writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 20, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-9724 Filed 4-26-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER A—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

PART 703—INSURANCE REGULATIONS

Clarification of Policy

Pursuant to the authority contained in sections 32 and 39 of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 932 and 939, and as delegated to me by Secretary of Labor's Order No. 13-71, 36 FR 8755, I am hereby amending Part 703 by adding a new § 703.121 to those provisions governing the authorization of insurance carriers, and I am amending § 703.301 which enumerates the conditions precedent to authorization of an employer to become a self-insurer.

It has always been the official policy of the Office of Workmen's Compensation Programs and its predecessor agencies (see § 701.203) that an employer operating in any compensation district (see § 702.101) could not have his operations in that district insured by more than one insurance carrier, and that self-insured employers could not also insure the same risk with a private carrier. Existing provisions of these regulations, especially § 703.501, were deemed adequate to cover this matter. However, in view of recent inquiries, I deem it advisable to embody our longstanding policy in clear terms in these regulations.

The provisions of 5 U.S.C. 553 for notice, public procedure, and delayed effective date are not applicable to the interpretation rules, general statements of policy and rules of agency organizations, practice and procedure set forth in this amendment. Further, as stated above, this amendment merely states in detail what has long been required in practice. Under these circumstances, I find that notice of proposed rule making and opportunity for public comments thereon would be impracticable and contrary to the public interest. I further find that delay in the effective date of this amendment, for these same reasons, is also impracticable and contrary to the public interest. Accordingly, these regulations shall become effective on April 29, 1974.

However, notwithstanding this promulgation of rules in final form, it is the policy of this Department to obtain and consider comments, arguments, and suggestions from all interested persons. Accordingly, the Employment Standards Administration will receive written comments, data, and arguments until June 1, 1974, at which time these comments will be considered as if this document were a proposal. Until this document is further amended, these provisions shall remain in full force and effect.

Interested persons are invited to submit such data, views, or arguments to the Office of Workmen's Compensation Programs, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20211, on or before June 1, 1974.

Part 703 of Title 20, Code of Federal Regulations, is amended as follows:

1. A new § 703.121 is added and reads as follows:

§ 703.121 Multiple policies covering the same employer in the same compensation district prohibited; action upon receipt of a second report.

An employer operating within any compensation district shall have such operations in that district insured by not more than one insurance carrier. Accordingly, where a report provided for by § 703.116 is received, and where reports on file show that a named employer is insured by another insurance carrier under a policy with an unexpired term, the deputy commissioner shall inform the employer of the pre-existing coverage and of OWCP's prohibition against multiple policies.

2. Section 703.301 is revised in text to read as follows:

§ 703.301 Employers who may be authorized as self-insurers.

The Office will consider for the granting of authority to secure by self-insurance the payment of compensation under the Longshoremen's and Harbor Workers' Compensation Act, or its extensions, any employer who, pursuant to the regulations in this part, furnishes to the Office satisfactory proof of such employer's ability to pay compensation directly, and who agrees to immediately cancel any existing policy as of the time of the OWCP's approval of the employer to be self-insured, or who does not become otherwise insured under this Act. The succeeding regulations relating to self-insurers require the deposit of security in the form either of an indemnity bond or negotiable securities (at the option of the employer) of a kind and in an amount determined by the Office, and prescribe the conditions under which such deposit shall be made. The term "self-insurer" as used in these regulations means any employer securing compensation in accordance with the provisions of 33 U.S.C. 932(a)(2) and with these regulations.

Signed at Washington, D.C., this 23d day of April 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74-9730 Filed 4-26-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Cuprimyxin Cream

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-029V) filed by Hoffmann-La Roche Inc., Nutley, N.J. 07110, proposing the safe and effective use of cuprimyxin 0.5 percent cream for dermal and otic use in treating dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding thereto a new section to read as follows:

§ 135a.56 Cuprimyxin cream, veterinary.

(a) *Specifications.* The drug contains 0.5 percent cuprimyxin (6-methoxy-1-phenazinol 5, 10-dioxide, cupric complex) in an aqueous cream base.

(b) *Sponsor.* See code No. 020 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) Cuprimyxin is a broad spectrum antibacterial and antifungal cream for the topical treatment of superficial infections in dogs and cats caused by bacteria, dermatophytes (*Trichophyton spp.; Microsporum spp.*) and yeast (*Candida albicans*) affecting skin, hair, and external mucosae.

(2) The cream is applied twice daily to affected areas by rubbing into lesions. Treatment should be continued for a few days after clinical recovery to avoid possible relapses.

(3) After application to cutaneous areas, a change in color from dark green to pink is due to the liberation of free myxin from its copper complex.

(4) If no response is seen within seven days, diagnosis and therapy should be reevaluated. If any adverse local reaction is observed after topical application, discontinue treatment.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on April 29, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 23, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-9698 Filed 4-26-74;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Oxytetracycline Hydrochloride with Lidocaine Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13-146V) filed by Pfizer, Inc., 235 E. 42nd St., New York, NY 10017, proposing revised labeling for the safe and effective use of oxytetracycline hydrochloride with lidocaine in the treatment of diseases of dogs caused by pathogens sensitive to oxytetracycline hydrochloride. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.93 by revising paragraph (b) to read as follows:

§ 135b.93 Oxytetracycline hydrochloride with lidocaine injection.

* * * * *

(b) *Sponsor*. See code Nos. 030 and 071 and § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective on April 29, 1974.

(Sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i)))

Dated: April 23, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-9697 Filed 4-26-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Promazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-656V) filed by Fort Dodge Laboratories, Fort Dodge, IA 50501, proposing revised conditions of use for promazine hydrochloride as an animal tranquilizer. The supplemental application is approved and an appropriate amendment to 21 CFR 135c.29 is being made.

A notice of withdrawal of approval of new animal drug application No. 12-644V held by Wyeth Laboratories, Inc., P.O. Box 8299, Philadelphia, PA 19101, for the drug Sparine Pellets was published in the FEDERAL REGISTER of January 29, 1972 (37 FR 1501). At the time of withdrawal of approval of said application, no amendment to delete the firm's approval from 21 CFR 135c.29 was made; therefore, such amendment is being made in this order. In addition, the zero tolerance which was established on the basis of said application is revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 135g are amended as follows:

1. By revising § 135c.29 (c), (d), and (e) to read as follows:

§ 135c.29 Promazine hydrochloride.

* * * * *

(c) *Sponsor*. See code No. 017 in § 135.501(c) of this chapter.

(d) [Reserved]

(e) *Conditions of use*. (1) The drug is used for quieting excitable, unruly, or intractable horses. It is administered at a dosage level of 0.45 to 0.9 milligrams of promazine hydrochloride per pound of body weight mixed with an amount of feed that will be readily consumed.

(2) Do not use in horses intended for food.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 135g.16 [Reserved]

2. By revoking § 135g.16 *Promazine hydrochloride* and reserving it for future use.

Effective date. This order shall be effective on April 29, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)).

Dated: April 23, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-9696 Filed 4-26-74;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Minimum Wage Increases

The Fair Labor Standards Amendments of 1974 (Pub. L. 93-259, 93rd Congress, April 8, 1974, 88 Stat. 55) amended section 6(a)(1) of the Fair Labor Standards Act of 1938 (FLSA) to require, effective May 1, 1974, the payment of a minimum wage of not less than $2.00 per hour. This minimum, by these amendments, will be increased to not less than $2.10 an hour during the year beginning January 1, 1975, and to not less than $2.30 an hour after December 31, 1975. In addition, section 6(b) of the FLSA was amended to raise the rates for nonagricultural employees first covered in the 1966 and 1974 amendments to the FLSA to $1.90 per hour, commencing May 1, 1974, $2.00 per hour beginning January 1, 1975, $2.20 per hour beginning January 1, 1976, and $2.30 per hour after December 31, 1976. Section 2(b)(1) of the McNamara-O'Hara Service Contract Act of 1965, as amended (41 U.S.C. 351 et seq.) provides, regardless of contract amount, that no contractor or subcontractor performing work under any Federal contract, the principal purpose of which is to furnish services through the use of service employees, shall pay any of its employees engaged in such work less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. An exception making the minimum rate specified in section 6(b) of the FLSA applicable to certain contracts is provided in section 6(e)(2) of the Fair Labor Standards Act and reflected in 29 CFR 4.160. By reason of this exception, the enactment of Pub. L. 93-959 necessitates an amendment of such section. Further, with the increase in the section 6(a)(1) rates, it is necessary to amend 29 CFR 4.6 and 4.167, relating to tipped employees.

Inasmuch as these changes conform the Service Contract Act regulations of the Department of Labor to the changes made by the Fair Labor Standards Amendments of 1974, no notice of proposed rulemaking, nor delay in the effective date is required. Accordingly, these regulations shall be effective on May 1, 1974.

29 CFR Part 4 is hereby amended as stated below:

1. Section 4.2 is revised by deleting at the end thereof the parenthetical phrase reading "($1.60 per hour)" and substituting in lieu thereof:

§ 4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.

* * * ($2.00 per hour effective May 1, 1974, $2.10 per hour effective January 1, 1975, and $2.30 per hour effective January 1, 1976).

2. Section 4.6(n)(2) is amended by revising the proviso clause at the end of the paragraph to read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

* * * * *

(n) * * *

(2) * * * *Provided, however*, That the amount of such credit may not exceed $1.00 per hour, effective May 1, 1974, $1.05 per hour effective January 1, 1975, and $1.15 per hour after December 31, 1975.

§ 4.53 [Amended]

3. Section 4.53(a) is revised by deleting the $1.90 figure which appears twice in the paragraph and substituting therefor $2.50 per hour.

4. Section 4.53(c) is revised by deleting the figure $1.60 per hour where it twice appears in the paragraph and substituting in lieu thereof $2.50 per hour, and by deleting the 8 cents per hour at the end of the paragraph, and substituting the figure 12½ cents per hour.

5. Section 4.53(e) is revised by deleting the $1.60 figure where it twice appears in the paragraph and substituting in lieu thereof $2.50, deleting the result of $76.80 and substituting therefor $120.00, and deleting the hourly cash equivalent figure, $.0369 and substituting in lieu thereof the figure of $.0577.

6. Section 4.159 is amended by revising the next to the last sentence to read as follows:

§ 4.159 General minimum wage.

* * * The minimum wage rate under section 6(a)(1) of the Fair Labor Standards Act is $2.00 (increased from the prior rate of $1.60) effective May 1, 1974, $2.10 effective January 1, 1975, and $2.30 an hour effective January 1, 1976. * * *

7. The last sentence of paragraph (b) of § 4.160 is revised to read as follows:

§ 4.160 Effect of section 6(e) of the Fair Labor Standards Act.

* * * * *

(b) * * * The minimum wage rates under section 6(b) of such Act, to which section 6(e) refers are: $1.90 an hour, beginning May 1, 1974; $2.00 an hour beginning January 1, 1975; $2.20 an hour, beginning January 1, 1975; $2.20 an hour, beginning January 1, 1976; and $2.30 an hour after December 31, 1976.

* * * * *

8. Section 4.167 is amended by revising the last two sentences of such section to read as follows:

§ 4.167 Wage payments—medium of payment.

* * * The general rule under that Act is that the amount paid a tipped employee by his employer is deemed to be increased on account of tips by an amount determined by the employer, not in excess of 50 percent of the minimum wage applicable under section 6 of that Act or in excess of the value of tips actually received by the employee. Thus, the tip credit taken by an employer subject to the Service Contract Act may not exceed $1.00 per hour, effective May 1, 1974, $1.05 per hour effective January 1, 1975, and $1.15 per hour after December 31, 1975.

Signed at Washington, D.C., on this 24th day of April 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74-9732 Filed 4-26-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

PERMANENT AND TOTAL DISABILITY RATINGS

The Administrator of Veterans' Affairs amends § 3.342 of Title 38, Code of Federal Regulations, to reflect a prior amendment to § 3.321, Title 38, Code of Federal Regulations.

For a veteran under age 65 a rating of permanent and total disability is a basic requirement for entitlement to disability pension. Extra-schedular disability ratings are appropriate when the claimant for disability pension has a disability or disabilities which, under the Schedule for Rating Disabilities, are not ratable as permanent and total but which, in fact, render him unemployable. Effective February 5, 1974, § 3.321 was amended to authorize Adjudication Officers in regional offices to approve extra-schedular permanent and total disability ratings in any pension case where appropriate. Prior to this amendment Adjudication Officers were authorized to approve such ratings if the claimant was 40 years of age or older. If the claimant was under 40 years of age and the evidence of record indicated an extra-schedular rating was in order the case was submitted to Veterans Administration Central Office for approval or disapproval of the proposed rating. This change to § 3.342 deletes the qualifying language "on proper submission" which was made obsolete by the amendment of § 3.321.

A minor editorial change in § 3.342(b)(3) and another change, unrelated to the change to § 3.342(b)(5), has been made in § 3.343 solely to clarify the provisions apply equally to male and female veterans. No change in benefits or entitlement is involved.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose since the amendment is editorial in nature and does not effect any change in benefits.

1. In § 3.342, paragraph (b) (3) and (5) is amended to read as follows:

§ 3.342 Permanent and total disability ratings for pension purposes.

* * * * *

(b) *Criteria.* In addition to the criteria for determining total disability and permanency of total disability contained in § 3.340, the following special considerations apply in pension cases:

* * * * *

(3) Special consideration must be given the question of permanence in the case of veterans under 40 years of age. For such veterans, permanence of total disability requires a finding that the end result of treatment and adjustment to residual handicaps (rehabilitation) will be permanent disability of the required degree precluding more than marginal employment. Severe diseases and injuries, including multiple fractures or the amputation of a single extremity, should not be taken to establish permanent and total disability until it is shown that the veteran after treatment and convalescence, has been unable to secure or follow employment because of the disability and through no fault of the veteran.

* * * * *

(5) The authority granted the Administrator under 38 U.S.C. 502(a)(2) to classify as permanent and total those diseases and disorders, the nature and extent of which, in his judgment, will justify such determination, will be exercised under § 3.321(b).

2. In § 3.343, paragraph (c) is amended to read as follows: § 3.343 Continuance of total disability ratings.

* * * * *

(c) *Individual unemployability.* In reducing a rating of 100 percent service connected disability based on individual unemployability, the provisions of § 3.105(e) are for application but caution must be exercised in such a determination that actual employability is established by clear and convincing evidence. When in such a case the veteran is undergoing vocational rehabilitation, education or training, the rating will not be reduced by reason thereof unless there is received evidence of marked improvement or recovery in physical or mental conditions or of employment progress, income earned, and prospects of economic rehabilitation, which demonstrates affirmatively the veteran's capacity to pursue the vocation or occupation for which the training is intended to qualify him (or her), or unless the physical or mental demands of the course are obviously incompatible with total disability.

* * * * *

Effective date. Section 3.342(b)(5) is effective February 5, 1974.

Approved: April 16, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-9723 Filed 4-26-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 154—EDUCATIONAL OPPORTUNITY CENTERS

Pursuant to the authority contained in Subpart 4 of Part A of Title IV of the Higher Education Act of 1965 as amended (20 U.S.C. 1070d–1070d-1), the Commissioner of Education is issuing the following regulations governing the operation of the Educational Opportunity Centers Program. This program was authorized by the Education Amendments of 1972 (Pub. L. 92-318).

Educational Opportunity Centers will serve areas with major concentration of low-income persons by providing, in coordination with other applicable programs and services, information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education, assistance to such persons in applying for admission to institutions of higher education including the preparation of applications for use by admission and financial aid officers, and counseling and tutorial services and other necessary assistance to such persons while attending such institutions.

Centers will also serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

In view of the limited time remaining in the fiscal year for affording applicants a reasonable period in which to prepare applications and for permitting full consideration and process of applications under this program, it has been determined that resort to proposed rulemaking procedures with respect to these regulations would be impracticable. (5 U.S.C. 553(b))

Effective date. Regulations contained herein shall become effective on May 29, 1974.

(Catalog of Federal Domestic Assistance No. 13.543, Educational Opportunity Centers)

Dated: March 28, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: April 19, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new Part 154, reading as follows:

AUTHORITY: Sec. 417A–417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92-318, 86 Stat. 258-259 (20 U.S.C. 1070d–1070d–1), unless otherwise noted.

§ 154.1 Scope and purpose.

(a) The purpose of this part is to provide Federal support of up to 75 percent for the establishment and operation of Educational Opportunity Centers to be located in areas with major concentrations of low-income persons. The Centers will serve as clearinghouses for information concerning financial and academic support available at institutions of higher education, sources of assistance in applying for admittance to such schools including the preparation of detailed documentation for use by admissions and financial aid officers, and will provide counseling, tutorial and other necessary services to students enrolled in such institutions. The Centers will also serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

(b) Assistance provided under this part is subject to applicable provisions of the Office of Education General Provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, and other such matters).

(20 U.S.C. 1070d–1)

§ 154.2 Definitions.

As used in this part:

"Combination of institutions of higher education" means either (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily the exclusive purpose) of establishing and operating an Educational Opportunity Center, or (2) a public or private agency, designated or created by a group of institutions of higher education for that purpose (although not necessarily for that exclusive purpose).

"Institution of higher education" means an educational institution in any State which meets the requirement set forth in sections 491 or 1201(a) of the Higher Education Act of 1965, as amended.

"Physically handicapped students" means those students who, because of their physical disabilities, need specifically designed instructional materials or programs, modified physical facilities, or related services to fully participate in the experience and opportunities offered by postsecondary institutions.

"State" means in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1070d–1, 1088, 1141)

§ 154.3 Eligible applicants.

(a)(1) Institutions of higher education, combinations of such institutions, public and private agencies and organizations (including professional and scholarly associations), and, in exceptional cases secondary schools and secondary vocational schools are eligible to receive funds under this part to establish and operate an Educational Opportunity Center.

(2) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private nonprofit agency established by the combination for that purpose.

(b) A secondary school or a secondary vocational school may receive funds under this part if that school is coordinating the recruiting and counseling efforts of institutions of higher education in the area to be served by the Center.

(20 U.S.C. 1070d–1)

§ 154.4 Eligible persons.

An Educational Opportunity Center shall make its services available to all persons desiring to pursue or pursuing a program of postsecondary education who reside within the geographic area served by the Center, except that such a person must be a citizen or national of the United States, in the United States for other than a temporary purpose with the intent to become a permanent resident thereof, or a permanent resident of the Trust Territory of the Pacfic Islands.

(20 U.S.C. 1070d–1)

§ 154.5 Applications.

(a) Applications shall be submitted in such form and contain such information as the Commissioner may from time to time prescribe, but shall include the following:

(1) A description of the geographic area to be served by the Center including those demographic factors which would justify defining the area as one having a major concentration of low-income persons;

(2) An estimate of the number of students to be served;

(3) A description of the activities to be carried out by the Center;

(4) The resources available to the applicant to carry out the above activities;

(5) An estimate of the costs involved and sources of the non-Federal share;

(6) A description of the staff of the Center including their experience with and commitment to the educational goals of educationally disadvantaged students; and

(7) A description of the role and function within the Educational Opportunity Center of Talent Search and Special Services for Disadvantaged Students Programs and other similar programs and services being offered disadvantaged and physically handicapped students in the service area.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the Center, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) The Commissioner will from time to time establish cutoff dates for the filing of applications.

(20 U.S.C. 1070d–1)

§ 154.6 Selection criteria.

(a) In addition to the criteria set forth in § 100a.26(b) of Title 45 of the Code of Federal Regulations (45 CFR 100a.26(b) published at 38 FR 30654, 30664, November 6, 1973) the Commissioner will use the following criteria in selecting applications to be funded:

(1) Need for services to enhance the accessibility of postsecondary education opportunities as indicated by:

(i) The number of low-income families in the area to be served;

(ii) Low historical rates of participation in postsecondary education in the area to be served;

(iii) The total number of students and other persons in the service area;

(iv) The proportion of the number of persons residing in the area to be serviced who would be in fact served by the Center.

(2) Appropriateness of the applicants proposed means of carrying out activities under § 154.7 in terms of meeting needs of persons in the service area;

(3) The proposed staff of the Center and the extent to which the staff has ex-

perience in dealing with low-income and physically handicapped students;

(4) The extent to which community representatives have participated in the formulation of the proposal and will participate in the operation of the Center;

(5) The extent to which the secondary schools and institutions of higher education in the area to be served by the Center will be involved in the operation of the Center;

(6) The appropriateness of the Center's relationship to the Talent Search, Upward Bound, and Special Services for the Disadvantaged Programs being carried out in the area and to such other similar programs and services including those for the physically handicapped, being carried out in that area in terms of avoiding duplication of services, failure to provide services or failure to coordinate services to individuals who participate in more than one such program;

(7) The ability of the Center to serve as a clearinghouse and as a resource for institutions of higher education in the area which admit educationally disadvantaged persons; and

(8) The cost of operating the Center.

(b) The Commissioner will, in the initial year of operation under this part, award grants and contracts to insure that major concentrations of low-income persons in both urban and rural areas, including Indian reservations, will be represented among areas to be served by Centers.

(20 U.S.C. 1070d-1)

§ 154.7 Program activities.

An Educational Opportunity Center shall:

(a) Collect and disseminate information regarding available financial and academic assistance to persons in the service area desiring to pursue a program of postsecondary education;

(b) Provide counseling on career opportunities to such persons;

(c) Assist such persons in preparing applications and other necessary materials for admission to institutions of higher education and for financial assistance at such institutions;

(d) Identify those persons in the service area with an interest in pursuing a postsecondary education and encourage them to continue or resume their educational careers;

(e) Provide counseling, tutorial and other necessary assistance to students who are resident in the area and are enrolled in institutions of higher education to permit them to continue attending such institutions;

(f) Identify and coordinate existing public and private programs for disadvantaged, including physically handicapped, students in the field of postsecondary education in the area served by the Center;

(g) Serve as a clearinghouse for information on counseling and tutoring techniques effective with students from educationally deprived backgrounds; and

(h) Serve as recruiting and counseling pools so as to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons. The Center shall develop inter-institutional relationships to carry out this function.

(20 U.S.C. 1070d-1)

§ 154.8 Low-income families.

In determining whether an area to be served under this part qualifies as an area with a major concentration of low-income families the Commissioner will utilize the low-income family level set forth in the "Current Population Reports," Series P-60, Bureau of the Census, U.S. Department of Commerce.

(20 U.S.C. 1070d-1)

§ 154.9 Project staff.

(a) Each Center funded under this part shall be administered by a project director who shall serve in that position on a full time basis; and

(b) The staff members of such Centers shall, to the extent practicable, reflect the ethnic/racial composition of the area served.

(20 U.S.C. 1070d-1)

§ 154.10 Community involvement.

Representatives of the community as well as local educational agencies and institutions of higher education in the area to be served by a Center shall participate in the formulation of applications for the establishment of such Centers and shall serve in an advisory capacity in the operation of such Centers.

(20 U.S.C. 1070d-1)

§ 154.11 Allowable costs.

(a) The Commissioner will pay up to 75 percent of the costs reasonably related to the establishment and operation of Educational Opportunity Centers.

(b) The applicant's share of the cost of establishing and operating a Center shall represent an increase by such applicant in the amount of funds it previously expended for the type of activities being carried out by the Center in the fiscal year immediately preceding the fiscal year in which the grant or contract was awarded.

(c) Construction or extensive renovation of buildings, or the purchase of land are not permissible costs under this part.

(20 U.S.C. 1070d-1)

[FR Doc.74-9702 Filed 4-26-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Docket No. 72-22; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Modification of Requirements for Lighting Equipment on Mobile Structure Trailers

This notice amends Federal Motor Vehicle Safety Standard No. 108 to modify requirements for lighting equipment on mobile structure trailers.

The National Highway Traffic Safety Administration proposed on September 30, 1972 (37 FR 20573), that mobile structure trailers (commonly known as mobile homes) need be equipped only with tail lamps, stop lamps, and turn signal lamps if the manufacturer so chooses. As the agency observed in support of its proposal:

> Since January 1, 1968, mobile homes towed on their own wheels have been categorized as 'trailers' by the Federal motor vehicle safety standards, and required to conform to applicable Federal motor vehicle lighting specifications. Pursuant thereto, mobile homes in transit have been equipped with the full complement of trailer lighting equipment required by Standard No. 108: Tail lamps, stop lamps, license plate lamps, reflex reflectors, side marker lamps and reflectors, identification lamps, clearance lamps, and turn signal lamps.
>
> Because of the limited time a mobile home is on the public ways, manufacturers have been advised that compliance may be achieved by use of a lighting harness removable upon completion of transit. The Trailer Coach Association alleges that installation and removal expense of the wiring harness adds needless cost to "the only low cost housing available to the majority of people today." It has petitioned for an amendment of the lighting requirements such that reflex reflectors, license plate lamps, identification lamps, clearance lamps, and side marker lamps would not be required on mobile structure trailers "when moved under the authority of State issued permits whose regulations specifically prohibit movement during hours of darkness." * * *
>
> Available information indicates that a mobile structure trailer, defined in 49 CFR 571.3 as "a trailer that has a roof and walls, is at least 10 feet wide, and can be used off road for dwelling or commercial purposes," cannot move over the public roads of any State without a permit containing the condition that the trailer shall not be moved during hours of darkness. In many jurisdictions, movement is also prohibited during inclement weather or under other conditions of reduced visibility. The safety benefit of requiring the full complement of trailer lighting equipment appears negligible under these circumstances, and unnecessary for the safety of the motoring public.

The proposal was supported by numerous mobile home manufacturers and manufacturers associations, and opposed by a number of manufacturers and suppliers of lighting equipment, by a consumer group, one State, and other interested persons. Those who opposed the proposal argued that the presence of large mobile homes on the public highway is a traffic hazard per se, and that a full complement of lights should be required regardless of restrictions on movement. Comments were made that the existence of State laws did not necessarily preclude movement of mobile homes either at night or during periods of inclement weather. Most States, however, require special warning to motorists when mobile structure trailers exceeding a specified width and length are being transported. This warning may be in the form of flagmen, escort vehicles, flags on the towing vehicle, and "wide load" signs.

The NHTSA has concluded that motor vehicle safety does not require a full complement of lighting devices on mobile structure trailers, whose use of the roads, as a class, is infrequent, and confined to daylight hours, when identification lamps, clearance lamps, and side marker lamps are not normally in use. Accordingly, the standard is being amended to specify that the only required lighting equipment for these vehicles is stop lamps, turn signal lamps, tail lamps, and rear reflex reflectors. The NHTSA has decided to include rear reflex reflectors as required equipment to provide some measure of protection when a mobile structure trailer is parked on the road shoulder at night or during periods of reduced visibility. Mobile structure trailers in interstate transit, however, must continue to meet the requirements of the Bureau of Motor Carrier Safety (49 CFR 393.17, 393.25).

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, is revised by adding a new section S4.1.1.25 to read:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S4.1.1.25 The only required equipment for mobile structure trailers is stoplamps, taillamps, rear reflex reflectors, and turn signal lamps.

* * * * *

Effective date: May 29, 1974. Because the amendment relieves a restriction, and creates no additional burden, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51).

Issued on April 24, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-9722 Filed 4-26-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[S. O. 1183]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of April, 1974.

It appearing, that the Norfolk and Western Railway Company (N&W) is unable to operate over its West Wye Switch connection with the Toledo, Peoria & Western Railroad Company (TP&W) at Forrest, Illinois, because of bridge deterioration, thereby preventing normal operation of N&W trains to and from points on its Streator, Illinois, branch; that operation by the N&W over the East Wye Switch of the TP&W, thence over certain TP&W main and secondary tracks at Forrest will enable the N&W to continue to provide service to shippers on its Streator branch; that the TP&W has consented to use by the N&W of the aforementioned trackage at Forrest, Illinois; that operation of the N&W over these tracks of the TP&W is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1183 Service Order No. 1183.

(a) *Norfolk and Western Railway Company authorized to operate over tracks of Toledo, Peoria & Western Railroad Company.* The Norfolk and Western Railway Company (N&W) be, and it is hereby, authorized to operate over the following tracks of the Toledo, Peoria & Western Railroad Company (TP&W) at Forrest, Illinois:

(1) TP&W main track between the West Wye Track Switch to a point one (1) mile east of the east switch of the Hill Track.

(2) The TP&W East Wye Track.

(3) The TP&W Hill Track.

(4) The Crossover between the TP&W main track and the TP&W Hill Track.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the N&W over tracks of the TP&W is deemed to be due to carrier's disability, the rates applicable to traffic moved by the N&W over these tracks of the TP&W shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., April 26, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10-17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-9737 Filed 4-26-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on April 29, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole, on the Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota, is permitted from May 4, 1974 through September 30, 1974, inclusive, but only on the area designated by signs as open to fishing. This open area, comprising 400 acres, is delineated on maps available at refuge headquarters, 1 mile west of Dunn Center, North Dakota and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Post Office Box 1897, Bismarck, North Dakota 58501. Sport Fishing shall be in accordance with all applicable State regulations, subject to the following special conditions.

(1) Fishing at all times shall be limited to daylight hours only.

(2) One outboard motor of not more than 10 horsepower can be attached to any floating craft and to be used for fishing purposes only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1974.

CHARLES S. PECK,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota 58626.

APRIL 22, 1974.

[FR Doc.74-9728 Filed 4-26-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7312]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Treatment of Corporate-Owned Life Insurance Where the Decedent is a Shareholder

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Friday, August 25, 1972 (37 FR 17206), amendments to the Estate Tax Regulations (26 CFR Part 20) under sections 2031 and 2042 of the Internal Revenue Code of 1954 were proposed in order to clarify the estate tax treatment of corporate-owned life insurance where the decedent was a shareholder. After consideration of all such relevant matter as