

comments on the extent to which further regulatory or remedial steps are necessary, including whether the Commission should operate a national database for lost securityholders. The Commission requested that comments on the proposed rulemaking be received by October 28, 1996.

Commission staff believes that given the novelty of the issues involved, commenters may need an extension of time within which to comment on the proposed rulemaking. In light of the novel nature of the proposed rulemaking and the Commission's desire to consider the views of all interested persons on the subject, the Commission believes that an extension of the comment period is appropriate. Therefore, the comment period for responding to Securities Exchange Act Release No. 35795 is extended from October 28, 1996, until November 27, 1996.

By the Commission.

Dated: November 15, 1996.

Margaret H. McFarland,

Deputy Secretary.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-96-049]

RIN 2115-AE47

Drawbridge Operation Regulation; Back Bay of Biloxi, MS

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Harrison County Board of Supervisors, the Coast Guard is proposing a change to the regulation governing the operation of the bascule span Popp's Ferry Bridge across the Back Bay of Biloxi, mile 8.0, in Biloxi, Harrison County, Mississippi. Presently, the draw of the bridge is required to open on signal at all times. This action would relieve vehicular traffic congestion on the bridge during peak rush hour periods, while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before January 21, 1997.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or may be delivered to Room 1313 at the

same address between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested parties are invited to participate in the proposed rulemaking by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard for envelope.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Eighth Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it is determined 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.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Discussion of Proposed Rule

The present regulation requires that the draw of the bridge open on signal at all times. The Harrison County Board of Supervisors has requested that the draw be permitted to remain closed to navigation from 7:30 a.m. to 9 a.m., 11:30 a.m. to 1:30 p.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, because vehicular traffic crossing the bridge during these peak rush hour traffic periods has increased dramatically during recent years and bridge openings at these times paralyze vehicular traffic movement, since the City of Biloxi is bisected by the Popp's Ferry Bridge. This is the only route available to mid-city commuters without an extremely long detour to cross one of the two other bridges that connect the City of Biloxi. The new proposed regulation would allow for free flow of vehicular traffic, while still serving the reasonable needs of navigational interests.

The Popp's Ferry bridge is a double leaf bascule span structure. Navigational clearances provided by the bridge are 25 feet vertical above mean high water in the closed to navigation position and unlimited in the open to navigation position. Horizontal clearance is 180 feet. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft. Data provided by the Harrison County Board of Supervisors show that from May 1994 through May 1995, the number of vessels that passed the bridge during the proposed 7:30 to 9 a.m. closure period averaged 0.4 vessels per day, the number of vessels that passed the bridge during the proposed 11:30 a.m. to 1:30 p.m. closure period averaged 0.5 vessels per day and the number of vessels that passed the bridge during the proposed 4:30 to 6 p.m. closure period averaged 0.4 vessels per day. Vehicular traffic that crosses the bridge during the proposed closure period of 7:30 to 9 a.m. averages 268 vehicles per day. From 11:30 a.m. to 1:30 p.m., 860 vehicles cross the bridge per day and from 4:30 to 6 p.m., 540 vehicles cross the bridge per day. These vehicular traffic averages were taken over a recent period of eleven weekdays. Vessel traffic through this bridge remains relatively constant, while vehicular traffic is increasing slowly but steadily as development in the area occurs.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed 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 10(e) of the regulatory policies and procedures of DOT is unnecessary.

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 or small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2)

governmental jurisdictions with populations of less than 50,000.

The proposed rule considers the needs of local commercial fishing vessels, as the study of vessels passing the bridge included such commercial vessels. These local commercial fishing vessels will continue to be able to pass the bridge in the early morning, early afternoon and evening hours. Thus, the economic impact is expected to be minimal. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.(g)(5) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, 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 117.675 is amended by adding a new paragraph (c) to read as follows:

§ 117.675 Back Bay of Biloxi.

* * * * *

(c) The draw of the Poppo Ferry Road bridge, mile 8.0, at Biloxi, shall open on

signal except that, from 7:30 to 9 a.m., from 11:30 a.m. to 1:30 p.m. and from 4:30 to 6 p.m. Monday through Friday except Federal holidays, the draw need not be opened for passage of vessels. The draw shall open at any time for a vessel in distress.

Dated: October 25, 1996.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 96-29686 Filed 11-19-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 27, and 97

[GN Docket No. 96-228; FCC 96-441]

Wireless Communications Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this *Notice of Proposed Rule Making* ("NPRM"), the Federal Communications Commission ("Commission") proposes to establish a new Wireless Communications Service ("WCS") in the 2305-2320 and 2345-2360 MHz bands. This action is being taken pursuant to the Omnibus Consolidated Appropriations Act, 1997 ("Appropriations Act"). The intended effect of this action is to make thirty megahertz of spectrum available for the provision of fixed, mobile, radiolocation services, or satellite Digital Audio Radio Services ("satellite DARS").

DATES: Comments must be submitted on or before December 4, 1996 and reply comments must be submitted on or before December 16, 1996.

ADDRESSES: Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418-2450, or Matthew Moses or Joshua Roland, Wireless Telecommunications Bureau at (202) 418-0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's NPRM in GN Docket No. 96-228, adopted on November 8, 1996, and released on November 12, 1996. The complete NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication

contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington D.C. 20037. The complete NPRM is also available on the Commission's Internet home page (<http://www.fcc.gov/>).

Summary of NPRM

I. Introduction

1. By this action, we propose to establish a new Wireless Communications Service ("WCS") in the 2305-2320 and 2345-2360 MHz bands. We also propose to award one or more WCS licenses by competitive bidding using multiple round electronic auction procedures. We further propose to permit the WCS licensee to provide any fixed, mobile, radiolocation services, or satellite Digital Audio Radio Services ("satellite DARS"), consistent with the international *Radio Regulations*. Finally, we propose to establish service and technical rules to ensure that harmful interference is not caused to other radio services. We believe that these proposals will enable WCS licensees to use their spectrum in the most technically and economically efficient manner practicable. This action is being taken pursuant to the Omnibus Consolidated Appropriations Act, 1997, P.L. 104-208, 110 Stat. 3009 (1996). ("Appropriations Act").

II. Background

A. Appropriations Act

2. The Appropriations Act requires the Commission to reallocate the frequencies at 2305-2320 and 2345-2360 MHz to wireless services that are consistent with international agreements concerning spectrum allocations, and to assign the use of such frequencies by competitive bidding pursuant to Section 309(j) of the Communications Act of 1934 ("Communications Act"). See 47 U.S.C. 309(j). In addition, the Appropriations Act requires that the Commission, in making these bands of frequencies available for competitive bidding, seek to promote the most efficient use of the spectrum, and take into account the needs of public safety radio services. The Appropriations Act also requires that the Commission commence the competitive bidding process for the assignment of the frequencies made available by this action no later than April 15, 1997. Finally, the Appropriations Act requires the Commission to conduct the competitive bidding for these frequencies in a manner that ensures that all proceeds of the bidding are deposited in accordance with Section 309(j)(8) of the