Long. 114°25'00" W.; to Lat. 37°53'00" N., Long. 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning, excluding the airspace from 200 feet AGL to 800 feet AGL within a 3 nautical mile radius of the Lincoln County (Lat. 37°47'15" N., Long. 114°25'15" W.) and Pioche (Lat. 38°21'58" N., Long. 114°33'04" W.) airports.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

F. R-2514D-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°08'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

G. R-2514E-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long 115°18'00" W.; to Lat. 37°17'00" N., Long 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long 115°18'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley Air Force Base, Virginia 23665.

H. R-2514E-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

As stated in the original Notice, the users of the temporary restricted areas designated herein understand that they are obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable for the protection of persons and property on the surface.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on December 2, 1975.

EDWARD J. MALO,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 75-33002 Filed 12-8-75;8:45 am]

## Title 17—Commodity and Securities Exchanges

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11881]

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

### Registration of Separately Identifiable Departments or Divisions of a Person as Broker-Dealer

The Securities and Exchange Commission announced today that it has adopted Rule 15b2B-1,[1] effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.), and pursuant to the Commission's authority under the Securities Exchange Act of 1934 (the "Act"),[2] particularly sections 2, 3, 15, 17 and 23 thereof.[3]

Rule 15b2B-1 provides that separately identifiable departments or divisions or persons referred to in section 15(b)(2)(B) of the Act (hereinafter referred to as "Broker-Dealer Departments or Divisions"), as defined, may be registered as brokers or dealers under section 15 of the Act (15 U.S.C. 78o) upon complying with a specified registration procedure in the rule, thus providing an alternative to registration by persons having Broker-Dealer Departments or Divisions.

Section 15(a) of the Act[4] makes it unlawful for any broker or dealer (with certain exceptions) to use the jurisdictional means to effect any transaction in, or to induce or attempt to induce the purchase or sale of, certain securities (including municipal securities) unless such broker or dealer is registered with the Commission. Section 15(b)(2)(B) of the Act (15 U.S.C. 78o(b)(2)(B)), as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"), provides that a person who, on the date of enactment of the 1975 Amendments (June 4, 1975), was a broker or dealer "solely by reason of acting as a municipal securities dealer or municipal securities broker" through a "separately identifiable department or division," may register that department or division (instead of being required to register itself) with the Commission in accordance with such rules as the Commission may prescribe.[5]

The wording in section 15(b)(2)(B), to the effect that registration of Broker-Dealer Departments or Divisions is to be allowed "in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors," clearly contemplated rulemaking action by the Commission in order to make the section available to those for whom it was intended. In considering appropriate terms and conditions to be included in a rule implementing the provisions of section 15(b)(2)(B), the Commission has considered Rule G-1 of the Municipal Securities Rulemaking Board (the "MSRB") establishing, pursuant to the MSRB's authority under section 15B(b)(2)(H) of the Act (15 U.S.C. 78o-4(b)(2)(H)), a definition of a "separately identifiable department or division" of a bank which acts as a municipal securities dealer.[6] While the Commission has not yet taken final action with respect to MSRB Rule G-1, the Commission has concluded preliminarily that the definition of "separately identifiable department or division" contained therein, and the standards set forth therein for application of that definition, may be applied appropriately in the case of Broker-Dealer Departments or Divisions and will ensure that the purposes of the Act with respect to registration of brokers and dealers which are persons having Broker-Dealer Departments or Divisions are ful-

[1] 17 CFR 240.15b2B-1.

[2] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[3] 15 U.S.C. 78b, 78c, 78o, 78q and 78w.

[4] 15 U.S.C. 78o(a). Section 15(a) provides:

(1) It shall be unlawful for any broker or dealer which is either a person other than a natural person or a natural person not associated with a broker or which is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who does not make use of any facility of a national securities exchange) to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with subsection (b) of this section.

(2) The Commission, by rule or order, as it deems consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt from paragraph (1) of this subsection any broker or dealer or class of brokers or dealers specified in such rule or order.

[5] Section 15(b)(2)(B) provides:

(B) Any person who is a broker or dealer solely by reason of acting as a municipal securities dealer or municipal securities broker, who so acts through a separately identifiable department or division, and who so acted in such a manner on the date of enactment of the Securities Acts Amendments of 1975, may, in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors, register such separately identifiable department or division in accordance with this subsection. If any such department or division is so registered, the department or division and not such person himself shall be the broker or dealer for purposes of this title.

[6] Rule G-1 of the MSRB (formerly Rule 4) was put into effect summarily in accordance with Section 19(b)(3)(B) of the Act, as announced in Securities Exchange Act Release No. 11741 (October 15, 1975), 40 FR 49420 (1975).

filled. For that reason, the Commission has formulated Rule 15b2B-1 under the Act providing for the registration of Broker-Dealer Departments or Divisions, based in large part on the MSRB's Rule G-1, which includes a requirement that persons having Broker-Dealer Departments or Divisions who utilize the rule supply certain supplemental information to the Commission upon applying for registration in addition to that required by Form BD (§ 249.501).

The Commission hereby adopts Rule 15b2B-1 pursuant to its authority under the Act, and particularly sections 2, 3, 15, 17 and 23 thereof.[7] The Commission finds, in accordance with the Administrative Procedure Act (the "APA") (5 U.S.C. 553(b)(3)(B)), that Rule 15b2B-1 will permit registration of Broker-Dealer Departments or Divisions in a manner contemplated by the Act and will relieve persons having such Broker-Dealer Departments or Divisions from regulatory burdens which were not intended under the Act. Therefore, the Commission finds that notice and public procedure are unnecessary as a prerequisite to adoption of the rule, and that the rule should be adopted, effective immediately, in accordance with the APA (5 U.S.C. 553(d)(3)) in order to provide a process for the registration of Broker-Dealer Departments of Divisions, either prior to December 1, 1975 or thereafter (upon withdrawal of applications for registration under section 15(a) of the Act filed by persons who have Broker-Dealer Departments or Divisions and who wish, instead, to utilize Rule 15b2B-1. The Commission further finds that Rule 15b2B-1 will not impose any burden on competition.

Although the Commission has declared Rule 15b2B-1 effective immediately, the Commission wishes to solicit comment thereon with a view to modifying the rule if such modifications appear necessary or appropriate in the public interest or for the protection of investors. Interested persons are invited, therefore, to submit comments on Rule 15b2B-1 in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, by January 2, 1976. All such comments should refer to File No. S7-606.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97-104, 121-127, 137-141, 155-156 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94-29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 28, 1975.

The text of Rule 15b2B-1, as hereby adopted, is as follows:

**§ 240.15b2B-1 Application for registration of separately identifiable department or division of a person.**

(a) An application for registration pursuant to section 15(b) of the Act of a separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act shall be filed with the Commission on Form BD (§ 249.501) in accordance with the instructions contained therein together with the supplemental information required by this section.

(b) Each applicant for registration who is subject to the requirements of paragraph (a) of this section shall file with the application for registration prescribed in such paragraph the statements required in paragraphs (a) through (d) of § 240.15b1-2. The statement of financial condition required in paragraph (a) of § 240.15b1-2 shall be deemed a part of the application for registration.

(c) If the information contained in any application for registration pursuant to paragraph (a) of this section, or in any amendment to such application, is or becomes inaccurate for any reason, applicant shall promptly file an amendment on Form BD correcting such information.

(d) An application for registration of a "separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act," as defined in paragraph (e) of this section, filed in accordance with paragraph (a) of this section, shall include, as an attachment, the following supplemental information:

(1) In item 2(a) of Form BD set forth the name and place of business of both the division or department and the person, specifying which is the division or department and which the person.

(2) For the purposes of items 4 and 8(c) of Form BD applicant departments or divisions shall be considered to be other than sole proprietors, partnerships and corporations.

(3) Supply complete information on Schedule E of Form BD to the items which follow. Such information shall be provided in addition to any other information required to be included in such Schedule by the standard instructions to Form BD. If such information, or any amendment thereto, is or becomes inaccurate for any reason, applicant shall promptly file an amendment to Form BD correcting such information.

(i) Identify on Schedule E each geographic, organizational and operational unit of the person of which applicant is a part in which applicant's municipal securities dealer activities are conducted, specifying the name and location of each such unit and the nature of the municipal securities activities conducted in each such unit. Indicate on Schedule E whether any business activities other than municipal securities activities are conducted in any such unit, and describe the nature of such other activities.

(ii) A statement whether the person of which applicant is a part engaged in the business of (A) effecting transactions in any securities other than municipal securities for the account of others, or (B) buying and selling securities other than municipal securities for his own account through a broker or otherwise.

(iii) A statement whether all records relating to applicant's municipal securities activities are maintained separately and apart from all other records of the applicant or of the person of which applicant is a part.

(iv) A statement whether all records relating to applicant's municipal securities activities are separately extractable from applicant's facilities or from the facilities of the person of which applicant is a part. Describe on Schedule E the manner in which all records relating to applicant's municipal securities activities are maintained, including their location, how such records are collected and retrieved, the period of time required to collect or retrieve any such record, the category of employees having authority to collect or retrieve such records, and the name of each person who supervises the maintenance of such records.

(v) A statement whether separate financial records are maintained with respect to applicant's municipal securities activities.

If so, explain on Schedule E the nature of such separate financial records.

(vi) A statement whether the person of which applicant is a part maintains a municipal securities inevstment portfolio.

(vii) Whether any person controlling, controlled by or under common control with the applicant, including any employee, engages in any activities of the person of which the applicant is a part with respect to municipal securities other than "municipal securities activities", as defined in paragraph (f) of this section. If so, explain fully on Schedule E, setting forth the name of each such person and the nature of each such person's activities with respect to municipal securities other than "municipal securities activities" as defined in paragraph (f) of this section. If any of such other activities with respect to municipal securities are performed by applicant, so specify on Schedule E.

(viii) How many employees of the person of which applicant is a part are engaged in its municipal securities activities, indicating the number of supervisory and managerial personnel separately.

(ix) Whether the person of which applicant is a part acted as a municipal securities dealer or a municipal securities broker by means of a separately identifiable department or division of a person as referred to in section 15(b)(2)(B) of the Act, as such term is defined in paragraph (e) of this section, prior to June 5, 1975.

(e) The term "separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act" shall mean, for purposes of this section, that unit of any person who would be a broker or dealer solely by reason of acting as a municipal securities broker, or municipal securities dealer, who so acts through a unit which conducts all of the activities of such person relating to the conduct of business as a municipal securities broker or a municipal securities dealer ("municipal securities activities"), as such activities are hereinafter defined, and who so

[7] 15 U.S.C. 78b, 78c, 78o, 78q and 78w.

acted in such manner prior to June 5, 1975: *Provided*, That:

(1) Such unit is under the direct supervision of an officer designated by the board of directors of such person as responsible for the day-to-day conduct of such person's municipal securities activities, including the supervision of all such person's employees engaged in the performance of such activities; and

(2) There are separately maintained in or separately extractable from such unit's own facilities, or the facilities of such person, all of the records relating to such person's municipal securities activities, and further provided that such records are so maintained or otherwise accessible as to permit independent examination thereof and enforcement of applicable provisions of the Act, the rules and regulations thereunder and the rules of the Municipal Securities Rulemaking Board.

(f) For purposes of this section, the activities of a person referred to in section 15(b)(2)(B) of the Act which constitute municipal securities activities shall include:

(1) Underwriting, trading and sales of municipal securities (as principal or agent);

(2) Processing and clearance activities with respect to municipal securities;

(3) Research, analysis and the preparation of literature for use in connection with the activities described in paragraph (f)(1) of this section; and

(4) Maintenance of records pertaining to the activities described in paragraphs (f) (1) through (3) of this section.

(g) The fact that directors and senior officers of a person referred to in section 15(b)(2)(B) of the Act may from time to time set broad policy guidelines affecting such person as a whole which are not directly related to the day-to-day conduct of such person's municipal securities activities shall not disqualify the unit hereinbefore described as a separately identifiable department or division of such person or require that such directors or officers be considered as part of such unit.

(h) The fact that the municipal securities activities of a person referred to in section 15(b)(2)(B) of the Act are conducted in more than one geographic, organizational or operational unit of such person shall not preclude a finding that such person has a separately identifiable department or division for purposes of this section: *Provided, however*, That all such units are identifiable and that the requirements of paragraphs (e)(1) and (2) of this section are met with respect to each such unit. All such geographic, organizational or operational units of such person shall be considered in the aggregate as the separately identifiable department or division of such person for purposes of this section.

[FR Doc.75-33010 Filed 12-8-75;8:45 am]

[Release 34-11876]

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

### Temporary Exemption for Certain Municipal Securities Brokers and Dealers

The Securities and Exchange Commission announced today that it has adopted temporary Rule 23a-1(T) [1], effective December 1, 1975, in accordance with the summary rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), and pursuant to the Commission's authority under the Securities Exchange Act of 1934 (the "Act"),[2] particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof.[3]

In view of the fact that municipal securities professionals will, absent Commission action, become subject to Commission regulation on December 1, 1975, the Commission has determined to adopt temporary Rule 23a-1(T), effective December 1, 1975, pursuant to the summary rulemaking provisions of the Administrative Procedure Act. (5 U.S.C. 551 et seq.) Rule 23a-1(T) suspends, until March 1, 1976, the operation of certain Commission rules, in whole or in part, in order to prevent the application of those rules to the activities of certain municipal securities professionals pending consideration of the amendments proposed to existing Commission rules.[4]

Rule 23a-1(T) will, with one exception, preserve the status quo with respect to municipal securities regulation until March 1, 1976. By that time, the Commission expects to analyze public comments on the proposed rules and to take final action thereon.

The only area in which the Commission has determined that the current regulatory pattern should not continue unchanged until March 1, 1976 is that of confirmations. In order to prevent possible disruption of the activities of municipal securities brokers required to register with the Commission for the first time on December 1, 1975, and in order to solicit comments from interested persons with respect to the appropriateness of continuing the requirement of disclosing "the other side" in a municipal securities brokerage transaction, the Commission believes that a temporary exemption should be provided for municipal securities brokers from the requirement in Rule 15c1-4[5] that a broker, when acting as broker for a customer or for a customer and some other person disclose either the name of the person from whom the security was purchased or to whom it was sold or the fact that such information will be furnished upon request. However, upon the expiration of the temporary rule on March 1, 1976, municipal securities brokers will be required to comply with all of the provisions of Rule 15c1-4.

The Securities and Exchange Commission hereby adopts temporary Rule 23a-1(T), effective December 1, 1975, pursuant to its authority under the Securities Exchange Act of 1934,[6] and particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof.[7] The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that temporary Rule 23a-1(T) will relieve municipal securities brokers and dealers from requirements that would otherwise be applied to them in a possibly inappropriate manner, that notice and public procedure are therefore unnecessary as a prerequisite to the adoption of that rule, and that the rule should be adopted, effective on the above date, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), in order to permit municipal securities brokers and dealers to comment on the proposed rules discussed supra in an orderly and timely manner and to afford the Commission adequate time to review such comments and the proposed regulatory pattern carefully and completely, consistent with the public interest and the protection of investors, without risking the imposition of complex rules in an unfair way to persons newly subject to the Act. The Commission further finds that temporary Rule 23a-1(T) will not impose any burden on competition.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97-104, 121-127, 137-141, 155-156; sec. 10, 48 Stat. 891; sec. 13, 89 Stat. 131-137 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94-29; (15 U.S.C. 78j; 15 U.S.C. 78o-4), as added by Pub. L. 94-29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary*.

NOVEMBER 26, 1975.

The text of temporary Rule 23a-1(T), as hereby adopted, is as follows:

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[1] 17 CFR 240.23a-1(T).

[2] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[3] 15 U.S.C. 78b, 78c, 78j, 78o, 78o-4, 78q and 78w.

[4] In a separate document published in the Rules section of this FEDERAL REGISTER, the Commission has published for comment proposed amendments to §§ 240.10b-3, 240.10b-16, 240.15b1-3, 240.10b8-1, 240.15b8-2, 240.15b9-1, 240.15b9-2, 240.15c1-1, 240.15c1-3, 240.15c1-4, 240.15c1-5, 240.15c1-6, 240.15c1-7, 240.15c1-8, 240.15c2-4, 240.15c2-5, 240.15c2-7 and 240.15c2-11; and proposed §§ 240.15b10-12, 240.15Ba2-4, 240.15Ba2-5, 240.15Ba2-6, 240.15Bc3-1 and 240.17a-21. The proposals concern the regulation of municipal securities brokers, municipal securities dealers and transactions in municipal securities, as well as reporting requirements for the Municipal Securities Rulemaking Board.

[5] 17 CFR 240.15c1-4.

[6] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[7] 15 U.S.C. 78b, 78c, 78j, 78o, 78o-4, 78q, and 78w.

**§ 240.23a-1(T) Temporary exemption for certain municipal securities brokers and municipal securities dealers.**

(a) The following sections shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer:

| Sec. | |
|---|---|
| 240.15b10-1 | 240.15b10-7 |
| 240.15b10-2 | 240.15b10-8 |
| 240.15b10-3 | 240.15b10-9 |
| 240.15b10-4 | 240.15b10-10 |
| 240.15b10-5 | 240.15b10-11 |
| 240.15b10-6 | |

(b) The following sections shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, or to any other broker or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer:

Sec.
240.15b8-1
240.15b8-2

(c) For purposes of the following sections, the term "security" or "securities" shall not include any "municipal security" as defined in section 2(a)(29) of the Act:

Sec.
240.15c2-4
240.15c2-5
240.15c2-7
240.15c2-11

(d) Section 240.15c1-4 shall not apply to any person acting as a municipal securities broker insofar as it requires that a broker, when acting as a broker for a customer or for a customer and some other person, disclose either the name of the person from whom the security was purchased or to whom it was sold for such customer or the fact that such information will be furnished upon the request of such customer.

(e) This section shall expire on March 1, 1976.

[FR Doc.75-33009 Filed 12-8-75;8:45 am]

## Title 23—Highways

### CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER C—CIVIL RIGHTS

### PART 230—EXTERNAL PROGRAMS

#### Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Correction

*Purpose.* The purpose of this document is to correct a citation in the regulations.

In FR Doc. 75-17371 appearing at page 28053 in the FEDERAL REGISTER of July 3, 1975, the words "Title 12, U.S.C." appearing on page 28054 are corrected in the fifth line of § 230.111(e)(2) to read "Title 23, U.S.C."

Issued on: December 1, 1975.

DAVID E. WELLS,
*Chief Counsel.*

[FR Doc.75-33074 Filed 12-8-75;8:45 am]

## Title 33—Navigation and Navigable Waters

### CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

### PART 207—NAVIGATION REGULATIONS

#### Calumet-Sag Channel, Illinois

Pursuant to Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.425 governing the use, administration and navigation of the Calumet-Sag Channel, Illinois is hereby amended with respect to paragraph (a) and (b)(1) and the revocation of (b)(2) through (b)(21) effective December 9, 1975.

The Blue Island Lock was removed and replaced with the Thomas J. O'Brien Lock which, with the exception of special water level controls, is subject to the regulation specified in § 207.300. Accordingly, since this amendment only reflects changed conditions on the waterway and will serve to avoid confusion on the part of the navigation interests, notice of proposed rulemaking and public procedures thereto are considered unnecessary. Section 207.425 is hereby amended as follows:

**§ 207.425 Calumet River, Illinois: Thomas J. O'Brien Lock and Controlling Works and the use, administration and navigation of the lock.**

(a) *Controlling Works.* (1) The controlling works shall be so operated that the water level at the downstream end of the lock will be maintained at a level lower than that of Lake Michigan, except in times of excessive storm run-off into the Illinois Waterway, or when the lake level is below minus 2 feet, Chicago City Datum.

(2) The elevation to be maintained at the downstream end of the lock shall at no time be higher than minus 0.5 feet, Chicago City Datum, and at no time lower than minus 2.0 feet, Chicago City Datum, except as noted in paragraph (a)(1) of this section.

(b) *Lock*—(1) *Operation.* The Thomas J. O'Brien Lock and Dam is part of the Illinois Waterway which is a tributary of the Mississippi River. All rules and regulations defined in § 207.300, Ohio River, Mississippi River above Cairo, Illinois, and their tributaries: use, administration and navigation shall apply.

(2) through (21) [Revoked]

Dated: November 18, 1975.

VICTOR V. VEYSEY,
*Assistant Secretary of the Army, Civil Works.*

[FR Doc.75-32986 Filed 12-8-75;8:45 am]

## Title 37—Patents, Trademarks and Copyrights

### CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

### PART 1—RULES OF PRACTICE IN PATENT CASES

### PART 2—RULES OF PRACTICE IN TRADEMARK CASES

#### Revision of Administrative Fees

On August 21, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 36573), regarding the proposal of the Patent and Trademark Office to amend Title 37 of the Code of Federal Regulations by amending §§ 1.21, 1.25, 1.165, and 2.6 dealing with administrative fees. Interested persons were given until October 15, 1975, to submit written comments and suggestions. Full and careful consideration was given to the single written comment received.

Amendment of §§ 1.21 and 2.6 is intended to (1) recover increases in material and labor costs for furnishing assignment information, drafting services and classification information, (2) eliminate established fees for drafting services not currently in demand, and (3) establish a new fee. Drafting services for which established fees are eliminated (§ 1.21 (l) and (m)) will be furnished, if requested, at fees based upon actual cost. The new fee is established to recover the cost of servicing deposit accounts. The amendment of §§ 1.25 and 1.165 brings these rules into conformity with the amendment of § 1.21.

In consideration of the comment received, and pursuant to the authority contained in section 6 of the Act of July 1952, as amended (85 Stat. 364, 35 U.S.C. 6), Parts 1 and 2 of Title 37, Code of Federal Regulations, are hereby amended as set forth below.

1. In § 1.21, paragraphs (e), (j), (k), (q) and (u) are revised and paragraphs (l) and (m) are deleted as follows:

**§ 1.21 Patent and miscellaneous fees and charges.**

* * * * *

(e) For abstracts of title to each patent or application:

| | |
|---|---|
| For the search, 1 hour or less, and certificate | $5.00 |
| Each additional hour or fraction thereof | 2.50 |
| For each brief from the digest of assignments, of 200 words or less | 2.00 |
| Each additional 100 words or fraction thereof | .20 |

* * * * *

(j) For making patent drawings, when facilities are available, the cost for making the same,

| | |
|---|---|
| Rate per hour | 12.00 |
| Minimum charge per sheet | 25.00 |

(k) For correcting patent drawings, the cost of making the correction,

| | |
|---|---|
| Rate per hour | 12.00 |
| Minimum charge | 3.00 |

(l) [Deleted]
(m) [Deleted]

* * * * *

(q) List of U.S Patents:

| | |
|---|---|
| All patents in a subclass, per sheet (containing 100 patent numbers or less) | 1.00 |
| Patents in a subclass, limited by date or patent number, per sheet (containing 50 patent numbers or less) | 1.00 |

* * * * *

(u) Deposit account:

| | |
|---|---|
| Service charge for each month when the balance at the end of the month is below $40 | 2.00 |

* * * * *

2. In § 1.25, paragraph (a) is revised to read as follows:

§ 1.25 **Deposit accounts.**

(a) For the convenience of attorneys, agents, and the general public in ordering services offered by the Office, copies of records, etc., special deposit accounts may be established in the Patent and Trademark Office. A minimum deposit of $50.00 or more, depending on the activity of the individual account, is required. At the close of each month's business, a statement will be rendered. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the account and thus restore the account to its established normal deposit value. An amount sufficient to cover all services, copies, etc., requested must always be on deposit. A service charge will be assessed for each month that the balance at the end of the month is below $40.00.

* * * * *

3. In § 1.165, paragraph (b) is revised to read as follows:

§ 1.165 **Drawings.**

* * * * *

(b) The drawing may be in color and when color is a distinguishing characteristic of the new variety, the drawing must be in color. Two copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs made by color photography or properly colored on sensitized paper. Permanently mounted color photographs are acceptable. The paper in any case must correspond in size, weight and quality to the paper required for other drawings. See § 1.84. Nonpermanently mounted copies will be correctly mounted at applicant's expense. § 1.21(v).

4. In § 2.6, paragraphs (a), (d) and (e) are revised and a new paragraph (f) is added to read as follows:

§ 2.6 **Trademark fees.**

* * * * *

(a) For each printed copy of a registration with data entered of record as of date of mailing, relating to renewal, cancellation, publication under section 12(c), of the 1946 Trademark Act and affidavits or declarations under sections 8 and 15 of such act.

| | |
|---|---|
| Omitting title | 1.70 |
| Showing title | 3.70 |

* * * * *

(d) For making drawings, when facilities are available, the cost of making the same,

| | |
|---|---|
| Rate per hour | 12.00 |
| Minimum charge per sheet | 10.00 |

(e) For correcting drawings, the cost of making the correction:

| | |
|---|---|
| Rate per hour (including a photoprint of the uncorrected drawing) | 12.00 |
| Minimum charge | 3.00 |

(f) For abstracts of title to each registration or application:

| | |
|---|---|
| For the search, one hour or less, and certificate | 5.00 |
| Each additional hour or fraction thereof | 2.50 |
| For each brief from the digest of assignments, of 200 words or less | 2.00 |
| Each additional 100 words or fraction thereof | .20 |

*Effective date.* These revisions shall become effective February 2, 1976.

Dated: December 4, 1975.

C. MARSHALL DANN,
*Commissioner of Patents and Trademarks.*

DAVID B. CHANG,
*Acting Assistant Secretary for Science and Technology.*

[FR Doc.75-33088 Filed 12-8-75;8:45 am]

## Title 40—Protection of Environment

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 467-2]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### California Compliance Schedules; Correction

On March 28, 1975 (40 FR 14069 and 14070) and July 15, 1975 (40 FR 29712 and 29713) certain amendments to 40 CFR 52.220(c) were promulgated by the Environmental Protection Agency. This is to give notice that the amendments were incorrectly promulgated as § 52.220 (c)(8) whereas they should properly have been promulgated as § 52.220(c)(3). Therefore, amendments published in the FEDERAL REGISTER on the above listed dates as § 52.220(c)(8) are hereby corrected to read § 52.220(c)(3).

Dated December 4, 1975.

ROBERT H. BAUM,
*Assistant Administrator for Enforcement.*

[FR Doc.75-33125 Filed 12-8-75;8:45 am]

## Title 45—Public Welfare

## CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

### Need and Amount of Assistance; Correction

In FEDERAL REGISTER Documents 75-7148 published at page 12507 in the issue dated Wednesday, March 19, 1975 and 75-19265 at page 30963 in the issue dated Thursday, July 24, 1975, § 233.20(a)(3)(ii), last paragraph, line 18 is corrected to read "State to the basic and special needs it recognizes as".

Approved: December 3, 1975.

THOMAS S. MCFEE,
*Deputy Assistant Secretary for Management Planning and Technology.*

[FR Doc.75-33070 Filed 12-8-75;8:45 am]

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1297]

## PART 0—COMMISSION ORGANIZATION

### Authority Delegations to Chief, Cable Television Bureau

In the matter of amendment of Part O of the Commission's rules and regulations concerning delegations of authority to the Chief, Cable Television Bureau.

1. In the course of processing applications for certificates of compliance the Commission's staff occasionally discovers cable television systems operating in violation of the Cable Television rules. In those instances where the cable operators have been responsive to our requests for further information and where the violation was inadvertent and assurances are received that no further violations will be made, the Commission has been inclined not to issue orders to show cause but instead to work towards a just resolution considering the interests of all affected parties. In those instances where such a resolution has not been possible the Commission has issued sua sponte orders to show cause directed against the subject cable television systems.

2. Because Commission policies concerning the issuance of show cause orders under these circumstances have become established, more efficient processing would result by the delegation of authority to act on such matters to the Chief, Cable Television Bureau. Accordingly, we are amending § 0.288 to delegate authority to the Chief, Cable Television Bureau to issue sua sponte orders to show cause against cable television systems.

3. Since this amendment relates to Commission organization and procedures, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. For the same reason the amendment will be made effective immediately.

Authority for the rule amendment adopted herein is contained in sections 2, 3, 4 (i) and (j), 5 (b) and (d), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

*Accordingly, it is ordered,* That effective December 11, 1975, Part O of the Commission's rules and regulations is amended as set forth below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309.)

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
*Secretary.*

Chapter I of Title 47 of the Code of Federal Regulation is amended as follows:

1. In Part 0—Commission Action, A new paragraph (v) is added to § 0.288, to read as follows:

§ 0.288 Authority delegated.

* * * * *

(v) To issue orders to show cause *sua sponte*, unless novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines are involved.

[FR Doc.75-33081 Filed 12-8-75;8:45 am]

[1] Commissioner Washburn absent.

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[Docket No. 20583, RM-2431]

## PART 73—RADIO BROADCAST SERVICES

### Television Broadcast Stations, Eufaula, Okla.

### Report and Order; Table of Assignment

1. The Commission has under consideration its notice of proposed rulemaking, adopted August 20, 1975, 40 FR 39530, inviting comments on a proposal to assign television Channel 3 to Eufaula, Oklahoma, for non-commercial educational use. This proceeding was instituted in response to a petition filed by the Oklahoma Educational Television Authority (OETA), licensee of Stations KETA-TV (Channel *13), Oklahoma City, and KOED-TV (Channel *11), Tulsa.

2. In order to assign Channel *3 to Eufaula, it would be necessary to modify the carrier offsets of four existing stations:

| Station | Station location | Assignment and offset designation | |
|---|---|---|---|
| | | Existing | Modified |
| KATC | Lafayette, La. | 3 | 3+ |
| WLBT | Jackson, Miss | 3+ | 3 |
| KBTX-TV | Bryan, Tex | 3+ | 3 |
| KFDX | Wichita Falls, Tex | 3 | 3+ |

Consequently, the Notice contained an Order to Show Cause requiring the licensees of the above stations to demonstrate why their individual licenses should not be modified if the Commission found it in the public interest to assign the Eufaula channel as requested. Comments received in response to the Notice were filed by Acadian Television Corporation, licensee of Station KATC(TV), Clay Broadcasting Corporation of Texas, licensee of Station KFDX(TV), and OETA.[1]

3. The OETA comments reaffirm its intention to apply for the use of the channel if assigned and to reimburse the affected licensees for the reasonable expenses involved in changing the carrier offsets.

4. The Clay Broadcasting Corporation comments and those of Acadian Television Corporation indicate the willingness of these licensees to cooperate with OETA in making the offset modifications. Each, however, requests the Commission to attach specific conditions to the proposed assignment if it is made or to the construction permit issued for its use. The desire of these parties is to enforce certain reimbursement provisions in this manner to better insure being able to receive the amounts involved.

5. The Commission is persuaded that the assignment of Channel *3 as requested is warranted and is in the public interest. The proposal meets all applicable spacing and other requirements. The assignment of the requested channel at Eufaula will offer an educational television programming service to over a quarter of a million residents, many of whom are presently unable to receive one. As for requests that specific conditions be associated with the assignment or a construction permit issued for its use, this does not appear necessary. Using guidelines furnished in previous reimbursement cases, the licensees of the four affected stations and the Eufaula permittee should reach an agreement in good faith on what constitutes a reasonable cost settlement and the means of repayment. We expect them to do so.

6. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules: *It is ordered*, That effective January 9, 1976, the Television Table of Assignments contained in § 73.606(b) of the Commission's rules and regulations is amended with respect to the following cities to read as follows:

| City: | Channel No. |
|---|---|
| Lafayette, La. | 3+, 10, 15, *24 |
| Jackson, Miss | 3, 12+, 16, *29+, 40+ |
| Eufaula, Okla | *3 |
| Bryan, Tex | 3, *15— |
| Wichita Falls, Tex | 3+, 6−, 18−, *24 |

7. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Acadian Television Corporation, for Station KATC(TV), Lafayette, Louisiana, is modified to specify operation on Channel 3+ in lieu of Channel 3 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KATC(TV) on Channel 3+ at Lafayette, Louisiana.

(c) The licensee may continue to operate on Channel 3 under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3+, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3+ until the Commission specifically authorizes it to do so.

8. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Communications Improvement, Inc., for Station WLBT(TV), Jackson, Mississippi, is modified to specify operation on Channel 3 in lieu of Channel 3+ subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WLBT(TV) on Channel 3 at Jackson, Mississippi.

(c) The licensee may continue to operate on Channel 3+ under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3 until the Commission specifically authorizes it to do so.

9. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Brazos Broadcasting Company, for Sta-

[1] Communications Improvement, Inc., licensee of Station WLBT(TV), and Brazos Broadcasting Company, licensee of Station KBTX-TV failed to comment in response to the Order to Show Cause. The Notice indicated that such failure to respond would be deemed consent by these parties to the modifications proposed in the Notice.