

deposits. The proposed rule would allow for the payment of interest or other remuneration on any deposit which, if held by a member bank, would be allowable under 12 U.S.C. 371a and 461, or by regulation of the FRB. The effect of this proposal is that state nonmember banks and insured branches of foreign banks would become subject to the same exceptions to the prohibition that member banks are subject to, regardless of whether the FDIC had issued or authorized the specific exception.

The FDIC is also proposing this rule in response to section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRIA), Pub. L. 103-325, 108 Stat. 2160 (Sept. 23, 1994). This statute requires that each federal banking agency, consistent with the principles of safety and soundness, statutory law and policy, and the public interest, conduct a review of the regulations and written policies of that agency to, among other things, make uniform all regulations and guidelines implementing common statutory or supervisory policies. The FDIC believes that the proposal is in accordance with section 303 of the CDRIA in that it seeks to make uniform a regulation implementing a common statutory policy.

Regulatory Flexibility Act

The Board hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The effect of this proposal is that state nonmember banks and insured branches of foreign banks would become subject to the same exceptions to the prohibition that member banks are subject to, regardless of whether the FDIC had issued or authorized the specific exception.

Paperwork Reduction Act

The proposed rule would not constitute a "collection of information" within the meaning of section 3502(3) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Consequently, no material has been submitted to the Office of Management and Budget for review.

List of Subjects in 12 CFR Part 329

Banks, banking, Interest rates.

For the reasons set forth in the preamble, the Board of Directors of the FDIC proposes to amend 12 CFR part 329 as set forth below:

PART 329—INTEREST ON DEPOSITS

1. The authority citation for part 329 continues to read as follows:

Authority: 12 U.S.C. 1819, 1828(g) and 1832(a).

2. Section 329.3 is added to read as follows:

§ 329.3 Exception to prohibition on payment of interest.

Section 329.2 shall not apply to the payment of interest or other remuneration on any deposit which, if held by a member bank, would be allowable under 12 U.S.C. 371a and 461, or by regulation of the Board of Governors of the Federal Reserve System.

By order of the Board of Directors.

Dated at Washington, DC this 6th day of October, 1997.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-97-072]

RIN 2115-AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterways, NC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to change the regulations governing the operation of the Onslow Beach Bridge across the Atlantic Intracoastal Waterway (AICW), mile 240.7, at Camp Lejeune, North Carolina, at the request of the United States Marine Corps (USMC).

The proposal would continue to provide for openings on signal, except that from 7 a.m. to 7 p.m., the draw would only open on the hour and half hour, year-round. This change in the bridge opening schedule is intended to reduce vehicular traffic delays while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before December 15, 1997.

ADDRESSES: Comments may be mailed to Commander (Aowb), USCG Atlantic Area, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be hand-delivered

to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Comments will become part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: Ann Deaton, Bridge Administrator, USCG Atlantic Area, (757) 398-6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses and should identify this rulemaking (CGD05-97-072). Commenters should identify the specific section of this proposed rule to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Onslow Beach Bridge and adjoining property are part of the Marine Corps Base at Camp Lejeune military reservation, located adjacent to Jacksonville, North Carolina. The current regulations require the Onslow Beach Bridge to open on signal at all times. This requirement is included in the general operating regulations in 33 CFR 117.5.

The USMC has requested changes in the regulation to require the bridge to open on signal, except from 7 a.m. to 7 p.m., when the bridge would open on the hour and half hour year-round. Bridge logs from October 1993 through July 1997 revealed on average of 38 bridge opening requests per day. During

peak opening periods in the Fall and Spring, bridge tenders received an average of 45 bridge opening request per day. Considering the minimal number of openings identified by the bridge logs, the Coast Guard believes that the proposed changes will more fairly balance the competing needs of vehicular and vessel traffic.

Other drawbridges along the AICW in North Carolina are governed by specific regulations listed in 33 CFR 117.821 which require them to open on the hour or on the hour and half hour. The USMC's requested change to the regulations for the Onslow Beach Bridge would make its schedule consistently with those of the other AICW drawbridges.

Discussion of Proposed Amendments

The Coast Guard proposes to amend the regulations governing the Onslow Beach Bridge across the AICW, mile 240.7, at Camp Lejeune, North Carolina, to allow openings on the hour and half hour, between 7 a.m. to 7 p.m., year-round. The Coast Guard proposes to insert this new regulation at 33 CFR 117.821(a)(3).

The Coast Guard intends to remove the current text at 33 CFR 117.821(a) which states that drawbridges shall open on signal for public vessels of the United States, state and local government vessels, and any vessel in an emergency involving danger to life or property. This general requirement is currently published in 33 CFR 117.31 and is no longer required to be published in each specific bridge regulation. Commercial vessels would continue to pass on signal as provided in new paragraph (a). To ensure clarity and consistency of the operating regulation, the regulatory requirements for the current 33 CFR 117.821(b) would be reworded and redesignated paragraph (a). Although no substantive changes are proposed to current 117.821(b)(1)–(6), additional text changes would be made to clarify the existing regulations.

Finally, the Coast Guard proposes to revise 33 CFR 117.821 by redesignating the following paragraphs: Paragraph (b)(1) governing the S.R. 94 Bridge, at AICW mile 113.7, would be redesignated (a)(1); Paragraph (b)(2) governing the S.R. 304 Bridge, at AICW mile 157.2, would be redesignated (a)(2); Paragraph (b)(3) governing the S.R. 50 Bridge, at AICW mile 260.7, would be redesignated (a)(4); Paragraph (b)(4) governing the Figure Eight Swing Bridge, at AICW mile 278.1, would be redesignated (a)(5); Paragraph (b)(5) governing the S.R. 74 Bridge, at AICW mile 283.1, would be redesignated

(a)(6); Paragraph (b)(6) governing the S.R. 1172 Bridge, at AICW mile 337.9, would be redesignated (a)(7); and paragraph (c) would be redesignated (b).

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard reached this conclusion based on the fact that the changes and actions proposed by this rule would not prevent mariners from transiting the bridge. The proposed rule would merely require pleasure vessels to plan to be in position to take advantage of scheduled bridge openings between 7 a.m. to 7 p.m. At all other times, the bridge would continue to open on signal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities "Small entities" include small independently owned and operated businesses which are not dominant in their fields and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal does not provide for the collection of information requirements under the Paper Reduction Act (44 U.S.C. 301 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposed rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridge.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.821 is revised to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach, North Carolina.

(a) The drawbridges across the Atlantic Intracoastal Waterway in North Carolina shall open on signal for commercial vessels at all times and on signal for pleasure vessels, except at the times and during the periods specified below.

(1) S.H. 94 Bridge, mile 113.7, at Fairfield, NC, from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour.

(2) S.R. 304 Bridge, mile 157.2, at Hobucken, NC, from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(3) Onslow Beach Bridge, mile 240.7, at Camp Lejeune, NC between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(4) S.R. 50 Bridge, mile 260.7, at Surf City, NC, between 7 a.m. and 7 p.m. the draw need only open on the hour.

(5) Figure Eight Swing Bridge, mile 278.1, at Scotts Hill, NC, the draw need only open on the hour and half hour.

(6) S.R. 74 Bridge, mile 283.1, at Wrightsville Beach, NC, between 7 a.m. and 7 p.m. the draw need only open on the hour.

(7) S.R. 1172 Bridge, mile 337.9, at Sunset Beach, NC, shall open on the

hour on signal between 7 a.m. and 7 p.m., April 1 to November 30, except that on Saturdays, Sundays and Federal holidays, from June 1 through September 30, the bridge shall open on signal on the hour between 7 a.m. and 7 p.m.

(b) If a pleasure vessel is approaching a drawbridge which is only required to open on the hour or on the hour and half hour, and cannot reach the drawbridge on the hour or on the half hour, the drawtender may delay the required opening up to 10 minutes past the hour or half hour.

Dated: October 1, 1997.

Roger Rufe Jr.,

*Vice Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.*

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94-102; DA 97-2151]

Compatibility of Wireless Services With Enhanced 911

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; further request for comment.

SUMMARY: In the wireless Enhanced 911 (E911) rulemaking proceeding, the Commission seeks additional comment on a September 25, 1997, *ex parte* letter (Joint Letter) filed by two wireless industry groups and three public safety community groups. In the Joint Letter, the Cellular Telecommunications Industry Association (CTIA), the Personal Communications Industry Association (PCIA), the Association of Public-Safety Communications Officials-International, Inc. (APCO), the National Emergency Number Association (NENA), and the National Association of State Nine-One-One Administrators (NASNA) propose modifications to terms used in this proceeding and rules for processing 911 calls and permitting Public Safety Answering Points (PSAPs) to choose which 911 calls they will receive. The letter also supports an extension of the compliance date for implementation of 911 service over digital wireless services for TTY users. Additional comment on these responses is sought to assist the Commission in determining whether to revise the Commission's Rules. The effect of revising the Commission's Rules would be to clarify the

implementation of basic 911 services to wireless customers, including people with hearing or speech disabilities.

DATES: Comments must be filed by October 17, 1997, and reply comments must be filed by October 27, 1997.

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

FOR FURTHER INFORMATION CONTACT: Won Kim, Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.

SUPPLEMENTARY INFORMATION:

Additional Comment Sought in Wireless Enhanced 911 Reconsideration Proceeding Regarding Rules and Schedules

1. In the wireless Enhanced 911 (E911) rulemaking proceeding, the Commission seeks additional comment on a September 25, 1997, *ex parte* letter (Joint Letter) filed by two wireless industry groups and three public safety community groups. In the Joint Letter, the Cellular Telecommunications Industry Association (CTIA), the Personal Communications Industry Association (PCIA), the Association of Public-Safety Communications Officials-International, Inc. (APCO), the National Emergency Number Association (NENA), and the National Association of State Nine-One-One Administrators (NASNA) propose modifications to the 911 rules and support an extension of the compliance date for implementation of TTY compatibility requirements. The full text of the Joint Letter is available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, NW., Room 239, Washington, DC 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

2. Pursuant to § 1.415(d) of the Commission's Rules, 47 CFR 1.415(d), additional comment is hereby sought in the wireless E911 reconsideration proceeding¹ concerning issues raised in an *ex parte* presentation filed by several parties in the proceeding. In the *E911 Report and Order*, the Commission established rules requiring wireless

carriers to implement basic 911 and E911 services.

3. In a September 25, 1997, *ex parte* letter (Joint Letter), two wireless industry groups (the Cellular Telecommunications Industry Association (CTIA) and the Personal Communications Industry Association (PCIA)) and three public safety community groups (the Association of Public-Safety Communications Officials-International, Inc., the National Emergency Number Association, and the National Association of State Nine-One-One Administrators) propose modifications to terms used in the *E911 Report and Order* and rules for processing 911 calls and permitting Public Safety Answering Points (PSAPs) to choose which 911 calls they will receive. The letter also supports an extension of the compliance date for implementation of 911 service over digital wireless services for TTY/TDD users from October 1, 1997, to April 1, 1999,² and requests that the Commission refrain from addressing certain additional issues until the industry has had the opportunity to fully consider such issues in meetings with the relevant parties.

4. We have also received other *ex parte* comments addressing issues raised in the Joint Letter. In a September 29, 1997, letter, Congresswoman Anna Eshoo provided the Commission with her initial assessment of the recommendations made in the Joint Letter and reiterated her view that "it is in the public's best interest that all wireless 911 calls should be passed through to the public safety authority." On September 30, 1997, the Ad Hoc Alliance for Public Access to 911 also filed an *ex parte* letter opposing the Joint Letter.³

5. The Wireless Telecommunications Bureau took note of the pending petitions for reconsideration and *ex parte* filings and on September 30, 1997,

² See also PCIA, Request for Extension of Time to Implement E911/TTY Compatibility Requirement for Wireless Operators (Aug. 27, 1997); CTIA *Ex Parte* Filing (Sept. 23, 1997).

³ Following the Joint Letter, CTIA filed another *ex parte* letter dated September 26, 1997, concerning carrier liability with respect to E911 calls. We have also received certain *ex parte* filings prior to the Joint Letter which relate to the issues raised in that letter. For example, with respect to the proposed 18-month extension of the TTY compliance date, the National Association of the Deaf and the Consumer Action Network oppose it as too long and propose additional obligations. Opposition to Request for Extension of Eighteen Months to Implement E911/TTY Compatibility Requirement for Wireless Operators (Sept. 11, 1997). Nextel Communications, on the other hand, supports the requested extension. Motion in Support of Request for Extension of time to Implement E911/TTY Compatibility Requirement for Wireless Operators (Sept. 9, 1997).

¹ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Notice of Proposed Rulemaking, 59 FR 54878 (November 2, 1994); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 61 FR 40348, 40374 (August 2, 1996) (*E911 Report and Order*), recon. pending.