, the installation shall provide administrative support to establish and operate a RAB.

(b) Allowable Administrative Expenses for a Restoration Advisory Board: The following activities unique to and directly associated with establishing and operating a RAB shall qualify as an administrative expense of a RAB:

(1) Establishment of the RAB;

(2) Membership selection;

(3) Certain types of training;

(4) Meeting announcements;

(5) meeting facility;

(6) Meeting facilitators, including translators;

(7) Preparation of meeting agenda materials and minutes;

(8) Maintenance of a mailing list for the RAB and mailings of materials developed and used by the RAB.

(c) Funding:

(1) At operating installations, administrative expenses for a RAB shall be paid for using funds from the Component's Environmental Restoration Accounts.

(2) At closing installations, administrative expenses for a RAB shall be paid using Base Realignment and Closure (BRAC) funds.

§ 202.9 Technical assistance to community members.

Community members of a RAB or TRC may request technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and restoration activities conducted, or proposed to be conduct at the installation.

§ 202.10 Documenting and reporting activities and expenses.

The installation, at which a RAB is established, shall document the activities and record the administrative expenses associated with the RAB.

Dated: July 31, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–19886 Filed 8–5–96; 8:45 am]

BILLING CODE 5000–04–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 96–132; FCC 96–259]

Satellite Licensing Procedures

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: American Mobile Satellite Corporation (''AMSC'') is the only U.S. mobile satellite service (''MSS'') system currently authorized to operate in the upper L-band. However, international coordination has been extremely difficult and we do not believe we will be able to secure sufficient spectrum in the upper L-band for AMSC's operations. Therefore, the Commission

has proposed to assign the first 28 MHz of spectrum (14 MHz for Earth-to-space transmissions and 14 MHz for space-to-Earth transmissions) internationally coordinated in both the upper and lower portions of L-band to AMSC. This proposal will help to ensure that MSS becomes a reality in the L-band and AMSC, a licensed and partly operating satellite system, is able to provide service.

DATES: Comments must be submitted on or before September 3, 1996; reply comments must be submitted on or before September 23, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Paula Ford, International Bureau, Satellite Policy Branch, (202) 418–0760; Kathleen Campbell, International Bureau, Satellite Policy Branch (202) 418–0753.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making (''NPRM'') in IB Docket No. 96–132; FCC 96–259, adopted June 6, 1996 and released June 18, 1996. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC. 20037.

Title: Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the Upper and Lower L-band.

As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document.

Summary of Notice of Proposed Rule Making

1. In the course of international coordination, it has become clear that the U.S. will not be able to secure sufficient spectrum in the upper L-band for its only licensee in the band, AMSC. Never before have we been unable to secure sufficient spectrum to support a satellite system that already has been licensed, partly constructed, and operating. Therefore, the Commission proposes to limit eligibility for the first 14 MHz of spectrum coordinated for Earth-to-space transmissions and the first 14 MHz coordinated for space-to-Earth transmissions in the upper and/or lower L-bands to AMSC and proposes to modify AMSC's license accordingly.

2. Coordination in the L-band has been extremely difficult. In the entire L-band, there is 66 MHz of spectrum available for use by Inmarsat, Canada, Mexico, the Russian Federation, and the United States who, at the present time, are coordinating spectrum for a variety of MSS systems in the vicinity of North America. The United States has been at a disadvantage during this coordination because it began coordinating the upper L-band and only later began focusing on the lower L-band while Inmarsat and the other administrations have been coordinating spectrum throughout the entire L-band.

3. Furthermore, Inmarsat, the United States, and the other administrations have claimed requirements totalling significantly more than the 66 MHz available. Moreover, the current designs of mobile terminals for these MSS systems do not permit them to share frequencies in adjacent or similar geographic areas. Given this demand and the technical restrictions, we do not think it will be possible to secure for AMSC the 28 MHz of spectrum we have authorized it to use in the upper L-band. In fact, it is unlikely that we will be able to coordinate more than 10 to 12 MHz in the upper L-band. Such an amount appears insufficient to operate the satellite system we authorized AMSC to build.

4. We believe the public interest is best served by allowing AMSC to use spectrum in the lower L-band. The reasons for supporting MSS in the L-band are as valid today as they were in 1986. MSS can serve areas of the country that are too remote or sparsely populated to be served by terrestrial land mobile systems. It can generate a host of new services by providing communication between virtually any point in the country, irrespective of distance. MSS is uniquely suited for meeting the needs of the transportation, petroleum, and other vital industries. It can meet rural public safety needs and provide emergency communications to any area in times of emergencies and natural disasters. Moreover, the L-band is currently the only primary MSS band in which we have licensed geostationary MSS systems. Geostationary and non-geostationary MSS systems each have distinctive service characteristics, and we believe that each type of service should be allowed to demonstrate its advantages. If geostationary MSS is to have that opportunity in the near term, it must be in the L-band.

5. Coordinating spectrum for AMSC in the lower L-band is particularly attractive because, with the exception of the United States, the same administrations and systems coordinating spectrum in the upper L-band are currently coordinating spectrum in the lower L-band. AMSC's system operates in geostationary orbit and can be timely coordinated with the other entities who have published in advance with the International Telecommunication Union their plans to implement geostationary systems in the lower L-band. The lower L-band can also accommodate both voice and data services which the currently licensed system expects to provide.

6. AMSC—having already constructed and launched one of its three authorized satellites—is in the best position to provide MSS to the public expeditiously. If AMSC, through no fault of its own, obtains insufficient spectrum for its system, its service will be jeopardized, and no other potential licensee in the lower L-band will be able to provide service for years. AMSC's substantial progress toward full implementation thus figures heavily in our public interest analysis. This is especially true because AMSC's expenditures were actually *required* by the construction and launch milestones in AMSC's license.

7. While all satellite licenses are granted subject to the uncertainties of international coordinations, the public interest requires that a Commission license carry with it some reasonable expectation that it will permit the holder to implement its system. Otherwise applicants and licensees—as well as their investors and potential customers—may be unwilling to commit the significant resources necessary to implement proposed systems, and this will have a chilling effect on the introduction of new services to the public. The Commission naturally does not guarantee that any U.S.-licensed system will be profitable, and it certainly cannot guarantee that other administrations will always accommodate U.S.-licensed systems. We can and should, however, take reasonable and appropriate steps to ensure that our licensees have a fair opportunity to compete.

8. Opening the lower L-band for competing applications would present at least a theoretical possibility for a second U.S. licensee to begin providing MSS in the L-band in competition with AMSC. However, our experience in L-band coordinations since 1989 leads us to question whether this theoretical possibility is a realistic one. In particular, we note that it is unlikely that we could coordinate more than 10 MHz in the lower L-band for another

U.S. system, and we estimate that 20 MHz is the minimum amount of spectrum necessary for a viable MSS system.

9. Even under the proposal we make today, we are pessimistic about coordinating all 28 MHz of spectrum we have licensed AMSC to use. We do expect, however, to coordinate enough spectrum to permit AMSC to operate at least one of its three satellites in a cost-effective manner. If contrary to our expectation, we are able to coordinate more than 28 MHz of spectrum in the upper and/or lower L-bands, we propose to allow other parties to apply for the additional spectrum.

10. In addition to adopting rules that permit us to assign AMSC spectrum in the upper and lower L-bands different from that which AMSC is currently authorized to use, we also propose to modify AMSC's authorization to include spectrum in the entire L-band, lower and upper. Therefore, this NPRM shall also serve as notice to AMSC of a proposal to modify its current license, and protests may be filed in response to this NPRM.

Ordering Clauses

11. Accordingly, pursuant to authority contained in sections 4(i), 4(j), 303, 316, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303, 316, and 403, we hereby give notice of our intent to adopt the licensing policies set forth herein and to modify, as specified herein, the license currently held by AMSC for provision of MSS service.

12. It is further ordered that the Secretary shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 5 U.S.C. 601 *et seq.* (1981) and pursuant to § 1.87 of the rules, shall serve a copy of this NPRM on AMSC.

Administrative matters

13. This is a rulemaking proceeding to develop policies for the assignment of spectrum but because the Commission also proposes to modify a license, this proceeding is also an adjudication. Pursuant to § 1.1200(a) of the Commission's rules, § 1.1208 detailing the *ex parte* procedures for adjudicatory proceedings is waived. The entire proceeding both, rulemaking and adjudication, shall be treated as ''non-restricted'' for *ex parte* purposes in order to assist the Commission in developing a more complete record on which a well-reasoned decision can be made. 47 CFR 1.1200(a) and 1.1206. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. *See generally* 47 CFR 1.1202, 1.1203, and 1.1206(a). The Sunshine Agenda period is the period of time that commences with the release of public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) Releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. 47 CFR 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically exempted. 47 CFR 1.1203.

14. Pursuant to applicable procedures set forth in §§ 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 September 3, 1996, and reply comments on or before September 23, 1996. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, send additional copies to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Federal Communications Commission, Reference Center, Room 239, 1919 M Street, NW., Washington, DC 20554. For further information concerning this NPRM contact Paula Ford at (202) 418–0760 or Kathleen Campbell at (202) 418–0753.

Initial Regulatory Flexibility Act Statement

15. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (''IRFA'') of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in Appendix A of the NPRM. 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 NPRM, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub.L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–19924 Filed 8–5–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–156, RM–8840]

Radio Broadcasting Services; Limon, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Roger L. Hoppe, II, requesting the allotment of FM Channel 229A to Limon, Colorado, as that community's second local FM transmission service. Coordinates used for this proposal are 39–15–36 and 103–41–12.

DATES: Comments must be filed on or before September 16, 1996, and reply comments on or before October 1,1996.

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: James A. Koerner, Esq., Baraff, Koerner & Olender, P.C., Three Bethesda Metro Center, Suite 640, Bethesda, MD 20814–5330.

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. 96–156, adopted July 19, 1996, and released July 26, 1996. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.