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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 484—FEED GRAINS

SUBPART—FEED GRAIN EXPORT PROGRAM PAYMENT IN KIND (GR–368)

TERMS AND CONDITIONS

The following "Appendix—Notice to Exporters (Revision of September 30, 1957)" was inadvertently omitted from and should have been filed as part of Federal Register Docket 58–3624, which was published in the FEDERAL REGISTER issue of May 14, 1958, at page 3226.

Issued this 14th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

APPENDIX—NOTICE TO EXPORTERS

(Revision of September 30, 1957)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities to Macao, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under validated license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong unless the commodity is included on the general license GHK list.

These regulations further require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8 (15 CFR 371.4 and 371.8)) against sales or resale for re-export of said commodities, or any part thereof, without prior Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, § 379.10 (c) (15 CFR 379.10 (c))) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the Field Offices of the Department of Commerce.

[F. R. Doc. 58-3735; Filed, May 15, 1958; 10:05 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq.), the Agricultural Act of 1949, as amended (7 U. S. C. 1441 et seq.), and the Soil Bank Act (7 U. S. C. 1801 et seq.). These amendments include provisions relative to: (1) The conditions governing constitutions under the definition of "farm" where a conservation reserve contract is in effect; (2) the definition of "normal row width"; (3) the definition of "producer"; (4) the use of official acreages; (5) the methods of measurement to be used in determining intertilled and fallow-stripped acreages; (6) the premeasurement of the cotton acreage on a farm where the service is requested and the cost is paid by the operator, and authorization for a premeasurement service for other crops or land uses at the option of the State committee; (7) the deductions

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

allowable in determining acreages; (8) minimums which may be disposed of in adjusting to the allotment for crops other than tobacco; (9) written notices to farm operators relative to acreage determinations; (10) the conditions governing the redetermination of acreages; (11) the determination and adjustment of excess acreages, the determination of acreages prior to and subsequent to adjustment, and time extensions for disposition of excess acreages; and (12) the publication of State ASC committee determinations made in accordance with § 718.15 (a), as amended, which deviate from standards otherwise prescribed in this part.

Since farmers are now planning their farming operations for 1958, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 718.2 (l) is amended by the addition of a new subidivision (v) at the end of subparagraph (3) to read as follows:

(v) Where a conservation reserve contract has been entered into under the conservation reserve program regulations (6 CFR Part 485) pursuant to which the entire eligible land on the farm is designated as conservation reserve, the farm as constituted at the time all the eligible land becomes so designated shall not be combined with other land during the period for which the contract remains in effect unless the conservation reserve contract is modified to include in the conservation reserve all eligible land of such other land.

2. Section 718.2 (l) is amended to read as follows:

(l) "Normal row width" means the distance between rows of crops in the field provided such distance is 36 inches or more.

3. Section 718.2 (o) is amended to read as follows:

(o) "Producer" means a person who as owner, landlord, tenant, sharecropper, or in the case of rice, a person who furnishes water for a share of the crop, is entitled to share in the crops available for marketing from the farm or in the proceeds thereof.

4. Section 718.5 (c) is amended to read as follows:

(c) *Official acreages.* Acreages determined by the Commodity Stabilization Service of the Department, or its predecessor agencies, from photography currently in use may be recognized as official, until such time as new photography is put into use, provided the field was plotted on permanent field boundaries and the reporter has determined by field inspection that such boundaries have not changed since the acreage was determined. Allowable deductions within the field must be determined each year and

appropriate calculations made to determine the acreage of the crop or land use in the field for program purposes. Acreages determined and recorded in prior years which are later found to be incorrect shall be corrected, and the county office manager shall notify the farm operator in writing of the corrected acreage. If the farm operator has not been notified of the corrected acreage and he has relied on an incorrect acreage for planting or other program purposes, the county office manager shall notify him that the acreage on which he relied shall stand for that year only and that the corrected acreage will apply in the future. The acreage of any area(s) designated under the Conservation Reserve Program shall be considered as official acreage(s) for the period of the contract irrespective of the use of new photography for determining the acreage of other crops and land uses on the farm unless the boundaries of such area(s) are changed or the original acreage determinations are later found to be in error.

5. Section 718.5 (d) is amended to read as follows:

(d) *Intertilled and fallow-stripped acreage*—(1) *Soil bank base crops.* In determining the acreage of non-allotment soil bank base crops planted in alternate rows, alternate strips, or fallow strips with idle or fallow land or non-soil bank base crops, the entire area shall be considered as planted to the soil bank base crop(s) unless the area composed of idle or fallow land or non-soil bank base crops is as wide as four normal rows of the soil bank base crop(s). If the area composed of idle or fallow land or non-soil bank base crop(s) is as wide as four normal rows of the soil bank base crop(s), only the land actually occupied by the soil bank base crop(s) shall be considered as planted to soil bank base crop(s). Where allotment crops are intertilled or fallow-stripped with non-allotment soil bank base crops and the entire area is considered as planted to allotment crops under subparagraph (2) of this paragraph, the acreage shall be counted only once in determining the acreage of soil bank base crops.

(2) *Allotment crops.* When two row crops subject to allotment or one allotment row crop and another competitive row crop are planted in alternate rows or in strips of two or more rows, the acreage shall be considered as intertilled. When an allotment row crop is planted in alternate rows or strips with non-competitive crops or in alternate rows or strips with idle or fallow land, the acreage shall be considered as fallow-stripped.

(i) *Intertilled alternate rows.* Acreages of crops intertilled in alternate rows shall be determined as follows:

(*a*) *Normal rows.* If the distance between each row of the crops planted is not less than the normal row width for the allotment crop (the wider normal row if two allotment crops are involved) only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop.

(*b*) *Less than normal rows.* If the distance between the rows of the crops planted is less than the normal row width for the allotment crop, the entire intertilled area shall be considered as planted to the allotment crop.

(ii) *Intertilled alternate strips.* Acreages of crops intertilled in alternate strips shall be determined as follows:

(*a*) *Less than one normal row.* If the distance between the strips of the allotment crop is less than one normal row width, the entire area shall be considered as planted to the allotment crop.

(*b*) *Less than four normal rows.* If the distance between the strips of the allotment crop is as wide as one but less than four normal rows of the allotment crop, the acreage of the allotment crop shall be the total acreage in the area less the acreage actually occupied by any competitive crop.

(*c*) *More than four normal rows.* If the distance between the strips of the allotment crop is as wide as or wider than four normal rows of the allotment crop, only the area occupied by the allotment crop shall be considered as planted to the allotment crop.

(iii) *Fallow-stripped allotment crops.* Acreages of fallow-stripped crops shall be determined as follows:

(*a*) *Less than four rows.* If the strips of idle land, fallow land, non-competitive crop(s), or a combination thereof are not as wide as four normal rows of the allotment crop, the entire area shall be considered as planted to the allotment crop.

(*b*) *More than four rows.* If the strips of idle land, fallow land, non-competitive crop(s), or a combination thereof are at least as wide as four normal rows of the allotment crop, only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop, except that individual strips which are not as wide as four normal rows shall be considered as planted to the allotment crop.

6. Section 718.5 (e) is amended to read as follows:

(e) *Premeasured acreages.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm cotton allotment if the farm operator requests such measurement and pays the cost thereof as determined by the county committee. The acreages of fields or subdivisions which were officially premeasured will not be redetermined unless a performance check reveals that all of the premeasured area was not utilized for the purpose for which it was premeasured or that the crop was planted outside the premeasured area. A premeasurement service may be provided by the State committee with respect to other crops and land uses.

7. Section 718.5 (f) (1) and (2) is amended to read as follows:

(f) *Deductions*—(1) *General.* In determining the acreage of any field or subdivision, a deduction shall be made for any continuous area not planted to the crop being measured or devoted to the land use designated, provided it contains three-hundredths (0.03) acre or more and is not less than one normal row in width, except that no deduction shall be made under this provision for any intertilled or fallow-stripped arrangement described under paragraph (d) of this section. Where the system of farming requires or the producer elects not to plant rows or strips of the crop for convenience in cultivation, dusting, irrigating, harvesting, or similar cultural operations, such areas shall not be eligible for deduction unless they meet the minimum four-row width requirement prescribed under paragraph (d) of this section.

(2) *Terraces and sod waterways.* Terraces or sod waterways not planted to the crop being measured or devoted to land use designated shall be deducted, provided the area involved is not less than one normal row in width. Eligible areas may be combined for deduction regardless of size.

8. Section 718.5 (h) is amended to read as follows:

(h) *Adjustment credit for other crops.* For crops other than tobacco, the minimum area which may be disposed of to adjust to the allotment shall be three-hundredths (0.03) acre, unless the total excess for the farm is less than the minimum, in which case the minimum shall be the amount of the excess.

9. Section 718.10 is amended to read as follows:

§ 718.10 *Notices to farm operators.* A written notice, on a form prescribed by the Deputy Administrator, of the acreages determined for the farm shall be mailed by the county office manager, or on behalf of the county office manager by an employee of the county office, to each farm operator in accordance with the regulations applicable to the particular commodity or program. A notice mailed to the farm operator shall constitute notice to each producer having an interest in the crop on the farm. If it is determined under applicable regulations that the farm is out of compliance for marketing quota, price support, or soil bank purposes, the farm nevertheless shall be deemed in compliance with the acreage allotment and marketing quota and not in violation of the acreage reserve agreement or conservation reserve contract with respect to the farm (unless excess acreage is located on the designated reserve area) if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that (a) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder; (b) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (c) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording an acreage for the farm; (d) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (e) the extent of the error in the erroneous notice was such

that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

10. Section 718.12 is amended to read as follows:

§ 718.12 *Redetermination of acreages.* The State or county committee or the Deputy Administrator may require redetermination of the acreage and performance at any time with respect to any program for any farm. A redetermination of acreage shall be based on measurements made by a person authorized to make such measurements. If the farm operator or other interested producer requests a remeasurement of an acreage which he believes to be in error, such acreage shall be remeasured provided the producer files a written request for remeasurement within the time prescribed by the Deputy Administrator for the respective commodity or program as shown on the notice to the farm operator issued in accordance with § 718.10 and deposits the cost of the remeasurement with the county office. The cost of the remeasurement shall be determined by the county committee and approved by the State committee. Remeasurement shall be accomplished by the same method used in the original acreage determination unless it is established that such method was not used properly. After the remeasurement of any acreage, the county office manager shall notify the farm operator of the acreage as determined by remeasurement. If the farm operator or any producer interested in the acreage planted to a crop on the farm applies for a remeasurement within a reasonable length of time after the end of the prescribed period, deposits the cost of the remeasurement with the county office, and establishes to the satisfaction of the county committee or the county office manager that failure to request remeasurement within the prescribed period was due to conditions beyond the control of the producers on the farm, the county committee or the county office manager shall grant the request for remeasurement and shall so notify the farm operator in writing. The deposit made by the producer will be refunded under the following conditions:

(a) *Cotton acreage.* In the case of cotton acreage remeasurements, the deposit will be refunded only when:

(1) The remeasurement reduces the acreage sufficiently to bring the acreage within the farm cotton allotment; or

(2) The producer claimed that the original measurement was too small, the remeasurement reveals that an error of at least three percent or five-tenths (0.5 acre, whichever is larger, was made in the original determination, and the acreage as redetermined is within the cotton allotment for the farm.

(b) *Crops other than cotton.* In the case of crops or programs other than cotton, the deposit will be refunded only when:

(1) The producer claimed that the original acreage determination was too large and the remeasurement brings the acreage within the allotment, or within the maximum acreage for harvest or the permitted acreage for the farm in case of soil bank programs, or reduces the acreage as much as three percent or five-tenths (0.5) acre, whichever is larger; or

(2) The producer claimed that the original acreage determination was too small and the remeasurement increases the acreage as much as three percent or five-tenths (0.5) acre, whichever is larger.

A second or succeeding measurement at the request of the farmer shall be made only upon approval of the State committee.

11. Section 718.13 is amended to read as follows:

§ 718.13 *Determination and adjustment of excess acreage*—(a) *General.* If the acreage of the respective crop(s) exceeds the farm acreage allotment, the maximum acreage for harvest, or the permitted acreage for the farm and the farm operator or other producer elects to dispose of the excess in accordance with applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions outlined in this section. Where the producer must pay the cost of determining the adjusted acreage, the amount required shall be determined by the county committee and approved by the State committee.

(1) *Peanuts.* If the total acreage of peanuts determined for the farm exceeds the peanut allotment or one acre, whichever is larger, the farm shall be revisited for the purpose of determining the final peanut acreage at the expense of the ASC county office.

(2) *Wheat.* If the total acreage of wheat determined for the farm exceeds (i) the allotment or 15 acres, whichever is larger, or (ii) the maximum acreage for harvest under an acreage reserve agreement, the farm shall be revisited for the purpose of determining the final acreage at the expense of the ASC county office. If the wheat acreage exceeds the allotment for the farm but is not in excess of 15 acres, the farm will be revisited only upon written request and payment of the cost of measuring the adjusted acreage.

(3) *Allotment crops other than peanuts and wheat.* If the measured acreage of any allotment crop other than peanuts or wheat is in excess of the farm acreage allotment, or in excess of the maximum acreage for harvest in the case of an acreage reserve agreement, and the producer elects to adjust the acreage by disposition of such excess, the farm shall be revisited for the purpose of determining the adjusted acreage upon timely receipt of a written request and payment of the cost.

(4) *Designated acreage and other soil bank base acreages.* If the producer elects to adjust the designated acreage or the measured acreage of other soil bank base crops, the farm will be revisited to determine the adjusted acreage upon written request and payment of the cost of measuring the adjusted acreage. In cases where a cover crop has been approved for a designated reserve area, the disposition of the cover crop shall be determined at the expense of the ASC county office.

(b) *Measurement of acreage prior to adjustment.* The county committee may provide for the measurement and staking of the adjusted designated reserve area or the excess acreage prior to disposition and for determination of the adjusted acreage if the farm operator requests this service in writing and pays the cost. Reporters are permitted to compute such areas in the field.

(c) *Extension of time for disposition of excess acreage*—(1) *By county.* If the producers on the farm are unable to dispose of the excess acreage within the time limit prescribed on the notice of excess acreage because of conditions beyond their control, a request in writing for additional time may be filed at the county office not later than the disposition date shown in the notice by any producer on the farm who has an interest in the crop involved in the excess. The reasons the producers on the farm are unable to dispose of the excess acreage within the prescribed time limit shall be set forth in the request for additional time. If the county committee, or the county office manager on behalf of the county committee, determines from the reasons stated that the producers were unable to dispose of the excess within the prescribed time limit because of conditions beyond their control, the date for disposition of such excess may be extended to not more than 30 days from the date of the initial notice of excess acreage in those instances where the date of mailing the notice establishes the disposition date or to not more than 15 days beyond the published disposition date, whichever is applicable. A revised notice shall be mailed to the farm operator showing the extended final disposition date. If an extension is denied, the operator shall be notified by letter.

(2) *By State.* If the producers on the farm were unable to dispose of the excess acreage within the time limit otherwise prescribed due to conditions beyond their control, any producer who has an interest in the crop involved in the excess may file a written request with the county office, prior to or after the time established has expired, requesting that the State committee, or the State administrative officer on behalf of the State committee, authorize the county office to grant an extension or a further extension of time. This request must show the reason why the producer was unable to comply with the disposition date of which he was notified. Upon receipt of such authorization, the county committee, or the county office manager on behalf of the county committee, shall extend the date for disposition to provide the producers a reasonable opportunity to dispose of the excess acreage. A revised notice shall be mailed to the farm operator showing the extended final disposition date. If an extension is denied, the operator shall be notified by letter.

(d) *Excess cotton acreage after remeasurement or initial disposition.* If the acreage remains in excess of the farm cotton allotment upon remeasurement or measurement of the adjusted cotton acreage after the initial disposition of excess, a revised notice shall be mailed to the farm operator providing for dis-

position of the remaining excess within 7 days from the date of such notice.

(e) *No adjustment after harvest.* No adjustment shall be made in the planted acreage of any crop by disposition of excess acreage after any of the crop has been harvested on the farm except as otherwise provided in the applicable program regulations.

(f) *Notice to county office of intent or completion of disposition.* The producer shall notify the county office that he has disposed of any excess acreage or that he intends to dispose of such excess by the date(s) entered on the notice of excess acreage. The county committee, or the county office manager on behalf of the county committee, may waive notification upon finding that the excess acreage was in fact disposed of prior to the disposition date or upon submission of proof satisfactory to them that the producer was prevented from complying with the requirement because of conditions beyond his control.

12. Section 718.15 is amended to read as follows:

§ 718.15 *State committee option.* (a) The State committee, upon approval of the Deputy Administrator, may establish a minimum row width for specific crops of less than the 36 inches provided for in § 718.2 (l) if general cultural practices in the area warrant such action, may increase the minimum area which may be deducted under § 718.5 (f) (1), (g) and (h), may increase the minimum width allowable for deductible areas under § 718.5 (f) (1) and (2), may establish a minimum width allowable for deductible areas under § 718.5 (g) and (h), may establish a minimum area which may be deducted under § 718.5 (f) (2), and may decrease the five-tenths (0.5) acre minimum error as provided in § 718.12.

(b) The following State committee determinations, provided for in this section, which deviate from the standards otherwise prescribed in this part are effective for 1958 and will remain effective for subsequent years unless and until amended:

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15

State	718.2 (l)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Alabama	32 inches for corn, cotton, and peanuts.				Minimum width, 4 normal rows.			
Arizona		0.1 A.			All destroyed acreage must be in 1 plot or be made up of entire field(s) plus 1 plot. The plot to be destroyed must be an area of regular shape with no more than 4 sides and with at least 1 side bordering on the edge of the field.			
Arkansas		0.05 A. Contour levees in rice fields not eligible for deduction.			0.05 A. for all crops except rice. For rice, the minimum area shall be 0.1 A. with a minimum width of 0.2 chain.			
California	30 inches for sugar beets.	0.1 A. Minimum width 9 feet from cropline to cropline. Contour checks in rice fields not eligible for deduction.	0.1 A.		0.1 A. Minimum width 9 feet. Contour checks in rice fields not eligible for deduction. Acreages of crops to be destroyed to come within the allotment or proportionate share shall be limited to 2 places per field and shall be adjacent to or readily accessible to the side of a field. Each area shall be in the shape of a triangle or shall be a continuous area bordered by not more than 4 straight sides 2 of which should be parallel, except that sides of the area destroyed which are a part of the original field boundary need not be straight. A continuous area around three or 4 sides of a field will be acceptable.			
Connecticut							0.25 A.	0.25 A.
Florida	18 inches for peanuts; 24 inches for soybeans.							
Georgia	30 inches for cotton peanuts other than spanish, field and commercial peas and beans for hay or seed, soybeans, lima and snap beans, cabbage, potatoes, and pimentos; 26 inches for spanish peanuts; 16 inches for onions.					0.1 A.	0.1 A. for all crops except tobacco; 0.01 A. for tobacco and tobacco acreage reserve.	0.1 A. for all crops except tobacco; 0.01 A. for tobacco and tobacco acreage reserve.

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15—continued

State	718.2 (f)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Idaho		0.1 A.	Minimum width, 4 normal rows.		0.10 A.			
Illinois		0.1 A.	0.1 A. Minimum width, 2 normal rows.	Minimum width, 1 normal row.	0.1 A. Minimum width 1 normal row.			
Indiana		0.5 A. Minimum width 3 normal rows for row crops and 15 links for close-sown crops, except that a deduction may be made for any continuous area between the outside boundary of a field and the crop being measured provided such area is 5 links or more in width and contains 0.1 A.	0.5 A. Minimum width, for row crops, 3 normal rows; for close-sown crops 15 links. Natural waterways containing non-continuous, scattered sod patches too narrow to carry flash run-off, or which show inadequate tillage to maintain a protected channel, or which show evidence of full or partial planting to the crop being measured, or which show no evidence of mowing, shall not be eligible for deduction.	0.1 A. Minimum width, 2 normal rows except that after 1 or more adjusted areas have been determined, the minimum for the final area shall be the balance of the excess.	1.0 A. Minimum width, row crops 2 normal rows; close-sown crops, 6 feet, except that after 1 or more adjusted areas have been determined, the minimum of the final area shall be the balance of the excess.			
Iowa			For terraces minimum width, 2 normal rows; for sod waterways, minimum width 1 rod (25 links).		0.1 A. Crops to be disposed of must be in a continuous area along 1 side or 1 end of 1 field. If the excess to be destroyed is greater than the field selected for disposal, the additional amount required may be disposed of along 1 side or 1 end of another field. Excess acreage destroyed by causes beyond the control of the operator is not limited to these restrictions provided it meets the 0.1 A. minimum.			
Kansas	20 inches for sugar beets.	0.1 A.			0.5 A.			
Kentucky			0.01 A. Minimum for each eligible area.	Minimum width 1 normal row.	0.1 A. for corn; minimum width 1 normal row. For cotton and peanuts 0.1 A. with minimum width of 0.3 chain; for rice and sugarcane 1.0 A. with minimum width of 0.5 chain.			
Louisiana		Unplanted rice levees or knolls within rice fields not eligible for deduction.						
Michigan		0.1 A. except that 2 or more areas may be combined to meet this minimum provided no such area contains less than 0.03 A.			0.1 A. for corn and wheat.			
Minnesota	20 inches for sugar beets.	0.1 A. for sugar beets; 0.25 A. for all other crops except tobacco. Minimum width 6 feet.	0.03 A. for tobacco; 0.1 A. for sugar beets; 0.25 A. for other crops.		0.1 A. for sugar beets; 0.25 A. for other crops. Minimum width 6 feet.			

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15—continued

State	718.2 (i)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Mississippi		0.1 A. Minimum width 0.2 chain.	0.1 A. Dikes in rice fields not planted to rice and irrigation dikes in cotton fields shall be eligible in the same manner as terraces, provided they are 0.2 chain in width and the total area in any one field is not less than 0.1 A.		Minimum area in single plot 0.5 A. except (1) when total to be destroyed is 0.5 A. or less, the entire acreage must be in one plot; (2) when acreage to be destroyed is more than 0.5 A. only one plot destroyed may be less than 0.5 A; (3) all of any field or subdivision planted to cotton may be disposed of to come within the allotment regardless of size or number. Minimum width for (1) and (2) 0.2 chain.			
Missouri		0.1 A. except for tobacco and tobacco acreage reserve.	0.03 A. for tobacco and tobacco acreage reserve; 0.1 A. for all other crops. Each area must meet the minimum requirement.	Minimum width 1 normal row.	0.1 A. Minimum width 1 normal row.		0.1 A. for tobacco and tobacco acreage reserve.	0.1 A. for tobacco and tobacco acreage reserve.
Nebraska		0.1 A	Total 0.1 A. Minimum for individual areas 0.03 A.		0.1 A			
New Hampshire		0.06 A						
New Mexico		Minimum width, 8 feet.	0.03 A. Minimum width 8 feet.					
New York								
North Carolina	18 inches for peanuts; 30 inches for corn.		0.03 A	Minimum with 1 normal row. Disposition must be made in a square or rectangular pattern with 1 side or end parallel with the rows.	0.1 A. Minimum width 1 normal row. Disposition must be made in a square or rectangular pattern with 1 side or end parallel with the rows.		0.2 A	0.2 A.
North Dakota	18 inches for sugar beets.		0.03 A		0.1 A. for sugar beets; 1.0 A. for other crops.			
Ohio	20 inches for soybeans; 28 inches for sugar beets and horticultural crops	0.3 A. for all crops except tobacco.	Minimum width 10 feet (15 links).	Minimum width, 2 normal rows.	0.3 A. Minimum width, inside field 4 normal rows; along field boundaries 30 inches.		0.1 A. for tobacco and tobacco acreage reserve.	0.1 A. for tobacco and tobacco acreage reserve.
Oklahoma		0.1 A	0.1 A		0.1 A. Minimum width, inside fields 4 normal rows; along field boundaries 1 normal row.	0.1 A	0.1 A	0.1 A.
Oregon	20 inches for sugar beets.	0.1 A			0.1 A			
Pennsylvania			0.03 A.					
South Dakota	22 inches for sugar beets.	0.5 A			0.5 A			
Tennessee					0.1 A. Minimum width, 0.3 chain.		0.03 A. for tobacco and tobacco acreage reserve.	0.03 A. for tobacco and tobacco acreage reserve.
Texas	30 inches for sugar beets; 18 inches for all vegetables.	For all crops, except tobacco and tobacco acreage reserve, along field boundary, 0.5 A. with 0.1 chain minimum width. Inside the field, 0.1 A. minimum width, 4 normal rows for row crops; 0.2 chain for close-sown crops.	Along field boundary, 0.05 A. minimum width 0.1 chain. Inside field, 0.1 A. minimum width 4 normal rows for row crops; 0.2 chain for close-sown crops.		0.1 A. Minimum width: Along field boundary 0.1 chain; inside field, 4 normal rows for row crops, 0.2 chain for close-sown crops.			
Utah	22 inches for sugar beets and all soil bank base crops.	0.1 A. for sugar beets and wheat; 0.3 A. for all other soil bank base crops.			0.1 A. for wheat and sugar beets, 0.3 A. for all other soil bank base crops.			

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15—continued

State	718.2 (i)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Virginia	32 inches for peanuts.			Minimum width, 1 normal row.	Minimum width, 1 normal row.	In cases involving 5.0 A. or less, a refund may be made if the acreage is increased as much as 10 percent.	In cases involving 5.0 A. or less, a refund may be made if the percentage of error is found as great as 10 percent.	In cases involving 5.0 A. or less, a refund may be made if the percentage of error is found to be as great as 10 percent.
Washington	22 inches for sugar beets, peanuts, and beans.	0.1 A.			0.1 A.			
Wisconsin							0.1 A. for tobacco or tobacco acreage reserve.	0.1 A. for tobacco or tobacco acreage reserve.
Wyoming	20 inches							

(Secs. 374, 375, 52 Stat. 65, as amended, 66, as amended, sec. 403, 61 Stat. 932, sec. 401, 63 Stat. 1054, as amended, sec. 124, 70 Stat. 198; 7 U. S. C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D. C., this 8th day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3628; Filed, May 15, 1958; 8:45 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¾	Apr. 22, 1958
New York	1¾	Apr. 18, 1958
Philadelphia	1¾	Do.
Cleveland	1¾	Apr. 25, 1958
Richmond	1¾	Do.
Atlanta	1¾	Apr. 22, 1958
Chicago	1¾	Apr. 18, 1958
St. Louis	1¾	Do.
Minneapolis	1¾	Do.
Kansas City	1¾	Apr. 25, 1958
Dallas	1¾	May 9, 1958
San Francisco	1¾	May 1, 1958

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2¼	Apr. 22, 1958
New York	2¼	Apr. 18, 1958
Philadelphia	2¼	Do.
Cleveland	2¼	Apr. 25, 1958
Richmond	2¼	Do.
Atlanta	2¼	Apr. 22, 1958
Chicago	2¼	Apr. 18, 1958
St. Louis	2¼	Do.
Minneapolis	2¼	Do.
Kansas City	2¼	Apr. 25, 1958
Dallas	2¼	May 9, 1958
San Francisco	2¼	May 1, 1958

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3½	Mar. 11, 1958
New York	3½	Mar. 7, 1958
Philadelphia	3½	Apr. 18, 1958
Cleveland	3½	Apr. 25, 1958
Richmond	2¾	Do.
Atlanta	3	Apr. 22, 1958
Chicago	4	Jan. 24, 1958
St. Louis	2¾	Apr. 18, 1958
Minneapolis	3½	Mar. 21, 1958
Kansas City	3½	Mar. 14, 1958
Dallas	4	Do.
San Francisco	3½	May 1, 1958

4. Section 224.5 relating to rates on advances to industrial and commercial business (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate on loans for the Federal Reserve Bank of Atlanta from 3–5½ to 2½–5, and on commitments from 1–1⅜ to 1–1¼, effective April 22, 1958.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-3673; Filed, May 15, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 551—N SERIES TECHNICAL STANDARD ORDERS

A new Part 551 is hereby adopted which contains official policies of the Civil Aeronautics Administration issued in the form of N series Technical Standard Orders (TSO's). The N series Technical Standard Orders contain CAA standards for the design, installation, development, procurement, establishment, and operation of air navigation facilities. Personnel of the CAA are governed by such TSO's in their recommendations to the public, and their approval of the use of federal funds, including funds authorized by the Federal Airport Act (49 U. S. C. 1101 et seq.) for the procurement, installation and use of such facilities. Technical Standard Order N7a entitled "Aeronautical Beacons" is adopted by the Administrator to become effective with this new part. Other Technical Standard Orders of the N series will be incorporated in this part as adopted or reissued by the Administrator.

Subpart A—Introduction

Sec.
551.0 Purpose.

Subpart B—Technical Standard Orders

551.7 Aeronautical beacons—TSO-N7a.

AUTHORITY: §§ 551.0 and 551.7 issued under sec. 17, 60 Stat. 179, as amended; 49 U. S. C. 1116.

SUBPART A—INTRODUCTION

§ 551.0 *Purpose.* The N series Technical Standard Orders (TSO's), contained in this part, set forth for the guidance of the public the official CAA

policies concerning the design, installation, development, procurement, establishment, and operation of air navigation facilities which govern personnel of the CAA in their recommendations to the public, and their approval of the use of federal funds, including funds authorized by the Federal Airport Act (49 U. S. C. 1101 et seq.) for such purposes.

NOTE: Copies of Technical Standard Orders may be obtained from the Special Services Division, Civil Aeronautics Administration, Washington 25, D. C.

SUBPART B—TECHNICAL STANDARD ORDERS

§ 551.7 *Aeronautical beacons–TSO–N7a*—(a) *Applicability*—(1) *Standards.* Standards are hereby established for the design, installation, and operation of aeronautical beacons. Aeronautical beacons installed, replaced, or modified on or after January 1, 1959, should meet the standards of National Standard for Beacons, AGA–NS6, of the Air Coordinating Committee, dated July 14, 1954 (TSO–N7a).

(2) *Deviations.* Deviations from the requirements prescribed by this Technical Standard Order are permitted only upon coordinated approval of the Director, Office of Air Traffic Control, Civil Aeronautics Administration, Washington 25, D. C. However, no deviations will be permitted from the provisions in Paragraphs 3.2, 4.2, 6.1, and 6.3 of the "National Standard for Aeronuatical Beacons."

This policy shall become effective July 1, 1958.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

MAY 9, 1958.

[F. R. Doc. 58-3671; Filed, May 15, 1958; 8:45 a. m.]

[Amdt. 222]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. The restricted area alteration appearing in item 4 in Amendment 220 and published in the FEDERAL REGISTER on April 9, 1958, in 23 F. R. 2295 is hereby corrected to read: "Section 608.51, the Matagordo Island, Texas, area (R–226) * * * 'thence parallel to and 3 nautical miles from the shoreline to the point of beginning' instead of '2 nautical miles from the shoreline to the point of beginning' ".

2. In § 608.18, the Sterling, Florida, area No. 2 (R–170 formerly Miami area) amended on June 29, 1955, in 20 F. R. 4586, is further amended by changing the "Designated Altitudes" column to read: "20,000 feet".

3. In § 608.51, the Palacios, Texas (Matagorda Club) area (R–494) amended August 2, 1955, in 20 F. R. 5481 is rescinded.

4. In § 608.62, the Makua, the Island of Oahu, Territory of Hawaii, area (R–315) amended October 31, 1951, in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "to 29,000 feet MSL" and the "Controlling Agency" column to read: "U. S. Army, Hawaii (USARHAW), Schofield Barracks, Territory of Hawaii".

5. In § 608.62, the Kahuku Point, Oahu, Territory of Hawaii, area (R–324) amended September 9, 1955, in 20 F. R. 6605 is further amended by changing the "Controlling Agency" column to read: "USARHAW (U. S. Army, Hawaii)".

6. In § 608.62, the Humuula, Territory of Hawaii, area (R–328) amended June 29, 1955, in 20 F. R. 4586 is further amended by changing the "Designated Altitudes" column to read: "to 36,000 feet MSL" and the "Controlling Agency" column to read: "U. S. Army, Hawaii (USARHAW) Schofield Barracks, Territory of Hawaii".

7. In § 608.62, the Dillingham, Territory of Hawaii, area (R–333) amended September 13, 1957, in 22 F. R. 7303 is further amended by changing the "Controlling Agency" column to read: "USARHAW (U. S. Army, Hawaii)".

8. In § 608.62, the Schofield, Oahu, Territory of Hawaii, area (R–335) amended July 2, 1955, in 20 F. R. 4714 is further amended by changing the "Designated Altitudes" column to read: "29,000 feet MSL" and the "Controlling Agency" column to read: "U. S. Army, Hawaii (USARHAW) Schofield Barracks, Territory of Hawaii".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. June 5, 1958.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

MAY 9, 1958.

[F. R. Doc. 58-3672; Filed, May 15, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

POSTAGE STAMPS (ADHESIVE)

In § 31.1 *Postage stamps (adhesive)* amend paragraph (a) to read as follows:

(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½, 1, 1½ cents; 2 through 10, 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Book	12 3-cent: 37¢; 24 3-cent: 73¢.
	Coil of 100	3 cents. (Dispenser to hold coils of 100 3-cent stamps may be purchased for 5¢.)
	Coils of 500 and 3,000	1, 1½, 2, 3, and 6 cents.
Airmail postage (for use on airmail only. See par. (b).)	Single or sheet	4, 6, 10, 15, and 25 cents.
	Book	12 6-cent: 73¢.
	Coils of 500 and 3,000	6 cents.
Precanceled postage	Coils and sheets	Available on special order to permit holders only. (See Part 32.)
Postage-due (for post office use only).	Single or sheet	½, 1, 2, 3, 5, 10, 30, and 50 cents; $1 and $5. (Available to public for stamp collections only through the Philatelic Sales Agency, Post Office Department, Washington 25, D. C.)
Special delivery. (See Part 56)	do	30 cents. Good only for special-delivery fee.

NOTE: The corresponding Postal Manual section is 141.11.

(R. S. 161, 396, as amended, secs. 3914, 3915, as amended, 3916, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 351, 354, 356)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3674; Filed, May 15, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12160; FCC 58-445]

[Rules Amdt. 12-4]

PART 12—AMATEUR RADIO SERVICE

STATION OPERATION AWAY FROM AUTHORIZED LOCATION

In the Matter of amendment of Part 12 of the Commission's rules governing the Amateur Radio Service, §§ 12.90, 12.91, and 12.93, in regard to operation away from authorized locations.

1. The Commission adopted a notice of proposed rule making in the above entitled proceeding on September 5, 1957. This notice of proposed rule making was published in the FEDERAL REGISTER of September 13, 1957, (22 F. R. 7341) and ample opportunity was afforded interested persons to submit comments in support of, or in opposition to, the rule amendments proposed. The time for filing of both original and reply comments in regard to the proposed rule changes has now expired.

2. The notice of proposed rule making proposed amendment of Part 12 of the Commission's rules by adding a new § 12.90 and amending §§ 12.91 and 12.93. The principal effects of the proposed amendments are:

(a) To consolidate within one section all notice requirements, other than designation of the Commission office or offices to be notified in specific instances, when an amateur station is to be oper-

ated away from the authorized transmitter location;

(b) to provide that only one notice of operation away from the authorized transmitter location be required for periods not exceeding one year upon the condition that additional notices will be required whenever there is a change in the information contained in the previous notice; and

(c) To provide that the notice required when an amateur station is to be operated away from the authorized location contain the following specific information in addition to that presently required: The address at which, or through which, the licensee may be readily reached while operating away from the authorized transmitter location; and when operating as a mobile station, the official name, registry number or license number of the aircraft, vessel or land vehicle from which the station will be operated.

3. The above described amendments were proposed pursuant to a petition filed by Malcolm A. Hormats, which petition was supported by the Maritime Mobile Amateur Radio Club.

4. A total of four comments were filed in the proceeding, and each such comment supported the proposed amendments. Typical of these comments is that filed by the American Radio Relay League, Inc., which states in part:

2. The proposed rules governing temporary portable and mobile operation of amateur radio stations at locations other than specified in the license will relieve both the Commission and individual licensees from the handling of multiple notices which merely repeat information already accessible to the Commission. At the same time, the proposals will act to provide the Commission with all the information it would need in such instances to carry out properly its responsibilities.

3. In summary, the League believes that this rule making is consonant with established custom and policy and will be beneficial to the amateur service.

5. In view of the foregoing, the Commission finds that adoption of the amendments, as proposed, is in the public interest.

6. The amendments ordered herein are promulgated pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That effective June 24, 1958, Part 12 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: May 8, 1958.

Released: May 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 12 of the Commission's rules, Amateur Radio Service, is amended in the following particulars:

1. By deleting the text of the subtitle which presently appears immediately following § 12.82 and substituting the following language: "Station Operation Away From Authorized Location".

2. By adding a new § 12.90 to read as follows:

§ 12.90 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Notice of such operation in accordance with the provisions of § 12.91 shall be given to the Engineer in Charge of the radio district in which operation is intended.

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

(1) Operation may not be conducted within the jurisdiction of a foreign government except pursuant to, and in accordance with, expressed authority granted to the licensee by such foreign government. When a foreign government permits Commission licensees to operate within its territory, the amateur frequency bands which may be used shall be as prescribed or limited by that government. (See Appendix 4 of this part for the text of treaties or agreements between the United States and foreign governments relative to reciprocal amateur radio operation.)

(2) When outside the jurisdiction of a foreign government, operation may be conducted only in the amateur frequency bands 21.00 to 21.45 and 28.0 to 29.7 Mc.

(3) Notice of such operation, in accordance with the provisions of § 12.91, shall be given to the Engineer in Charge of the district having jurisdiction of the authorized fixed transmitter location.

3. By deleting the text of § 12.91 and inserting the following language:

§ 12.91 *Notice of operation.* Whenever an amateur station is, or is likely to be, operated for a period in excess of 48 hours away from the fixed transmitter location specified on the station license without return thereto, the licensee shall give advance written notice of such operation to the Commission office or offices specified in § 12.90 or § 12.93. A new notice is required whenever there is any change in the particulars of a previous notice or whenever operation away from the authorized station continues for a period in excess of one year. The notice required by this section shall contain the following specific information:

(a) Name of licensee.

(b) Station call sign.

(c) Authorized fixed transmitter location.

(d) Portable location(s), or mobile itinerary as specifically as possible, or temporary fixed transmitter location, or new permanent fixed transmitter location.

(e) The dates of the beginning and end of each period of operation away from the location specified in the station license.

(f) The address at which, or through which, the licensee can be readily reached.

(g) In the case of mobile operation, the official name, registry number or license number (including the name of the issuing state or territory, if any) of the aircraft, vessel, or land vehicle in which the mobile station is installed and operated.

4. By deleting the text of § 12.93 and inserting the following language:

§ 12.93 *Special requirements for nonportable stations.* (a) An amateur station that has been moved from the authorized permanent location to another permanent location may be operated for a period not exceeding four consecutive months at the latter location, but in no event beyond the expiration of the license unless timely application for renewal thereof has been filed in accordance with the provisions of § 12.67 under the following conditions:

(1) Advance notice, in accordance with the provisions of § 12.91, shall be given to the Engineer in Charge of the radio district in which operation is intended; and

(2) Formal application for modification to change the permanent location shall be filed with the Commission within the above specified four-month period.

(b) The licensee of an amateur station who changes residence temporarily, but retains a permanent residence associated with the fixed transmitter location designated in the station license, and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location, may operate the station at such temporary location under the condition that: Notice, in accordance with the provisions of § 12.91, shall be given to the Secretary of the Commission, Washington 25, D. C., and to the Engineer in Charge of the radio district in which temporary operation is intended.

(c) When the station is operated under the provisions of this section, the portable identification procedures specified in § 12.82 shall be used.

[F. R. Doc. 58-3683; Filed, May 15, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 192, 193]

[Ex Parte MC-40]

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of May A. D. 1958.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that continuing study and investigation has established facts warranting the addition of § 192.15 and amendment of §§ 192.22 and 192.23 of said regulations relating to required and prohibited use of directional signals, and the use of emergency signals;

It further appearing that such study and investigation has established facts warranting amendment of Subpart B of Part 193 of said regulations relating to lighting devices, reflectors, and electrical equipment; and good cause appearing therefor:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the Commission's proposal: to add § 192.15 *Required and prohibited use of directional signals;* to vacate and set aside § 193.21 *Side-marker lamps combined with clearance lamps;* and to amend §§ 192.22 *Emergency signals; disabled vehicles*, 192.23 *Emergency signals; stopped or parked vehicles*, § 193.11 *Lamps and reflectors, small buses and trucks*, § 193.12 *Lamps and reflectors, large buses and trucks*, § 193.13 *Lamps and reflectors truck tractors*, § 193.14 *Lamps and reflectors, large semitrailers and full trailers*, § 193.15 *Lamps and reflectors, small semitrailers and full trailers*, § 193.16 *Lamps and reflectors, pole trailers*, § 193.17 *Lamps and reflectors, combinations in driveaway-towaway operations*, § 193.18 *Lamps on motor vehicles with projecting loads*, § 193.19 *Tail lamps and stop lamps on new vehicles*, § 193.22 *Combining tail and stop lamps*, § 193.24 *Requirements for head lamps and auxiliary road lighting lamps*, § 193.25 *Requirements for clearance, side-marker, and other lamps*, § 193.26 *Requirements for reflectors*, § 193.27 *Wiring specifications*, and § 193.30 *Battery installation* of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Parts 192 and 193), (49 Stat. 546, as amended, 49 U. S. C. 304) by vacating and setting aside § 193.21, by substituting the following rules in lieu of the rules now in effect, and by adding § 192.15.

§ 192.15 *Required and prohibited use of directional signals.* (a) Every motor vehicle turn shall be signaled for a distance of not less than 100 feet in advance of and during the turning movement by flashing the directional signals at the front and the rear of the vehicle on the side toward which the turning movement is made;

(b) Directional signals shall be flashed so as to indicate the direction of movement for a distance of not less than 100 feet in advance of and during the turning movement of the vehicle from one traffic lane to another, and during entry into the traffic stream from a parked position;

(c) Directional signals shall not be flashed on one side only on a parked or a disabled vehicle;

(d) Directional signals shall not be used as a courtesy or "do pass" signal to operators of vehicles approaching from the rear.

§ 192.22 *Emergency signals, disabled vehicle.* (a) Whenever any motor vehicle is disabled upon the traveled portion of any highway or the shoulder thereof, during the period lighted lamps are required, the driver of such vehicle shall immediately upon learning of the disability, flash the four directional signals simultaneously as a vehicular traffic hazard warning and continue such flashing until he shall have placed the portable emergency signals required by paragraphs (b) to (e) of this section in use on the highway, and during the time such portable emergency signals are being picked up for storage prior to movement of the vehicle. These warning signals may be given at other times during vehicle disablement in addition to but not in lieu of the portable emergency signals required in paragraphs (b) to (e) of this section.

(b) The driver of such vehicle shall immediately place on the traveled portion of the highway at the traffic side of the disabled vehicle, a lighted fusee, a lighted red electric lantern, or a red emergency reflector.

(c) Except as provided in paragraphs (d), (e), and (f) of this section, as soon thereafter as possible, but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares (pot torches), or three red electric lanterns, or three red emergency reflectors on the traveled portion of the highway in the following order:

(1) One at a distance of approximately 100 feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

(2) One at a distance of approximately 100 feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at the traffic side of the disabled vehicle, not less than 10 feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with paragraph (a) of this section, it may be used for this purpose.

(d) If disablement of any motor vehicle shall occur within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.

(e) If disablement of any motor vehicle shall occur upon any roadway of a divided or one-way highway, the driver shall place one warning signal at a distance of 200 feet and one such signal at a distance of 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle; one such signal at the traffic side of the vehicle not less than 10 feet to the rear of the vehicle.

(f) If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container or a motor vehicle disabled or otherwise stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion.

§ 192.23 *Emergency signals; stopped or parked vehicles.* (a) Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any highway, or shoulder thereof, during the period lighted lamps are required, the driver of such vehicle shall immediately flash the four directional signals simultaneously as a vehicular traffic hazard warning signal. These warning signals shall be given continually if the stop is not to exceed 10 minutes.

(b) If the stop is to exceed 10 minutes, the driver shall place emergency signals as required and in the manner prescribed by § 192.22 (b), (c), (d), and (e).

§ 193.11 *Lamps and reflectors, small buses and trucks.* Every bus or truck less than 80 inches in over-all width shall be equipped as follows:

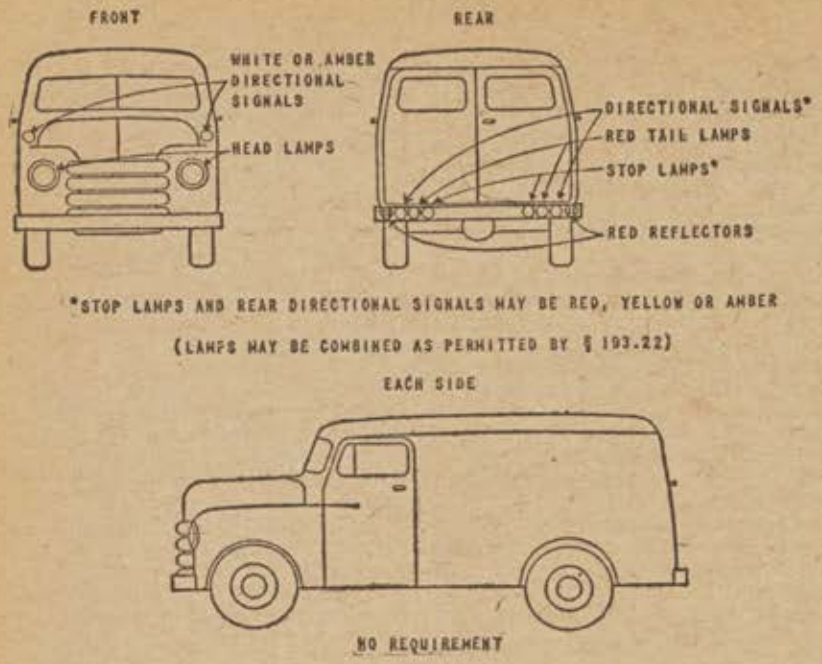
(a) On the front, at least two headlamps, an equal number at each side; two white or amber directional signals, one at each side;

(b) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red reflectors, one at each side.

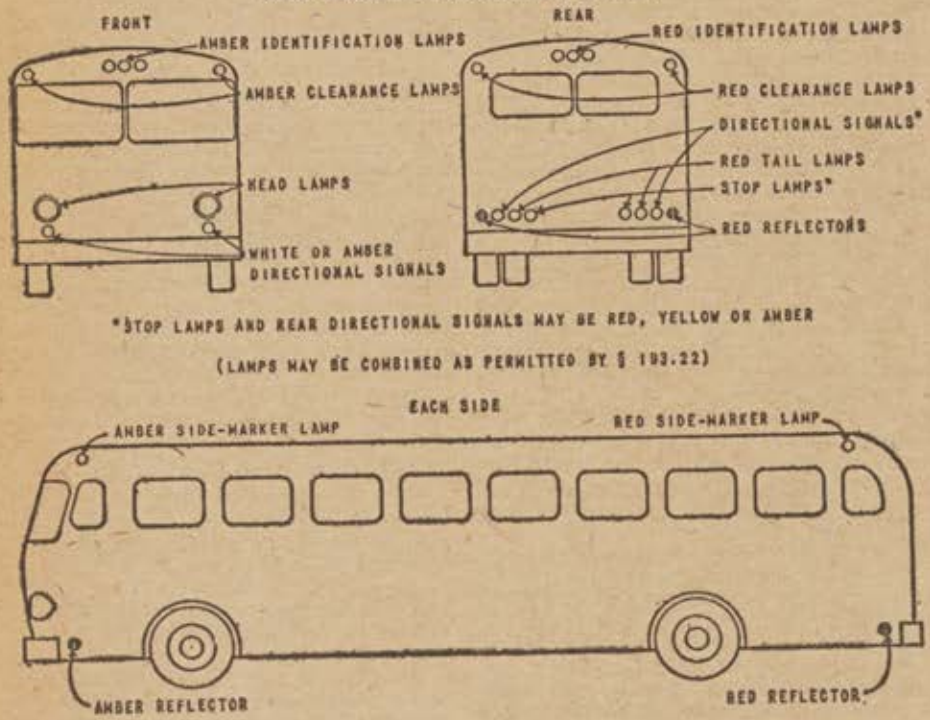
§ 193.12 *Lamps and reflectors, large buses and trucks.* Every bus or truck 80 inches or more in overall width shall be equipped as follows:

(a) On the front, at least two headlamps, an equal number at each side; two white or amber directional signals, one at each side; two amber clearance lamps, one at each side; three amber identification lamps (three lamp cluster), mounted on the vertical centerline of the cab as high as possible;

(Diagram to illustrate § 193.11.)



(Bus diagram to illustrate § 193.12.)



(b) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red clearance lamps, one at each side; two red reflectors, one at each side; three red identification lamps (three lamp cluster), located on the vertical centerline of the vehicle mounted as high as possible;

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

§ 193.13 *Lamps and reflectors, truck-tractors.* Every truck-tractor shall be equipped as follows:

(a) On the front, at least two head lamps, an equal number at each side; two amber clearance lamps, one at each side; two directional signals, one at each side, at or near the front, showing white or amber to the front and red, yellow, or amber to the rear of the truck-tractor; three amber identification lamps (three lamp cluster), on the vertical centerline of the vehicle mounted as high as possible;

(b) On the rear, one red tail lamp; one red, yellow, or amber stop lamp; two red reflectors, one at each side.

§ 193.14 *Lamps and reflectors, large semitrailers and full trailers.* Every semitrailer or full trailer 80 inches or more in overall width shall be equipped as follows:

(a) On the front, two amber clearance lamps; one at each side;

(b) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red clearance lamps, one at each side; two red reflectors, one at each side; three red identification lamps (three lamp cluster), located on the vertical centerline of the vehicle mounted as high as possible;

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear and, in case of semitrailers and full trailers, 30 feet or more in length, one amber side-marker lamp and one amber reflector located at or near the center.

§ 193.15 *Lamps and reflectors, small semitrailers and full trailers.* Every semitrailer or full trailer less than 80 inches in overall width shall be equipped as follows:

(a) On the rear, two red tail lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red reflectors, one at each side; two red, yellow, or amber stop lamps, one at each side.

§ 193.16 *Lamps and reflectors, pole trailers.* Every pole trailer shall be equipped as follows:

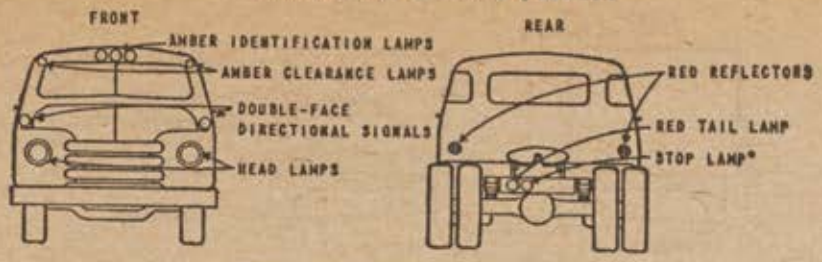
(a) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red reflectors, one at each side, placed to indicate the extreme width of the pole trailer; three red identification lamps (three lamp cluster), located on the vertical centerline of the pole trailer mounted as high as possible, or in lieu thereof on the vertical centerline of the rear of the cab of the truck-tractor drawing the pole trailer as high as possible and higher than the load being transported;

(b) On the rear of projecting loads. (See § 193.18.)

(c) On each side, one amber side-marker lamp, located at or near the front of the load; one amber reflector, located at or near the front of the load; on the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate the maximum width of the pole trailer; on the rearmost support for the load, one red reflector.

§ 193.17 *Lamps and reflectors, combinations in driveaway-towaway operations.* Combinations of motor vehicles

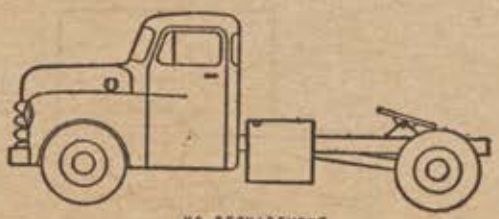
(Diagram to illustrate § 193.13.)



*STOP LAMP MAY BE RED, YELLOW OR AMBER

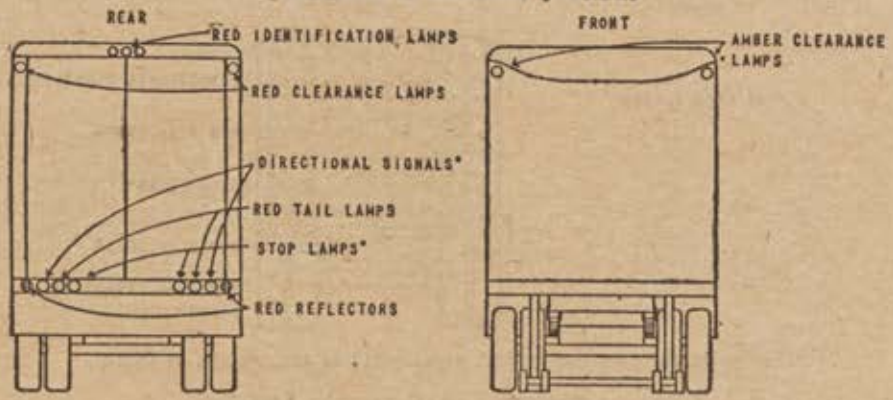
(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE



NO REQUIREMENT

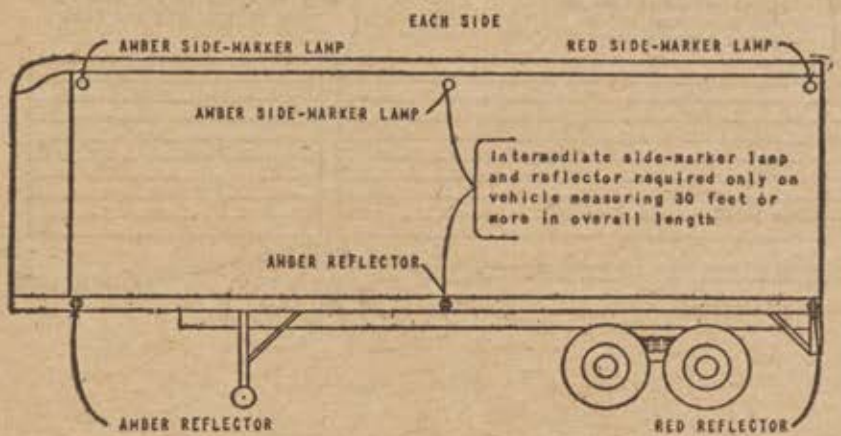
(Diagram to illustrate § 193.14.)



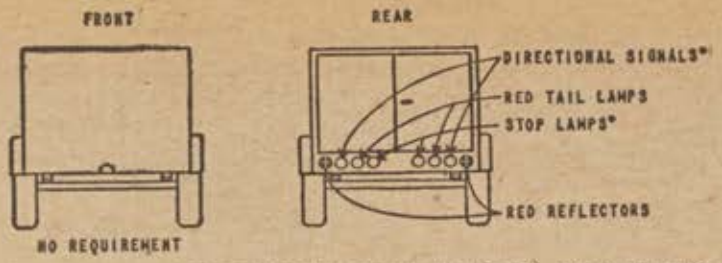
*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

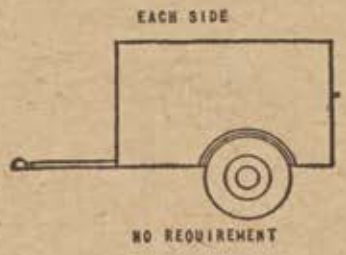


(Diagram to illustrate § 193.15.)

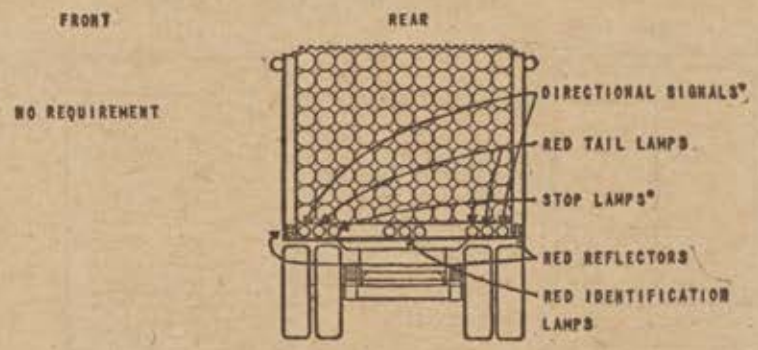


*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

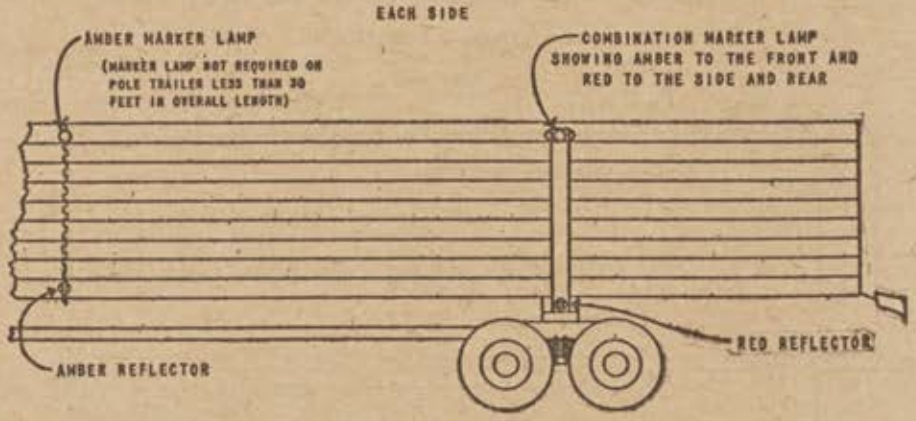


(Diagram to illustrate § 193.16.)

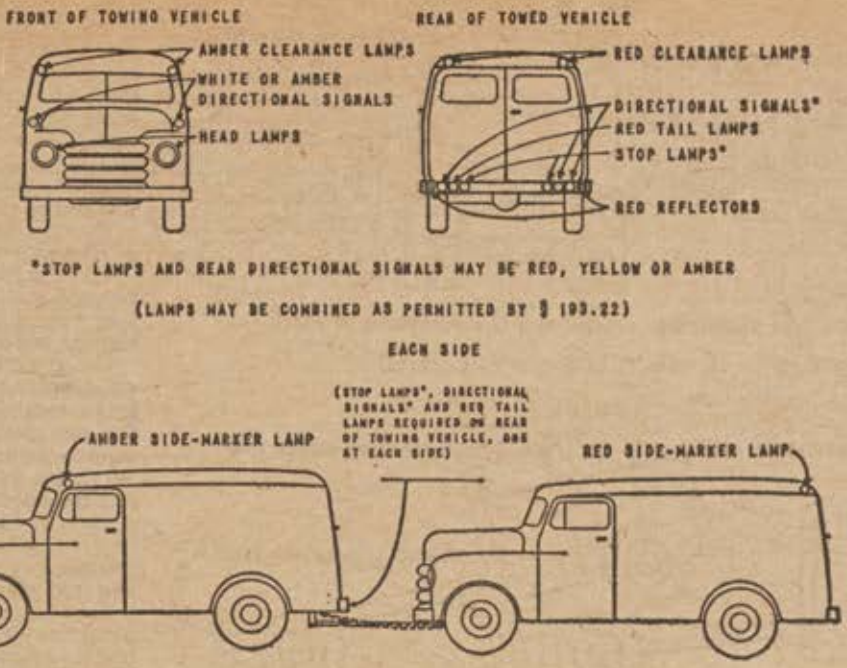


*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

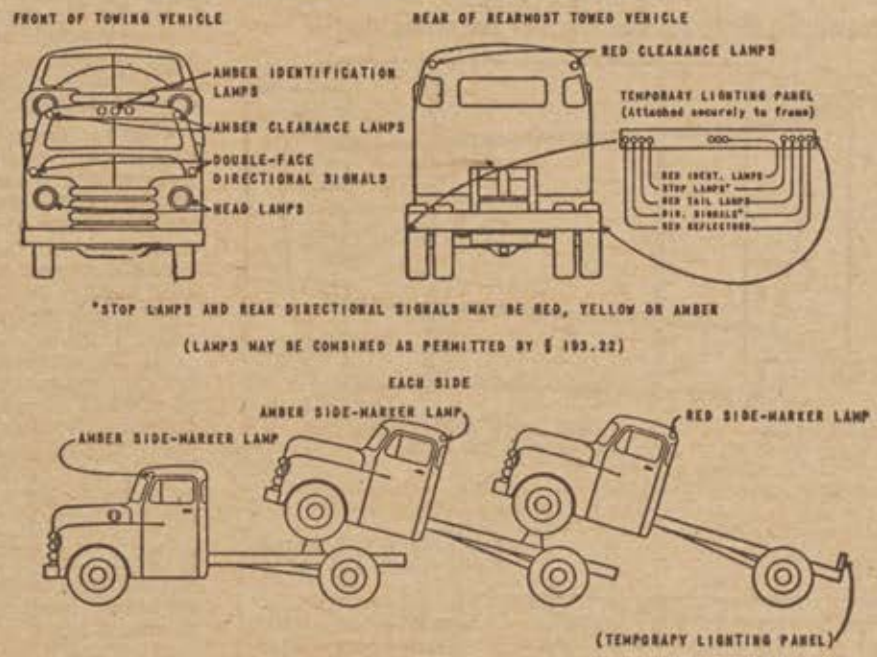
(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)



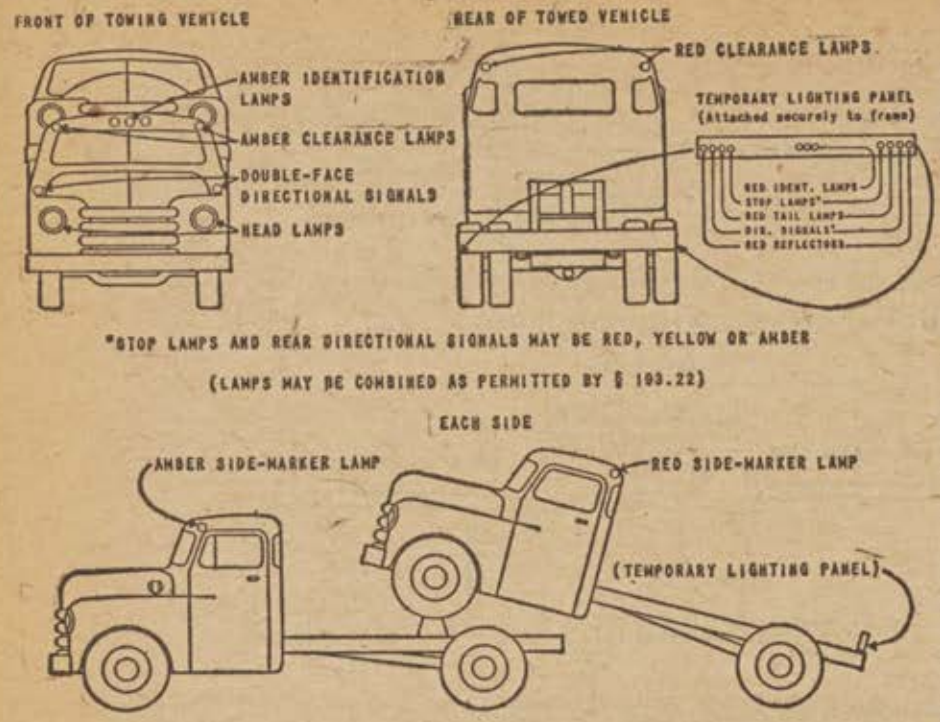
(Tow-bar diagram to illustrate § 193.17.)



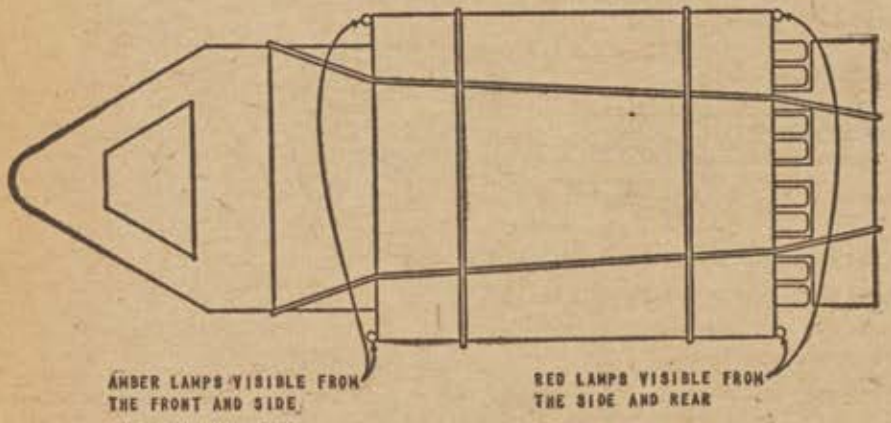
(Double-saddle-mount diagram to illustrate § 193.17.)

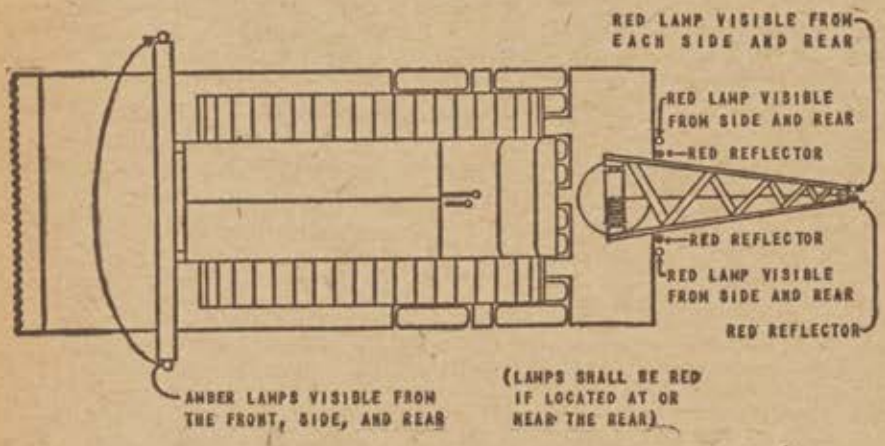


(Single-saddle-mount diagram to illustrate § 193.17.)



(Diagrams to illustrate § 193.18 for two types of projecting loads.)





engaged in driveaway-towaway operations shall be equipped as follows:

(a) On the towing vehicle:

(1) At least two head lamps, an equal number at each side; two white or amber directional signals and two amber clearance lamps, one at each side; and if any vehicle in the combination is 80 inches or more in overall width, three amber identification lamps (three lamp cluster), located on the vertical centerline of the cab as high as possible;

(2) On each side and near the front, one amber sidemarker lamp;

(3) On the rear, two red tail lamps, two red, yellow, or amber stop lamps and two red, yellow, or amber directional signals, one at each side;

(b) On the towed vehicle of a tow-bar combination, the towed vehicle of a single saddle-mount combination and on the rearmost towed vehicle of a double saddle-mount combination:

(1) On each side, and near the rear, one red sidemarker lamp;

(2) On the rear, two red tail lamps, two red, yellow, or amber stop lamps, two red, yellow, or amber directional signals, two red clearance lamps, and two red reflectors, one of each at each side; and if any vehicle in the combination is 80 inches or more in overall width, three red identification lamps (three lamp cluster), located as high as possible;

(c) On the first saddle-mounted vehicle of a double saddle-mount combination:

(1) On each side, and near the rear, one amber sidemarker lamp.

§ 193.18 *Lamps on motor vehicles with projecting loads.* Any motor vehicle transporting a load which extends beyond the width or having projections beyond the rear of such vehicle shall be equipped with the following lamps in addition to any other required lamps. (See § 193.87 for flags on such vehicles.)

(a) Loads projecting beyond sides of motor vehicles:

(1) The foremost edge of the projecting load at its outermost extremity shall be marked with an amber lamp visible from the front and side;

(2) The rearmost edge of the projecting load at its outermost extremity shall be marked with a red lamp visible from the rear and side;

(3) If any portion of the projecting load extends beyond either the foremost or rearmost edge, it shall be marked with an amber lamp visible from the front, side, and rear;

(4) If the projecting load is of a type which is not over three feet measured from front to rear, it shall be marked with an amber lamp visible from the front, side, and rear except that if the projection is located at or near the rear, it shall be marked by a red lamp visible from the front, side, and rear.

(5) The provisions of this rule shall apply to projecting loads on both sides of the motor vehicle.

(b) Projections beyond rear of motor vehicles. Motor vehicles transporting loads which extend over four feet beyond

the rear of the motor vehicle or which have tailboards or tailgates extending over four feet beyond the body shall have these projections marked with two or more red lamps visible from the side and rear and two or more red reflectors visible from the rear so located as to indicate maximum width and maximum overhang of the load.

§ 193.19 *Directional signaling systems to be equipped to give vehicular traffic hazard warning signals.* The directional signaling system shall be equipped with a switch that will cause the two front directional signals and the two rear directional signals to flash simultaneously as a vehicular traffic hazard warning required by §§ 192.22 (a) and 192.23.

§ 193.22 *Combinations of lighting devices.* Any two or more lighting devices, whether required by these regulations or not, may be combined into one shell or housing, with exceptions enumerated below, and provided that the requirements for each required lighting device are met and that neither the mounting nor the use of any non-required lighting device is inconsistent with the regulations in this part in any respect:

(a) No directional signal may be combined with any head lamp or other lighting device or combination of lighting devices capable of producing a greater intensity of light than the directional signal.

(b) No directional signal may be combined with a stop lamp unless the arrangement of switches or other parts is such that the stop lamp as such is always extinguished when the directional signal is in use.

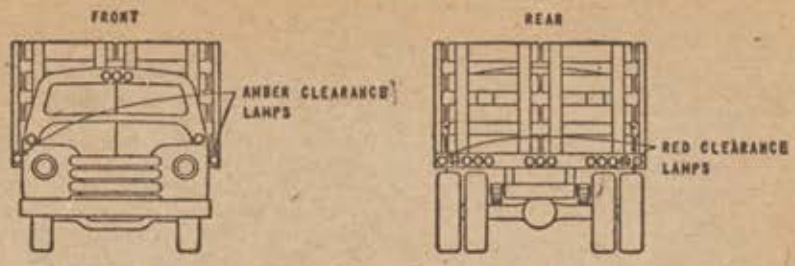
(c) No clearance lamp may be combined with any tail lamp or identification lamp.

§ 193.24 *Requirements for head lamps and auxiliary road lighting lamps*—(a) *Head lamps and auxiliary road lighting lamps; mounting.* Head lamps or auxiliary road lighting lamps shall be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting shall be such that the aim is not readily disturbed by ordinary conditions of service.

(b) *Head lamps required.* Every bus, truck, and truck-tractor shall be equipped with at least two head lamps, with an equal number on each side of the vehicle. These lamps shall provide an upper and lower distribution of light, selectable at the driver's will.

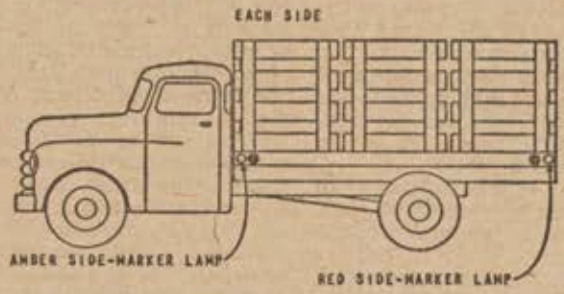
(c) *Head lamps; aiming and intensity of.* Head lamps shall be constructed and installed so as to provide adequate and reliable illumination and shall conform to the appropriate specification set forth in the SAE Recommended Practices [1] or SAE Standards [1] for "Electric Headlamps for Motor Vehicles" or "Sealed-Beam Headlamp Units for Motor Vehicles".

(Diagram to illustrate § 193.20 for mounting of lamps on vehicles without permanent top or sides.)



*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)



(Diagram to illustrate § 193.20 for mounting of front clearance lamps on truck-tractors with sleeper cabs.)

§ 193.25 *Requirements for lamps other than head lamps*—(a) *Mounting.* All lamps shall be permanently and securely mounted in workmanlike manner on a permanent part of the motor vehicle, except that temporary, sidemarker, clearance, and identification lamps on motor vehicles being transported in driveaway-towaway operations and temporary electric lamps on projecting loads need not be permanently mounted nor mounted on a permanent part of the vehicle. All clearance lamps and sidemarker lamps must be firmly attached.

(b) *Visibility.* Clearance, side-marker, tail, and projecting load-marker lamps shall be so mounted as to be capable of being seen at all distances between 500 feet and 50 feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps shall be visible to the front, that from side-marker lamps to the side, that from rear clearance and tail lamps to the rear, and that from projecting load-marker lamps from those directions required by § 193.18. This section shall not be construed to apply to lamps which are obscured by another unit of a combination of vehicles.

(c) *Specifications and certification.* All required lamps shall be constructed and installed so as to provide an adequate and reliable warning signal. These lamps shall conform to the appropriate requirements set forth in the SAE Standards: [1] *Provided, however,* That directional signals shall conform to the SAE Standard for Class A, Type I, and be certified so to comply with manufacturer's marking visible when the lamp is in place on the vehicle. Projecting electric load marker lamps shall conform to the same specifications as clearance and side-marker lamps. In addition, all interior parts of such lamps shall be painted with white, aluminum, or similar reflecting color, with the following exceptions:

(1) Such interior parts as are made of or coated with bright non-tarnishing material;

(2) Parts intended to be transparent; and

(3) Electric conductors and insulation.

(d) *Color.* The color of exterior lighting devices shall be as follows:

(1) All front clearance lamps, and all side-marker lamps except the one on each side at or near the rear shall when lighted display an amber color;

(2) No lighted red lamp of any character shall be displayed at any place other than on the rear or on the sides near the rear, except that this prohibition shall not apply to any school bus

[1] Wherever reference is made in these regulations to SAE Recommended Practices or to SAE Standards, they shall be as found in the 1957 edition of the "SAE Handbook", as supplemented by Pamphlet No. TR-34, published July, 1957, by the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N. Y.

when operating as such nor to the rear lens of a double-face directional signal;

(3) All rear clearance lamps, the side-marker lamp on each side at or near the rear, and any other lamps mounted on the rear or on the sides near the rear shall display a red color except as permitted by § 193.16, and subparagraphs (4), (5), and (6) of this paragraph;

(4) The stop lamp or lamps on the rear of any motor vehicle shall be red, yellow, or amber;

(5) Back-up lamp or lamps showing white to amber to the rear may be mounted on the rear of any vehicle if such lamp or lamps can be lighted only when the vehicle is in reverse gear or when a pilot lamp readily visible to the driver is burning to indicate that such back-up lamp or lamps are lighted;

(6) No provision of this section shall be so construed as to prohibit the use of any white lamp or lamps for the purpose of illuminating license plates or destination signs on buses;

(7) No provision of this section shall be so construed as to prohibit the use of motor vehicles in combination if such motor vehicles are severally lighted, as required by §§ 193.11 to 193.17, inclusive;

(8) Wherever reference is made in the regulations in this part to the colors "red", "amber", or "white", said colors shall be as prescribed in the SAE Standard [1] "Color Specification for Electric Lamps".

(e) *Lighting devices to be steady-burning.* All exterior lighting devices shall be of the steady-burning type except directional signals on any vehicle, and stop lamps when used as directional signals, warning lamps on school buses when operating as such, and warning lamps on emergency and service vehicles authorized by State or local authorities. Nothing in this paragraph shall be construed to prohibit the use of directional signals to give vehicular traffic hazard warning signals as required by §§ 192.22 and 192.23.

(f) *Stop lamp operation.* All stop lamps on each motor vehicle or combination of motor vehicles shall be actuated upon application of any of the service brakes and upon activation of the emergency feature of trailer brakes by means of either manual or automatic control on the towing vehicle, except when the towing vehicle engine ignition is turned off, and except that stop lamps on a towing vehicle need not be actuated when service brakes are applied to the towed vehicle or vehicles only. Stop lamps shall be constructed and installed so as to provide a clear, adequate, and reliable warning signal and shall conform to the requirements set forth in the SAE Standard [1] for "Stop Lamps."

§ 193.26 *Requirements for reflectors*—(a) *Mounting.* Reflectors required by Parts 190–197 of this subchapter shall be mounted upon the motor vehicle at a height of not less than 24 inches nor more than 60 inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the 24-inch requirement impractical. They shall be so installed as to perform their function adequately and reliably and except for temporary reflectors required for vehicles in driveaway-towaway operations, or as projecting loads, all reflectors shall be permanently and securely mounted in workmanlike manner so as to provide the maximum of stability, and the minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed on flexible strapping or belting provided that under conditions of normal operation they reflect light in the required directions. Required temporary reflectors mounted on motor vehicles during the time they are in transit in any driveaway-towaway operation must be firmly attached.

(b) *Specifications and certification.* All required reflectors shall conform to the requirements for Class A reflectors contained in the SAE Recommended Practice [1] "Reflex Reflectors", and be certified to comply with manufacturer's marking visible when the reflector is in place on the vehicle.

(c) *Color.* All reflectors on the rear and those nearest to the rear on the sides, except those referred to in paragraph (d) of this section, shall reflect a red color; all other reflectors, except those referred to in paragraph (d) of this section, shall reflect an amber color, provided that this requirement shall not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are severally equipped with reflectors as required by §§ 193.11 to 193.17, inclusive. Wherever reference is made to the colors "red" or "amber" for reflectors, such colors shall correspond to the requirements in SAE Standard [1] "Color Specification for Electric Lamps".

(d) *Retroreflective surfaces.* Retroreflective surfaces other than required reflectors, may be used provided:

(1) Designs do not resemble traffic control signs, lights, or devices, except that straight edge striping resembling a barricade pattern may be used.

(2) Designs do not tend to distort the length and/or width of the motor vehicle.

(3) Such surfaces shall be at least three inches from any required lamp or reflector unless of the same color as such lamp or reflector.

(4) No red color shall be used on the front of any motor vehicle.

(5) No provision of this paragraph shall be so construed as to prohibit the use of retroreflective license plates required by State or local authorities.

§ 193.27 *Wiring specifications.* Wiring for both low tension and high tension circuits shall be constructed and installed so as to function reliably and adequately and shall conform to the appropriate requirements in the SAE Standard [1] for "Insulated Cable", or by wiring which is mechanically and electrically at least equal to such cable. Required lamps shall be connected to the source of power with stranded wire. The source of power and the electrical wiring shall be of such size and characteristics that required lamps shall, when lighted, with the towing vehicle generator operating, operate at an electrical voltage not less than that for which they were designed, and be capable of being seen at least 500 feet under clear atmospheric conditions during the time lamps are required to be lighted. This shall not be so construed as to prohibit the use of the frame or other metal parts of a motor vehicle as a return ground system provided that for truck-tractor-semitrailer combinations, the truck-tractor is electrically bonded to the semitrailer.

§ 193.30 *Battery installation.* Every storage battery on every vehicle, unless located in the engine compartment, shall be covered by a fixed part of the motor vehicle or protected by a removable cover or enclosure. Removable covers or enclosures shall be substantial and shall be securely latched or fastened. The storage battery compartment and adjacent metal parts which might corrode by reason of battery leakage shall be painted or coated with an acid-resisting paint or coating and shall have openings to provide ample battery ventilation and drainage. Wherever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulated bushing. Wherever a battery and a fuel tank are both placed under the driver's seat, they shall be partitioned from each other, and each compartment shall be provided with an independent cover, ventilation, and drainage.

It is further ordered, That the proposed requirements insofar as they relate to; the equipping of vehicles with directional signals and identification lamps; the use of directional signals; and the manufacturer's marking of lamps and reflectors shall apply to vehicles manufactured on and after

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(60 days following effective date of order)

and shall apply to all vehicles on and after

(180 days following effective date of order)

It is further ordered, That interested persons may on or before July 1, 1958, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed amendments, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

[1] Wherever reference is made in these regulations to SAE Recommended Practices or to SAE Standards, they shall be as found in the 1957 edition of the "SAE Handbook", as supplemented by Pamphlet No. TR-34, published July, 1957, by the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N. Y.

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-3573; Filed, May 15, 1958; 8:45 a. m.]

[49 CFR Part 193]

[Ex Parte No. MC-40]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of May A. D. 1958.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that continuing study and investigation has established facts which warrant some amendment of §§ 193.50, 193.65 (e) (1), 193.66, 193.70 (c) and (f), 193.75 (a), 193.76 (a) and (h) (2), 193.77 (c) (3), 193.78 (a), 193.82, 193.85, 193.90, 193.95, and 193.96 (c) (7), relating to brakes, fuel systems, coupling devices, and towing methods, miscellaneous parts and accessories, and emergency equipment; and good cause appearing therefor:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the Commission's proposal to amend §§ 193.50 *Reservoirs required*, 193.65 (e) (1) *Liquid fuel tank requirements*, 193.66 *Liquefied petroleum gas fuel systems*, 193.70 (c) *Fifth wheel, locking*, 193.70 (f) *Safety chains*, 193.75 (a) *Tires*, 193.76 (a) *Ready exit*, 193.76 (h) (2) *Berths, dimensions*, 193.77 (c) (3) *Securing heaters*, 193.78 (a) *Windshield wipers*, 193.82 *Speedometer*, 193.85 *Protection against shifting cargo*, 193.90 *Buses, standee line or bar*, 193.95 *Emergency equipment on all power units*, and 193.96 (c) (7) *Contents of kits* of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Part 193), (49 Stat. 546, as amended, 49 U. S. C. 304) by substituting the following rules in lieu of the rules now in effect:

§ 193.50 *Reservoirs required.* Every bus, truck, and truck-tractor, the date of manufacture of which is subsequent to June 30, 1953, and which is equipped with an air or vacuum brake system, shall be equipped with reserve capacity or a reservoir sufficient to insure a full service brake application without depleting the reservoir pressure or vacuum beyond 70 percent of its maximum with the engine stopped. In addition, on and after January 1, 1957, every truck-tractor and every truck used for towing other vehicles, and on and after January 1, 1959, every bus and every truck shall when equipped with air or vacuum reservoirs as required by this section, and regardless of date of manufacture, have such air or vacuum reservoirs so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum the air or vacuum supply in the reservoir shall not be depleted by the leak or failure. Means shall be provided for proving the check valve to be in working order, and for draining all air reservoirs of accumulated water.

§ 193.65 *Fuel systems.* * * *

(e) (1) *Liquid fuel tank requirements.* Every liquid fuel tank or container used for fuel for use on any motor vehicle shall be of substantial construction, free of leaks, securely attached to the motor vehicle, and shall have its filling opening provided with a plug or cap with means for locking it in place and without leaks except as elsewhere provided in the regulations in this part with regard to tank vents.

* * * * *

§ 193.66 *Liquefied petroleum gas fuel systems.* Every motor vehicle utilizing liquefied petroleum gas shall be equipped with a fuel system which complies with Division IV, May 1957, edition of the "Standards for the Storage and Handling of Liquefied Petroleum Gas" of the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts.

§ 193.70 *Coupling devices and towing methods, except for driveaway-towaway operations.* * * *

(c) *Fifth wheel, locking.* Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without the release of a positive locking device, not dependent upon springs for keeping the device locked. On fifth wheels designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

* * * * *

(f) *Safety chains.* Every full trailer shall be coupled with a safety chain or chains (stay chains or cables) directly to the frame of the motor vehicle by which it is to be towed. Attachment to the pintle hook will not meet this requirement. No more slack shall be left in safety chains or cables than shall be necessary to permit proper turning. Chains or cables shlal be so connected to the towed and towing vehicle and to the tow-bar as to prevent the tow-bar from dropping to the ground in the event the tow-bar fails. The means of attachment to both the towing and towed vehicles shall be capable of developing the full capacity of the safety chains or cables. Each chain or cable shall have an ultimate strength at least equal to the gross weight of the full trailer being towed. On and after January 1, 1959, every full trailer and every dolly used to convert a semitrailer to a full trailer shall be equipped with two safety chains or cables, the points of attachment of which to the frame or axle of the full trailer or dolly shall be not less than 48 inches apart.

* * * * *

§ 193.75 *Tires.* (a) Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. The tires supporting every axle of a motor vehicle operated in excess of 25 miles per hour shall be of such size that the sum of their capacity as shown by the following table shall at least equal the total weight on such axle:

TIRE SIZES AND LOADS

CONVENTIONAL TIRES

Size	Ply rating	Capacity in pounds
6.00-17	6	1,610
6.00-20	6	1,790
6.00-20	8	2,060
6.50-20	8	2,400
7.00-20	8	2,500
7.00-20	10	2,890
7.00-24	10	3,310
7.50-18	10	3,050
7.50-20	8	2,970
7.50-20	10	3,375
7.50-20	12	3,630
7.50-24	10	3,750
8.25-18	12	3,680
8.25-20	10	3,625
8.25-20	12	3,938
8.25-22	10	3,920
9.00-20	10	4,315
9.00-20	12	4,813
9.00-22	10	4,650
9.00-24	10	4,970
9.00-24	12	5,340
10.00-20	12	5,000
10.00-20	14	5,420
10.00-22	12	5,345
10.00-22	14	5,780
10.00-24	12	5,690
10.00-24	14	6,130
11.00-20	12	5,625
11.00-20	14	6,090
11.00-22	12	5,940
11.00-22	14	6,490
11.00-24	12	6,250
11.00-24	14	6,860
12.00-20	14	6,525
12.00-20	16	7,100
12.00-22	14	7,000
12.00-24	14	7,405
12.00-24	16	8,010
13.00-20	16	7,800
13.00-24	16	8,800
14.00-20	18	9,600
14.00-24	18	10,710

TUBELESS TIRES ON DROP CENTER RIMS

7-17.5	6	1,670
8-17.5	6	1,910
8-17.5	8	2,270
7-22.5	6	2,060
7-22.5	8	2,400
8-19.5	6	2,300
8-19.5	8	2,680
8-22.5	8	3,010
8-22.5	10	3,280
9-22.5	10	3,600
9-22.5	12	3,960
10-22.5	10	4,360
10-22.5	12	4,710
11-22.5	12	5,040
11-24.5	12	5,370
12-22.5	12	5,660
12-24.5	12	6,030

TUBELESS TIRES ON TAPERED BEAD SEAT RIMS

12.00-21	14	6,620
12.00-23	14	7,040
12.00-25	14	7,400

TIRE SIZES AND LOADS—Continued

"HIGH LOAD" TIRES

Size	Load	
	Single	Duals
8.5-20	3,750	3,300
9.4-20	4,400	3,850
10.3-20	5,350	4,750
11.1-20	6,150	5,400
11.9-20	6,900	6,100

* * * * *

§ 193.76 *Sleeper berths.* * * *

(a) *Ready exit.* The sleeper berth shall be so designed, constructed, and maintained as to provide the occupant, without the assistance of other persons, with at least two exits at opposite sides of the vehicle, each being at least 18 inches high and 21 inches wide, provided that if the berth space is part of the original cab or made part of the cab by remodeling of the cab, and has a doorway or opening at least 18 inches high and 36 inches wide between the berth and the driving seat, the requirement for two exits need not apply.

* * * * *

(h) *New vehicles, additional specifications.* * * *

(2) *Berths, dimensions.* The sleeper berth shall be so constructed and maintained as to provide, at least, the following inside dimensions: 75 inches long measured on the centerline of the longitudinal axis, 21 inches wide and 21 inches deep measured from the top of the mattress, of generally rectangular shape, except that the horizontal corners and the roof corners may be rounded to radii not exceeding 10½ inches.

§ 193.77 *Heaters.* * * *

(c) *Heater specifications.* * * *

(3) *Heaters, secured.* Every heater and every heater enclosure shall be securely fastened to the vehicle in a substantial manner so as to provide against relative motion within the vehicle during normal usage or in the event the vehicle overturns. Every heater shall be so designed, constructed, and mounted as to minimize the likelihood of disassembly of any of its parts, including exhaust stacks, pipes, or conduits, upon overturn of the vehicle in or on which it is mounted. Wood charcoal heaters shall be secured against relative motion within the enclosure required by subparagraph (1) of this paragraph and the enclosure shall be securely fastened to the motor vehicle.

* * * * *

§ 193.78 *Windshield and window wipers.* (a) Every bus, truck, and truck-tractor, having a windshield, shall be equipped with at least two automatically-operating windshield wiper blades, one on each side of the center line of the windshield, for cleaning rain, snow, or other moisture from the windshield and which shall be in such condition as to provide clear vision for the driver unless one such blade be so arranged as to clean an area of the windshield extending to within one inch of the limit of vision through the windshield at each side: *Provided, however,* That in driveaway-towaway operations this section shall apply only to the driven vehicle: *And provided further,* That one windshield wiper blade will suffice under this section when such driven vehicle in driveaway-towaway operation constitutes part or all of the property being transported and has no provision for two such blades. In addition, every bus, truck, and truck-tractor having a cab the width of which does not exceed 36 inches at the height of the shoulders of a man in driving position therein and having also transparent material in windows at the sides of the driver, except vehicles being delivered in driveaway or towaway operations, shall be equipped with an automatically operating wiper blade for cleaning rain, snow, and other moisture from the transparent material at the right of the driver.

* * * * *

§ 193.82 *Speedometer.* Every bus, truck, and truck-tractor shall be equipped with a speedometer indicating vehicles speed in miles per hour which shall be operative with reasonable accuracy; however, that this requirement shall not apply to any vehicle in driveaway-towaway operations which is part of the shipment being delivered if the driven vehicle is equipped with an effective means of limiting its maximum speed to 45 miles per hour.

§ 193.85 *Protection against shifting cargo.* (a) Every truck, semitrailer, full trailer, and pole trailer carrying lading such as metal plate or sheet, metal coils, rods, bars, pipe, or beams, earthenware or concrete pipe, wooden or concrete beams, stone or concrete blocks, rough or finished metal castings, or lumber, shall be equipped with tie-down devices and with either bulkheads or chain nets or both, as provided in the following paragraphs:

(b) Tie-down devices:

(1) There shall be at least one tie-down device for each ten feet of load length, and additional tie-down devices as required to secure each piece of lading being transported on the vehicle.

(2) Each tie-down device and its means of adjustment, tightening, and securement to the vehicle shall have an ultimate strength at least equal to that of a common coil steel chain of ⅜-inch nominal size.

(c) Bulkhead and chain nets:

(1) *Size.* The bulkhead and chain net shall be of sufficient height and lateral extent to block the forward motion of any piece of lading on the vehicle.

(2) *Openings.* Both bulkheads and chain nets shall be without openings large enough to pass the smallest piece of lading hauled on the vehicle.

(3) *Strength.* Each bulkhead and chain net and its attachment to the vehicle shall be of sufficient strength to sustain a horizontal forward load equal to the weight of the lading restrained by it.

(d) Cargo body sides and ends: Every motor vehicle used for the transportation of such lading as bricks, cinder or concrete blocks, tiles, or other lading of such character as to injure other highway users or bystanders in the event of falling off the vehicle shall be provided with a body the sides and ends of which shall be of no lesser height than the load, without any opening large enough to pass the smallest such article on the vehicle, as loaded. The strength of the front end of the vehicle body shall in any such case be at least sufficient to sustain a horizontal load equal to one-half the weight of the load, unless a header board is used for this purpose.

(e) Front end body construction: On and after _____, 1958, (90 days after effective date) every new motor vehicle, and on and after _____, (540 days after effective date) every motor vehicle into or on which miscellaneous freight is loaded for transportation, not equipped with bulkheads or chain nets specified in paragraph (c) of this section, shall have the front end body construction strong enough to sustain a horizontal load equal to half the maximum weight of the payload to be hauled therein, applied forwardly midway of its height.

(f) Certification: Bulkheads, chain nets, tie-down devices, and vehicle body front end construction required in the foregoing subparagraphs of this section shall be marked by their manufacturers with the loads they are designed to sustain, which marking shall constitute certification that the information therein is correct. The marking shall be of such character as to be not obscured by painting.

§ 193.90 *Buses, standee line or bar.* Every bus, which is designed and constructed so as to allow standees, shall be plainly marked with a line of contrasting color at least two inches wide or equipped with some other means so as to indicate to any person that they are prohibited from occupying a space forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every bus shall have clearly posted at or near the front, a sign with letters one-half inch high stating that it is a violation of the Interstate Commerce Commission's regulations for a bus to be operated with persons occupying the prohibited area. The requirements of this section shall not apply to any level of the bus other than the level in which the driver is located nor shall they be construed to prohibit seated any person from occupying permanent seats located in the prohibited area provided such seats are so located that persons sitting therein will not interfere with the driver's safe operation of the bus.

§ 193.95 *Emergency equipment on all power units.* On every truck and truck-tractor and every driven vehicle in driveaway-towaway operation there shall be in a place or places accessible to the person seated in the driving seat and forward the foremost seated passenger on every bus visible or at locations plainly marked the following articles, except liquid burning pots required by paragraph (f) (1) of this section:

(a) *Fire extinguisher.* At least one fire extinguisher with physical characteristics and fire extinguishing ability equivalent to or better than fire extinguishers which qualify under Classification B of the standards of Underwriters'

Laboratories, Inc., 207 East Ohio Street, Chicago 11, Ill., in effect on June 30, 1951. The extinguisher shall utilize an extinguishing agent which does not need protection from freezing and shall be properly filled and securely mounted, in a bracket. The minimum size shall be one quart carbon tetrachloride type, two-pound carbon dioxide type, two-pound dry chemical type, or extinguishers of other types having extinguishing capacity equivalent to any of these types until December 31, 1952, and thereafter one and one-half quart carbon tetrachloride type, four-pound carbon dioxide type, four-pound dry chemical type, or extinguishers of other types having extinguishing capacity equivalent to any of these types. Two extinguishers may be carried to obtain the capacity required subsequent to December 31, 1952. This requirement shall not apply to any bus having a seating capacity of eight or less persons or any driveaway-towaway operation.

(b) *Tire chains.* One set of tire chains for at least one driving wheel on each side, during the time when likely to encounter conditions requiring them, except that this requirement shall not apply to motor vehicles engaged in driveaway-towaway operations if such motor vehicles are not operated when such conditions exist.

(c) *Warning devices for stopped vehicles.* One of the following combinations of warning devices:

(1) Three flares (liquid-burning pot torches) and three fuses and two red cloth flags; or

(2) Three red electric lanterns and two red cloth flags; or

(3) Three red emergency reflectors and two red cloth flags.

(4) Flares (pot torches), fusees, oil lanterns, or any signal produced by a flame, shall not be carried on motor vehicles used in the transportation of explosives, flammable liquids, or flammable compressed gases in cargo tanks, or in any motor vehicle using flammable compressed gases as a motor fuel; but in lieu of such flares and fusees, three electric lanterns or three red emergency reflectors shall be carried.

(5) The protective devices used shall comply with the requirements given in paragraphs (g), (h), (i), (j), and (k) of this section.

(d) *Requirements for flares.* Flares (pot torches) shall be adequate and reliable and shall comply with the requirements contained in the SAE Recommended Practice[1] "Liquid-Burning Emergency Flares."

(e) *Hand tools.* Hand tools adequate for removal of any tire on a vehicle or combination of vehicles used for the transportation of any explosive, or any article or material classified as a dangerous article which is flammable.

(f) *Requirements for red electric lanterns.* Red electric lanterns shall be adequate, reliable, equipped with a battery or batteries within each unit, and shall comply with the requirements contained in the SAE Recommended Practice[1] "Electric Emergency Lanterns."

[1] See footnote 1 to § 193.24 (c).

(g) *Requirements for red emergency reflectors.* Each red emergency reflector shall conform in all respects to the following requirements:

(1) *Reflecting elements required.* Each reflector shall be composed of at least two reflecting elements or surfaces on each side, front and back. The reflecting elements, front and back, shall be approximately parallel.

(2) *Reflecting elements to be Class A.* Each reflecting element or surface shall meet the requirement for a red Class A reflector contained in the SAE Recommended Practice[1] "Reflex Reflectors." The aggregate candlepower output of all the reflecting elements or surfaces in one direction shall not be less than 12 when tested in a perpendicular position with observation at one-third degree as specified in the Photometric Test contained in the above-mentioned Recommended Practice.

(3) *Reflecting surfaces, protection.* If the reflector or the reflecting elements are so designed or constructed that the reflecting surfaces would be adversely affected by dust, soot, or other foreign matter or contacts with other parts of the reflector or its container, then such reflecting surfaces shall be adequately sealed within the body of the reflector.

(4) *Reflecting surfaces to be perpendicular.* Every reflector shall be so constructed that, when the reflector is properly placed, every reflecting element or surface is in a plane perpendicular to the plane of the roadway surface. Reflectors which are collapsible shall be provided with means for locking the reflector elements or surfaces in the required position; such locking means shall be readily capable of adjustment without the use of tools or special equipment.

(5) *Reflectors, mechanical adequacy.* Every reflector shall be of such weight and dimensions as to remain stationary when subjected to a 40 mile per hour wind when properly placed on any clean, dry, paved road surface. The reflector shall be so constructed as to withstand reasonabe shocks without breakage.

(6) *Reflectors, incorporation in holding device.* Each set of reflectors and the reflecting elements or surfaces incorporated therein shall be adequately protected by enclosure in a box, rack, or other adequate container specially designed and constructed so that the reflectors may be readily extracted for use.

(7) *Certification.* Every red emergency reflector designed and constructed to comply with these requirements shall be plainly marked with the certification of the manufacturer that it complies therewith.

(h) *Requirements for fusees.* Each fusee shall be adequate, reliable, capable of burning at least 15 minutes, and shall comply with the specifications of the Bureau of Explosives, 30 Vesey Street, New York 7, N. Y., dated December 15, 1944, and be so marked.

(i) *Requirements for red flags.* Red cloth flags shall be not less than 12 inches square, with standards adequate to maintain the flags in an upright position.

§ 193.96 *Buses, additional emergency equipment.* * * *

(c) * * *

(7) *Contents of kit.* The kit shall contain at least the contents specified, in not less than the quantities shown, in either of the two following types of kits:

A—UNIT TYPE KIT

4-inch bandage compress	1 package.
2-inch bandage compress	1 package.
1-inch adhesive compress	2 packages.
40-inch triangular bandage with two safety pins.	1 package.
Burn ointment	1 package.
Iodine applicator or applicator of other antiseptic solutions of, at least, equivalent bacteriological properties.	1 package.
Wire or wood splint	1 package.
Tourniquet	1 package.

B—COMMERCIAL TYPE KIT

3-inch by 3-inch sterile gauze pads.	Package of 12.
Gauze bandages as follows (each package opened to be replaced by an unopened package):	
1-inch by 10 yards	3 packages.
2-inch by 10 yards	2 packages.
3-inch by 10 yards	1 package.
¾-inch adhesive compress	Package of 24.
1-inch by 2½ yards adhesive tape.	1 roll.
40-inch triangular bandage with two safety pins.	1 package.
Burn ointment	1-ounce tube.
Iodine applicator or applicator of other antiseptic solution of, at least, equivalent bacteriological properties.	1 package.
Wire or wood splint	1 package.
Tourniquet	1 package.
Scissors	1.

Each kit shall be provided with instructions for the use of the contents. The contents of the kits, whether required by Parts 190–197 of this subchapter or in addition thereto, either in number or kind, shall conform either to the requirements contained in Federal Specification GG–K–391 (a) (October 19, 1954), or the standards as found in the Thirteenth revision of the Pharmacopoeia of the United States except that the 40-inch triangular bandage in the commercial type kit may be non-sterile and not compressed in the required manner if the package containing it clearly indicates that the contents are not sterile and except that no specification type scissor is required. Federal Specification GG–K–391 (a) and amendments may be obtained from the Superintendent of Documents, Washington 25, D. C., at a cost of 15 cents per copy.

It is further ordered, That interested persons may on or before July 1, 1958, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed amendments, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such

statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-3677; Filed, May 15, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN OKRA [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Frozen Okra, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than December 1, 1958.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1511 Product description.
52.1512 Styles of frozen okra.
52.1513 Color of frozen okra.
52.1514 Size of frozen okra.
52.1515 Grades of frozen okra.

FACTORS OF QUALITY

52.1516 Ascertaining the grade.
52.1517 Ascertaining the rating of the factors which are scored.
52.1518 Color.
52.1519 Defects.
52.1520 Character.

LOT INSPECTION AND CERTIFICATION

52.1521 Ascertaining the grade of a lot.

SCORE SHEET

52.1522 Score sheet for frozen okra.

AUTHORITY: §§ 52.1511 to 52.1522 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1511 *Product description.* Frozen okra is the product prepared from the clean, sound, and succulent fresh pods of the okra plant (Hibiscus esculentus) of either the green or white varieties, by proper washing, sorting, trimming, and blanching, which is then frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1512 *Styles of frozen okra.* (a) "Whole Okra" means frozen okra consisting of whole pods, with or without the caps removed.

(b) "Cut Okra" means frozen okra consisting of pods, with or without the caps removed, which have been cut transversely into pieces.

(c) "Unit" means an individual pod or portion of a pod in frozen okra.

§ 52.1513 *Color of frozen okra.* (a) Green.

(b) White.

§ 52.1514 *Size of frozen okra.* (a) The size of the unit is not a factor of quality for the purpose of these grades.

(b) The size of a whole pod is determined by measuring the unit from the stem end to the tip end of the pod.

(c) The size of cut okra is determined by measuring the longitudinal axis of the unit.

§ 52.1515 *Grades of frozen okra.* (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of frozen okra that possesses similar varietal characteristics; that possesses a good flavor; that possesses a good color; that is practically free from defects; that possesses a good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided,* That the frozen okra may possess a reasonably good color if the total score is not less than 85 points.

(b) "U. S. Grade B" (or "U. S. Extra Standard") is the quality of frozen okra that possesses similar varietal characteristics; that possesses a reasonably good flavor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen okra that fails to meet the requirements of U. S. Grade B.

FACTORS OF QUALITY

§ 52.1516 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.* (i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
Color	20
Defects	40
Character	40
Total Score	100

(b) *Evaluation of quality.* The rating for the factors of color, defects, and character (with respect to development of pods and seeds) and the evaluation of similar varietal characteristics are determined immediately after thawing to the extent that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is cooked to ascertain the tenderness of the units and freedom from fiber before final evaluation of the score for character. The flavor is also ascertained on the cooked product.

(c) *Definitions of requirements not rated by score points.* (1) "Good flavor" means that the product, after cooking, has a good, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1517 *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1518 *Color*—(a) *(A) classification.* Frozen okra that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the frozen okra is bright, practically uniform, and typical of young tender okra.

(b) *(B) classification.* Frozen okra that possesses a reasonably good color may be given a score of 14 to 16 points. "Reasonably good color" means that the frozen okra possesses a color that is typical of reasonably young and reasonably tender okra which may be dull in appearance but is not off color.

(c) *(SStd.) classification.* Frozen okra that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1519 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sand, grit, or silt, extraneous vegetable material, poorly trimmed units, small pieces, units damaged by mechanical injury, misshapen units, and units blemished or seriously blemished by scars, pathological injury, insect injury, or blemished by other means.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any harmless extraneous vegetable material such as leaves, stems, and other similar vegetable material.

(3) "Poorly trimmed" means attached caps and capstems in excess of ¼ inch in length measured from the capscar, very ragged edges, or units that have lost their normal shape due to excessive trimming.

(4) "Small pieces" means pieces of pod in cut okra ¼ inch in length or less.

(5) "Damaged by mechanical injury" means broken or mashed to such an extent that the appearance or edibility of the unit is seriously affected.

(6) "Misshapen" means any whole pod that is badly crooked, or is seriously affected by malformations.

(7) "Blemished unit" means any unit blemished to the extent that the aggregate blemished area materially affects the appearance of the product. Slight, insignificant discoloration which may occur on the ribs and blossom end of the unit shall not be considered as blemished.

(8) "Seriously blemished" means blemished to such an extent that the appearance or edibility of the unit is seriously affected.

(b) *(A) classification.* Frozen okra that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen okra:

(1) *"Whole."* (i) "Practically free from defects" means that the product contains no sand, grit, or silt that affects the appearance or edibility of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 10 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 1 piece of extraneous vegetable material;

(*b*) Not more than 2 small pieces of pod;

(*c*) Not more than 4 poorly trimmed units or 4 units damaged by mechanical injury or any combination of not more than 4 poorly trimmed units and units damaged by mechanical injury;

(*d*) Not more than 10 percent, by count, of misshapen units; and

(*e*) Not more than 6 percent, by count, of blemished units, and of such 6 percent, not more than one-third thereof, or 2 percent, by count, of all the units may be seriously blemished.

(2) *"Cut" or "cuts."* (i) "Practically free from defects" means that the product contains no sand, grit, or silt that affects the appearance or edibility of the frozen okra and that the combined weight of all other defects and defective units does not exceed 8 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 1 piece of extraneous vegetable material;

(*b*) Not more than 20 small pieces of pod;

(*c*) Not more than 8 poorly trimmed units or 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury; and

(*d*) Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof or 2 percent, by count, of all the units may be seriously blemished.

(c) *(B) classification.* Frozen okra that is reasonably free from defects may be given a score of 28 to 33 points. Frozen okra that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen okra:

(1) *"Whole."* (i) "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the appearance or edibility of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 15 percent, by weight, of all the units and that for each 10 ounces of units there may be present:

(*a*) Not more than 2 pieces of extraneous vegetable material;

(*b*) Not more than 4 small pieces of pod;

(*c*) Not more than 8 poorly trimmed units or 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury;

(*d*) Not more than 15 percent, by count, of misshapen units; and

(*e*) Not more than 12 percent, by count, of blemished units, and of such 12 percent, not more than one-third thereof, or 4 percent, by count, of all the units may be seriously blemished.

(2) *"Cut" or "cuts."* (i) "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the appearance or edibility of the frozen okra, and that the combined weight of all other defects or defective units does not exceed 12 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 2 pieces of extraneous vegetable material;

(*b*) Not more than 30 small pieces of pod;

(*c*) Not more than 12 poorly trimmed units or 12 units damaged by mechanical injury or any combination of not more than 12 poorly trimmed units and units damaged by mechanical injury; and

(*d*) Not more than 8 percent, by count, of blemished units, and of such 8 percent, not more than one-half thereof, or 4 percent, by count, of all the units may be seriously blemished.

(d) *(SStd.) classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1520 *Character*—(a) *General.* The factor of character refers to the development of the pods and seeds and to the degree of freedom from fiber.

(b) *(A) classification.* Frozen okra that possesses a good character may be given a score of 34 to 40 points. "Good character" means that the units are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 3 percent, by count, of the units possess tough fibers.

(c) *(B) classification.* If the frozen okra possesses a reasonably good character, a score of 28 to 33 points may be given. Frozen okra that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost to a considerable extent their fleshy texture, that the units are reasonably tender, that the seeds may have passed the early stages of maturity, and that not more than 6 percent, by count, of the units possess tough fibers.

(d) *(SStd.) classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.1521 *Ascertaining the grade of a lot.* The grade of a lot of frozen okra covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.1522 *Score sheet for frozen okra.*

Size and kind of container ____
Container marks or identification ____
Label ____
Net weight (ounces) ____
Style (Whole; Cut) ____
Variety (Green; White) ____

Factors		Score points	
Color	20	(A)	17-20
		(B)	14-16
		(SStd.)	[1] 0-13
Defects	40	(A)	34-40
		(B)	[1] 28-33
		(SStd.)	[1] 0-27
Character	40	(A)	34-40
		(B)	[1] 28-33
		(SStd.)	[1] 0-27
Total score	100		

Flavor ____
Grade ____

[1] Indicates limiting rule.

Dated: May 13, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3693; Filed, May 15, 1958; 8:48 a. m.]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

USE OF COMPOUNDS

Notice is hereby given that the United States Department of Agriculture is con-

sidering the issuance of an Amendment to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.). The amendment would establish the procedure for obtaining approval of compounds for use in official establishments.

All persons who desire to submit written data, views or arguments in connection with this proposed amendment should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095 South Building, Washington 25, D. C., not later than 10 days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

Change § 81.52 *Use of compounds*, to read as follows:

§ 81.52 *Use of compounds.* Only germicides, insecticides, rodenticides, detergents, wetting agents, or other similar materials, which will not contaminate or deleteriously affect the poultry and poultry products and which have been approved by the Administrator may be used in an official establishment. Such compounds shall be approved for the purpose of the Poultry Products Inspection Act only, and in accordance with the following procedure:

(a) The manufacturer of the compound shall submit to the Administrator the following data from a commercial testing laboratory which is not affiliated in any manner with the manufacturer:

(1) A quantitative analysis of the compound; and

(2) A certification that the compound, as it is proposed to be used in the official establishment, will not deleteriously affect the poultry and poultry products. Such certification shall include the conditions under which the particular compound is satisfactory for use and the precautions necessary in the use of such compound in poultry processing establishments.

(b) The manufacturer of the compound must agree in writing to furnish periodic analyses, not to exceed three per year, of samples of the particular compound which are drawn by the inspector in charge of the official establishment where the compound is used. At the time the manufacturer signs the written agreement to provide laboratory certification, he should indicate two laboratories of his own choosing which have the necessary facilities and technical personnel to do quantitative analyses of compounds and toxicological testing. Failure to furnish the Administrator with a laboratory report within 30 days following submission of a sample to the laboratory of the manufacturer's choice will constitute grounds for removing the compound from the approved list.

(c) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration. Lists of compounds that have been approved pursuant to this section will be issued and revised from time to time as deemed necessary by the Administrator.

(d) The Inspection Service is authorized to draw samples of compounds used in official plants and make analyses of such compounds to determine if the compound conforms to the compound originally approved and if it is satisfactory for use in official establishments.

(e) In the event the periodic analyses provided for in paragraphs (b) and (d) of this section fail to substantiate the data on which the approval was originally based and the Administrator determines that the compound might have a deleterious or contaminating effect on the poultry or poultry products, the compound shall be removed from the approved list and shall not be used in official establishments.

(f) Compounds which have been approved prior to the effective date of this amendment will not require approval on the basis of the procedure set forth herein, but as a prerequisite to their remaining on the approved list, such compounds shall be analyzed periodically as provided in this section.

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

Issued at Washington, D. C., this 13th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3694; Filed, May 15, 1958; 8:49 a. m.]

NOTICES

CIVIL SERVICE COMMISSION

CERTAIN COLLEGE INSTRUCTION AND ADMINISTRATION POSITIONS IN DAYTON, OHIO, AREA

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for certain college instruction and administration positions in Series GS-1710-0 in the grades and specializations listed below:

College Professor positions at grades GS-11, -12, -13 and -14 in the subject-matter areas indicated by the following titles—

College Professor (Aerodynamics).
College Professor (Chemistry).
College Professor (Design).
College Professor (Electrical Engineering).
College Professor (Engineering, General).
College Professor (Mathematics).
College Professor (Mechanics).
College Professor (Metallurgy).
College Professor (Physics).

College Department Head (Scientific and/or Engineering), GS-1710-13 and -14.

College Dean (Scientific and/or Engineering), GS-1710-14.

Institute Director, GS-1710-15.

The new minimum rates of compensation are as follows:

GS-11 $7,465 (top step).
GS-12 $8,645 (top step).
GS-13 $10,065 (top step).
GS-14 $11,395 (top step).
GS-15 $12,690 (top step).

The increases will be effective as of the first day of the second pay period which begins after May 19, 1958, and apply to these positions in the Dayton, Ohio area.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3680; Filed, May 15, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GENERAL COUNSEL ET AL.

SUPPLEMENTAL DELEGATION OF AUTHORITY IN CONNECTION WITH AUTHENTICATING DOCUMENTS

Supplementing the delegations of authority of May 3, 1955, 20 F. R. 3142, and October 2, 1957, 22 F. R. 7866, to the General Counsel, the Deputy General Counsel, and Assistant General Counsels, I hereby authorize that the name of the Secretary of Agriculture be subscribed by such officers to certificates authenticating documents pursuant to the provisions of 28 U. S. C. 1733 as true copies of those on file in the Department and thereby in the custody of the Secretary of Agriculture.

Done at Washington, D. C., this 12th day of May 1958.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 58-3676; Filed, May 15, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8227 etc.; FCC 58-423]

UNION BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 8227, File No. BP-5893; W. Frank Short & Austin E. Harkins, d/b as The Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Lion Broad-

casting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP-11215; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations to operate on 1510 kilocycles, by Union Broadcasting Company at Elizabeth, New Jersey (1 kilowatt, daytime only), File No. BP-5893; by W. Frank Short and Austin E. Harkins, d/b as The Alkima Broadcasting Company, at West Chester, Pennsylvania (1 kilowatt, daytime only), File No. BP-10640; and by Lion Broadcasting Co., Inc., at Dover, New Jersey (1 kilowatt, directional antenna, unlimited time), File No. BP-11215; and

It appearing that, except as indicated from the issues specified below, The Alkima Broadcasting Company and Lion Broadcasting Co., Inc., are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations; but that it cannot be determined whether the Union Broadcasting Company is legally, technically, financially, and otherwise qualified because the information in its application was submitted over ten years ago and, for the most part, is obsolete, is not in the form required under present Commission Rules, and is inadequate upon which to make appropriate findings and conclusions with respect to said applicant and its proposal; that the proposals of Union Broadcasting Company and Lion Broadcasting Co., Inc., involve mutually destructive interference; that the proposal of The Alkima Broadcasting Company involves interference with the proposals of the other two applicants herein; and that the proposal of Lion Broadcasting Co., Inc. may cause interference to Station WLAC, Nashville, Tennessee; and

It further appearing that, as required by section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were notified of the aforementioned deficiencies by letter dated January 15, 1958, and Union Broadcasting Company was requested to submit material to bring its application up to date; and

It further appearing that, in an Order adopted on March 19, 1958, the Commission, at the request of Union Broadcasting Company and The Alkima Broadcasting Company, extended to April 1, 1958, the time in which to reply to said letter; and

It further appearing that timely replies were received from Lion Broadcasting Co., Inc. and The Alkima Broadcasting Company; and that Jack L. Steinhardt, director and 14.5 percent stockholder of Union Broadcasting Company, in a letter dated April 11, 1958, states that it is "necessary to ask for an extension that will give us more time to reorganize, resurvey, and re-evaluate our situation" and to "present an up-to-date application"; and

It further appearing that, with respect to the request of Union Broadcasting Company for additional time to respond to the Commission's letter of January 15, 1958, this applicant, in response to a Commission letter dated October 4, 1957, stated that it still wanted to prosecute its application; that in its Order of December 18, 1957, the Commission pointed out the fact that the information in the application was more than ten years old; that in its letter of January 15, 1958, the Commission requested this applicant to bring its application up to date; and that, therefore, we are of the opinion that said applicant has had reasonable time in which to amend its application; that the orderly dispatch of the Commission's business requires that the instant applications be designated for hearing without further delay; that any applicant may amend after designation for hearing on a showing of good cause pursuant to § 1.311 of the Commission's rules; and that, therefore, said request for further extension of time should be denied; and

It further appearing that, in a petition filed on May 5, 1958, Mrs. Betty Presser, Cecil Friedman, Roger Tuttle, and Harold Borden, a "group, which includes certain of the principals of Union Broadcasting Company", request that the Commission not designate for hearing the instant applications until petitioners can form a new corporation and file an application for a new unlimited time station at Elizabeth, New Jersey, on the grounds that since the time the application of Union was filed the president (and 22.1 percent stockholder) of the corporation has died, other stockholders have dropped out or lost interest, "the corporate charter had been forfeited", and the land originally proposed for the antenna site has been developed and become unavailable; that Mrs. Presser, widow of said Union president, and Cecil Friedman (a 7.6 percent stockholder in Union), have tried diligently but without success to work within the framework of Union to get the stockholders to bring the application up to date and specify unlimited time operation; that, if said petition is granted, Mrs. Presser and Cecil Friedman will withdraw from Union and join with two others, Judge Harold Borden and Roger Tuttle, in forming a new corporation; that such corporation would have sufficient funds and could complete negotiations for a site and submit within four to six weeks a complete application for an unlimited time station at Elizabeth, New Jersey; and that Elizabeth, a city with a population of 112,817, does not have its own local radio station; but that the Commission is of the opinion that, as pointed out in the preceding paragraph, Union has been on notice since December 18, 1957, that its application must be amended to bring it up to date and that it would be designated for hearing in a consolidated proceeding; that since Mrs. Presser and Cecil Friedman are principals in Union, they also had said notice; that the intervening five months have provided reasonable time in which to effect such amendment or for Mrs. Presser and Cecil Friedman to have taken such other action as they deemed advisable; that the intra-corporate problems of Union do not represent good cause for delaying further the designation for hearing of the subject three applications; and that while the objective of providing Elizabeth with its first local service is commendable, considerations of fair and efficient administrative practices and the rights of other applicants require that the petition of Mrs. Presser and her associates be denied; and

It further appearing that, in letters dated July 24 and November 26, 1957, and February 28, 1957, Station WLAC, Nashville, Tennessee, requested that the application of Lion Broadcasting Co., Inc., be designated for hearing because of possible interference that may be caused within the 0.5-50 percent nighttime service area of WLAC; that WLAC contends that, although theoretical protection is indicated to the secondary service area of WLAC, nominal variations in the operating parameters of the proposed array would result in values of radiation greater than the MEOV's specified with the result that interference to WLAC would obtain; and that WLAC further contends that the terrain surrounding the antenna site proposed by Lion Broadcasting Co., Inc., would make it impossible to adjust the array and prove compliance with the radiation proposed; and that we are of the opinion that a question obtains as to whether such interference would result to Station WLAC; and

It further appearing that the applications of Union Broadcasting Company and The Alkima Broadcasting Company propose daytime only operations on a U. S. Class I frequency, 1510 kilocycles, and, accordingly, if either of these two proposals is favored in the hearing provided for below, it will be held without final action, pursuant to § 1.351 of the Commission rules, pending conclusion of the proceedings in Docket No. 8333 relative to the "daytime skywave" matter; and

It further appearing that, in view of the foregoing, a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether Union Broadcasting Company is legally, technically, financially, and otherwise qualified to construct and operate the station it proposes, and whether its instant proposal is in compliance with the Commission rules.

3. To determine whether the proposal of Lion Broadcasting Co., Inc., would involve interference with Station WLAC, Nashville, Tennessee, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the avail-

ability of other primary service to such areas and populations.

4. To determine whether the directional antenna system proposed by Lion Broadcasting Co., Inc., can be adjusted and maintained as proposed, and, if not, whether objectionable nighttime interference would be caused to Station WLAC, Nashville, Tennessee, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That the above-reference request of Union Broadcasting Company for a further extension of time in which to reply to the Commission's letter of January 15, 1958, is denied; and

It is further ordered, That the above-reference petition of Mrs. Presser, Cecil Friedman, Roger Tuttle and Harold Borden requesting the Commission to "Defer Designating Applications for Hearing" is denied; and

It is further ordered, That WLAC, Inc., licensee of Station WLAC, Nashville, Tennessee, is made a party to the hearing; and

It is further ordered, That, if the application of Union Broadcasting Company or The Alkima Broadcasting Company is favored in the hearing provided for above, said application shall be returned to the pending file and held without further action until conclusion of proceedings in Docket No. 8333 relative to the "daytime skywave" matter; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3684; Filed, May 15, 1958; 8:47 a. m.]

[Docket No. 11788 etc.; FCC 58-420]

JAMES W. MILLER ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York, Docket No. 12411, File No. BP-11365; Vincent De Laurentis, Hamden, Connecticut, Docket No. 12412, File No. BP-11607; Albert L. Capstaff, tr/as Eastern States Broadcasting Co., Hamden, Connecticut, Docket No. 12413, File No. BP-11760; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications of Orange County Broadcasting Corporation for a construction permit to increase the power of Station WGNY, Newburgh, New York (1220 kc, 1 kw, Day), to 5 kilowatts and install a directional antenna; and applications for construction permits for new standard broadcast stations to operate on 1220 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, by James W. Miller at Milford, Connecticut and by Vincent De Laurentis and Eastern States Broadcasting Co. at Hamden, Connecticut; and

It appearing, that, except as indicated by the issues specified below, all of the applicants herein are legally, technically, financially, and otherwise qualified to construct and operate their respective proposals, but that the proposals of James W. Miller, Vincent De Laurentis, and Eastern States Broadcasting Co., involve mutually destructive interference; that the proposal of Vincent De Laurentis would involve interference with the existing and proposed operations of Station WGNY; and that the proposed operation of Station WGNY would involve interference with the proposals of James W. Miller and Eastern States Broadcasting Co.; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated January 31, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any one of the applications would serve the public interest; and

It further appearing that each of the applicants filed a timely reply, indicating an intention to appear at a hearing on these applications; and

It further appearing that the proposal of Orange County Broadcasting Corporation is in contravention of § 3.25 (d) of the Commission's rules and accordingly, in the event that it is favored in the hearing provided for below, it must be held without final action, pursuant to the Commission's Public Notice of June 18, 1957, pending ratification of the Agreement between the United States and Mexico with respect to operation on Mexican Clear Channels with five kilowatts power during daytime hours; and

It further appearing that, because of the proximity of the antennas of the proposal by Vincent De Laurentis and Station WELI, New Haven, Connecticut, a grant of the application of Vincent De Laurentis should contain the condition that he install and adjust suitable filter circuits or other equipment necessary to prevent excessive cross-modulation or re-radiation with Station WELI; and

It further appearing that, after consideration of the foregoing, the Commission is of the opinion that a hearing on these applications is neecssary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from the proposals of James W. Miller, Vincent De Laurentis, and Eastern States Broadcasting Co., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would gain or lose primary service from the operation of Station WGNY as proposed herein, and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of Vincent De Laurentis would involve objectionable interference with the existing operation of Station WGNY, Newburgh, New York, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

6. To determine on a comparative basis, in the event that pursuant to the foregoing issue the proposal of Vincent De Laurentis or Eastern States Broadcasting Co. it is found to best provide a fair, efficient, and equitable distribution

of radio service, which proposal would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between said two applicants as to:

a. The background and experience of each, having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each with respect to the management and operation of the proposed station.

c. The programming service proposed in each of said applications.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to the provisions of § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be sufficient.

It is further ordered, That the proposal of Orange County Broadcasting Corporation, if favored in the hearing proceeding herein shall be held without final action, pursuant to the Commission's Public Notice of June 18, 1957, pending ratification of the agreement between the United States and Mexico with respect to operation on Mexican Clear Channels with 5 kilowatts power during daytime hours;

It is further ordered, That a grant of the application of Vincent De Laurentis shall contain the condition that the permittee install and adjust suitable filter circuits or other equipment necessary to prevent excessive cross-modulation or re-radiation with Station WELI, New Haven, Connecticut.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3685; Filed, May 15, 1958; 8:47 a. m.]

[Docket No. 11973 etc., FCC 58M-482]

PALM SPRINGS TRANSLATOR STATION, INC.

ORDER CONTINUING HEARING

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11973, File No. BPTT-12; Docket No. 11974, File No. BPTT-13; for construction permits for new television broadcast translator stations; Docket No. 12149, File No. BMPTT-5; Docket No. 12150, File No. BMPTT-6; for modification of construction permits to increase effective radiated power and to make changes in antenna system; Docket No. 12151, File No. BLTT-11; Docket No. 12152, File No. BLTT-12; for television broadcast translator station licenses to cover Translator Stations K-70-AL and K-73-AD, Palm Springs, California.

The Hearing Examiner having under consideration a petition for continuance filed by Palm Springs Community Television Corporation on May 8, 1958;

It appearing that all parties have agreed to the requested continuance;

It is ordered, This 12th day of May 1958, that the above petition is granted; and the dates designated for various procedural steps herein are postponed as follows:

	From—	To—
Date for exchange of written objections and requests for witnesses to be produced for cross-examination in Washington	May 19, 1958	June 10, 1958
Hearing date	May 26, 1958	June 17, 1958

Released: May 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3686; Filed, May 15, 1958; 8:47 a. m.]

[Docket Nos. 12207, 12420; FCC 58-428]

GRADY M. SINYARD AND STATES BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Grady M. Sinyard, New Boston, Ohio, Docket No. 12207, File No. BP-11076; States Broadcasting System, Inc., St. Marys, Ohio, Docket No. 12420, File No. BP-11598; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications of Grady M. Sinyard and States Broadcasting System, Inc. for construction permits for new standard broadcast stations to operate on 1010 kilocycles, with a power of 500 watts, directional antenna, daytime only, at New Boston and St. Marys, Ohio, respectively; and

It appearing that, except as indicated by the issues specified below, the applicants are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations, but that their proposals involve mutual interference; and that interference from the proposal of Grady M. Sinyard and from Stations CFRB, Toronto, Canada, and WCSI, Columbia, Indiana, would affect more than ten percent of the population in the normally protected primary service area in the proposal of States Broadcasting System, Inc. in contravention of § 3.28 (c) of the Commission rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were notified by letter dated March 7, 1958 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that each applicant filed a timely reply; and

It further appearing that States Broadcasting System, Inc., requests a waiver of § 3.28 (c) of the Commission's rules on the ground that its proposal for a new daytime only operation would provide a first station to the City of St. Marys, Ohio, but that we are unable to determine on the basis of the information before us that circumstances exist which warrant a waiver of § 3.28 (c) of the rules; and

It further appearing that, after consideration of the foregoing, we are of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of States Broadcasting System, Inc. is in compliance with § 3.28 (c) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by

the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3687; Filed, May 15, 1958; 8:48 a. m.]

[Docket No. 12410; FCC 58-418]

BRIDGEPORT BROADCASTING CO. (WICC)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Bridgeport Broadcasting Company (WICC), Bridgeport, Connecticut, Docket No. 12410, File No. BP-10707; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May, 1958;

The Commission having under consideration the above-captioned application of The Bridgeport Broadcasting Company for a construction permit to increase the power of Station WICC, Bridgeport, Connecticut (600 kc, 500 w, 1 kw-LS, DA-2, Unl.), to 1 kilowatt nights and 5 kilowatts days and change the directional antenna array;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate Station WICC as proposed, but that operation of Station WICC as proposed would cause to Station WEEI, Boston, Massachusetts, interference which is considered objectionable under the Commission's rules; would involve overlap of the 2 and 25 mv/m contours with Station WVNJ, Newark, New Jersey, which overlap is prohibited by § 3.37 of the Commission's rules; and that the applicant, because of the presence of a roller coaster and other construction in the immediate area of the proposed antenna, may not be able to adjust and maintain the proposed directional antenna pattern and, in view of the water areas involved, especially along bearings through the null areas of the radiation pattern, may not be able to submit a satisfactory proof-of-performance, or establish satisfactory monitoring points; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated August 23, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would serve the public interest; and

It further appearing that, at the request of the applicant, further action on this proposal was withheld pending the filing of an engineering amendment; and

It further appearing that, in an amendment filed on February 25, 1958, the applicant states that the 2 mv/m contour of Station WVNJ overlaps both the existing and proposed 25 mv/m contours of WICC; that § 3.37, "which precludes the licensing of stations 20 kc removed in frequency if there is overlap of the 2 and 25 mv/m contours, is not a rule which defines interference but rather is a separation rule designed to avoid certain serious cross-modulation and related problems which may, but do not necessarily, arise between adjacent-channel stations providing high intensity signals to the same area"; that the WICC and WVNJ transmitters are separated by approximately 65 miles; that the 2 and 25 mv/m overlap exists solely because a large portion of the path from the WVNJ transmitter toward the southern portion of the WICC 25 mv/m contour is over salt water; that the path from the WVNJ transmitter to the City of Bridgeport, however, is nearly all over land; that the area of overlap falls in Long Island Sound "with the result that there is not in the existing overlap area or in the enlarged area resulting from the proposed operation of WICC any nonlinear re-radiating elements which would tend to produce cross-modulation effects"; that the instant proposal reduces radiation toward WVNJ and "the effective separation of the station is also increased, with the result that the objective of § 3.37 is more nearly achieved under the proposed operation than under the existing operation of WICC; that "the existing overlap has not resulted in complaints of interference to either WVNJ or WICC"; and that "this increased area of overlap should not be a bar to a grant of [the instant] application"; and

It further appearing that § 3.37 is not a rule which, as stated by the applicant, defines interference; that the extent or degree of overlap is unimportant, In re Application of Home News Publishing Company, 6 Pike and Fischer RR 1036f; that the objective sought by § 3.37 is to require a sufficient physical separation of stations so that the 2 and 25 mv/m contours do not overlap, and thereby prevent an allocation which is conducive to cross-modulation; that the area with which the Commission must concern itself is not limited to the point of overlap of said contours but includes the entire area within the common service areas of the two stations where the magnitude and ratio of the respective signals of the two stations may result in cross modulation; and that, accordingly, the fact that the overlap of the 2 and 25 mv/m contours of the WICC proposal and WVNJ occurs over water where the applicant claims says there are no "nonlinear re-radiating elements which would tend to produce cross-modulation effects" is not conclusive as to the potentiality of cross-modulation in the overall common service areas of the WICC proposal and WVNJ; and that, moreover, the applicant's claim with respect to no complaints having been received by WICC or WVNJ as a result of the present overlap does not establish the fact that no cross-modulation with WVNJ will result from the instant WICC proposal, inasmuch as the power of WICC would be increased, the directional antenna pattern would be changed, and the radiation, while not increased along a direct path toward WVNJ, would be increased in other directions within the service areas of both stations; and

It further appearing that, in a letter dated September 17, 1957, the licensee of Station WEEI, Boston, Massachusetts, requested that this application be designated for hearing because of possible interference to Station WEEI; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would gain or lose primary service from the operation of Station WICC as proposed herein, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station WICC as proposed herein would involve objectionable interference with Station WEEI, Boston, Massachusetts, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of Station WICC as proposed herein would involve overlap of the 2 and 25 mv/m contours with Station WVNJ, Newark, New Jersey, in violation of § 3.37 of the Commission rules.

4. To determine whether the antenna system in the instant proposal of Station WICC can be adjusted and maintained as proposed; whether a satisfactory proof-of-performance can be made in view of water areas involved, especially along bearings through the null areas of the radiation pattern; and whether satisfactory monitoring points are available, especially along radials in the null areas of the radiation pattern and toward Station WCAO, Baltimore, Maryland.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience, and necessity.

It is further ordered, That Columbia Broadcasting System, Inc., licensee of Station WEEI, Boston, Massachusetts, IS MADE a party to the hearing proceeding herein; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating

an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3688; Filed, May 15, 1958; 8:48 a. m.]

[Docket No. 12421; FCC 58-426]

MECKLENBURG BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of John L. Cole, Jr., tr/as Mecklenburg Broadcasting Company, Chase City, Virginia, Docket No. 12421, File No. BP-11275; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned application of John L. Cole, Jr., tr/as Mecklenburg Broadcasting Company, for a construction permit for a new standard broadcast station at Chase City, Virginia, to operate on 980 kilocycles with a power of 500 watts, daytime only; and

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate his proposed station, but that operation of the station as proposed would involve objectionable interference with Station WAAA, Winston-Salem, North Carolina; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated April 2, 1958, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant and the licensee of Station WAAA filed timely replies in which they stated that they would appear at a hearing on this application; and

It further appearing that, in view of the foregoing, we are of the opinion that a hearing on this application is necessary; and

It further appearing that, in the event of a grant of this application, the construction permit should contain a condition that, before program tests are authorized, the permittee should submit a nondirectional proof-of-performance to establish that the inverse distance field at one mile has been reduced to essentially 175 mv/m/kw, as specified in the instant application;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would involve objectionable interference with Station WAAA, Winston-Salem, North Carolina, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience and necessity.

It is further ordered, That Laury Associates, Inc., licensee of Station WAAA, Winston-Salem, North Carolina, is made a party to the hearing proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order;

It is further ordered, That, in the event of a grant of this application, the construction permit shall contain a condition that, before program tests are authorized, the permittee shall submit a nondirectional proof-of-performance to establish that the inverse distance field at one mile has been reduced to essentially 175 mv/m/kw as specified in the application for construction permit.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3689; Filed, May 15, 1958; 8:48 a. m.]

[Docket Nos. 12422—12425; FCC 58-427]

POMPANO BEACH BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pompano Beach Broadcasting Corporation, Pompano Beach, Florida, Docket No. 12422, File No. BP-11297; Voice of South Miami Broadcasters, Inc., South Miami, Florida, Docket No. 12423, File No. BP-11410; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP-11489; South Miami Broadcasting, Incorporated, South Miami, Florida, Docket No. 12425, File No. BP-11751; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations by Pompano Beach Broadcasting Corporation to operate on 980 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, at Pompano Beach, Florida; Voice of South Miami Broadcasters, Inc., to operate on 970 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, at South Miami, Florida; Louis G. Jacobs to operate on 990 kilocycles with a power of 5 kilowatts, directional antenna, unlimited time, at Miami-South Miami, Florida; and South Miami Broadcasting, Incorporated, to operate on 990 kilocycles with a power of 5 kilowatts, directional antenna, unlimited time, at South Miami, Florida; and

It appearing that Pompano Beach Broadcasting Corporation, Voice of South Miami Broadcasters, Inc., and Louis G. Jacobs are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations; that South Miami Broadcasting, Incorporated is legally and technically so-qualified; that the proposals of Pompano Beach Broadcasting Corporation and Voice of South Miami Broadcasters, Inc. involve mutually destructive interference; that the proposals of Voice of South Miami Broadcasters, Inc., South Miami Broadcasting, Incorporated, and Louis G. Jacobs involve mutually destructive interference; that the proposals of Pompano Beach Broadcasting Corporation and Louis G. Jacobs involve slight mutual interference; that insufficient information has been submitted by South Miami Broadcasting, Incorporated, to determine that it is financially qualified to construct and operate its proposed station; and that questions obtain with respect to matters of possible misrepresentation and abuses of Commission processes and whether, therefore, South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated February 26, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that because of the proximity of the proposed antenna system of Pompano Beach Broadcasting Corporation to Station WPOM, Pompano Beach, Florida; of the Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, and South Miami Broadcasting, Incorporated, to the antenna of Station WMIE, Miami, Florida, and to the antenna in the proposal, File No. BP-11316, to change frequency, site, and power of Station WMBM, Miami Beach, Florida, the grant of any one of the instant applications should contain the condition that the permittee shall install and adjust suitable filters and other equipment necessary to prevent excessive reradiation or intermodulation with said station or stations; and

It further appearing that, a grant of the application of Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, or

South Miami Broadcasting, Incorporated, should contain the condition that the permittee shall submit, before and after construction, sufficient field intensity measurement data on Station WMIE and the said proposal of Station WMBM to prove that the radiation patterns of WMIE and said WMBM proposal have not been adversely affected by the tower construction; and

It further appearing that a grant of the application of Louis G. Jacobs should contain a condition that the uppermost point of the antenna system, including the required obstruction lighting or any other attachments, shall not exceed 249 feet, average mean sea level; and

It further appearing that as set forth in the Commission's above-referenced letter of February 26, 1958, questions obtain as to whether South Miami Broadcasting, Incorporated, filed its amendment of December 16, 1957, to force the issuance of a further section 309 (b) letter, delay a hearing on the instant applications, and gain time in which to "shore-up" its application by amending to a fulltime operation on 990 kilocycles, which amendment was filed on January 7, 1958; whether said applicant decided at a meeting of stockholders on December 10, 1957 to proceed with an amendment to specify fulltime operation, but in an affidavit dated December 11, 1957 and filed with the Commission on December 16, 1957 failed to disclose its proposed amendment and led the Commission to believe that the applicant was going to hearing on its then-specified 970 kilocycle daytime proposal; whether the foregoing matters constitute misrepresentation to the Commission and abuse of Commission processes; and whether, therefore, South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application; that, in its above-referenced reply to the Commission's letter of February 26, 1958, South Miami Broadcasting, Incorporated, denied that it had made misrepresentations to the Commission or abused its processes; that, commenting on said reply, Louis G. Jacobs, in a letter dated April 3, 1958, takes issue with facts therein; and that, on the basis of the information before us, we are unable to find at this time that South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals herein, and the availability of other primary service to such areas and populations.

2. To determine whether South Miami Broadcasting, Incorporated, is financially qualified to construct and operate its proposed station.

3. To determine whether South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application.

4. To determine the nature and extent of the interference, if any, that each of the proposals herein would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would best provide a fair, efficient, and equitable distribution of radio service.

6. To determine on a comparative basis, in the event that pursuant to the foregoing issue Miami and South Miami, Florida, are, or Miami or South Miami, Florida, is, considered to have the greater need for a new radio station, which of the operations proposed by Voice of South Miami Broadcasters, Inc., Louis G. Jacobs or South Miami Broadcasting, Incorporated, would best serve the public interest, convenience, and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said two applicants as to:

(a) The backrgound and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of said applications.

7. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications herein should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission rules, in person or by an attorney or appropriate corporate officer, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the grant of any one of the applications herein shall contain the condition that the permittee shall install and adjust suitable filters or other equipment necessary to prevent excessive reradiation or intermodulation between the proposal of Pompano Beach Broadcasting Corporation and Station WPOM, Pompano Beach, Florida; between the proposal of Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, or South Miami Broadcasting, Incorporated, and Station WMIE, Miami, Florida, as well as the proposal, File No. BP-11316, to change site, frequency and power of Station WMBM, Miami Beach, Florida; and that the grant of the application of Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, or South Miami Broadcasting, Incorporated, shall contain the condition that the permittee submit, before and after construction, sufficient field intensity measurement data on Station WMIE, and the proposal, File No. BP-11316, to change frequency, site, and increase power of Station WMBM, Miami Beach, Florida, to prove that the radiation patterns of WMIE and said WMBM proposal have not been adversely affected by the tower construction;

It is further ordered, That a grant of the application of Louis G. Jacobs shall contain the condition that the uppermost point of the antenna system in the Jacobs proposal, including the required obstruction lighting or any other attachments, shall not exceed 249 feet, average mean sea level.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3690; Filed, May 15, 1958; 8:48 a. m.]

[Docket No. 12426; FCC 58-429]

AUSTIN RADIO CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Austin Radio Company, Austin, Texas, Docket No. 12426, File No. BP-11247; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned application of Austin Radio Company for a construction permit for a new standard broadcast station at Austin, Texas, to operate on 970 kilocycles with a power of 1 kilowatt, directional antenna, daytime only; and

It appearing that, except as indicated by the issues specified below, the applicant is technically and financially qualified to construct and operate its proposed station, but that, on the basis of the information before us, we are unable to conclude (1) that the applicant is legally qualified, because a substantial question obtains as to whether Jacob A. Newborn, Jr., who is president and a director of the applicant corporation but not a stockholder therein, has contributed to the applicant corporation assets over and above its $100 capitalization and whether he is the real party in interest instead of his two minor daughters whose stock he votes as trustee, and (2) that Jacob A. Newborn, Jr., pos-

sesses the requisite character qualifications to be a party to the permittee of a standard broadcast station, because it appears from a deposition by Jacob A. Newborn, Jr., taken on July 12, 1955, in a proceeding in District Court of Hays County, Texas, No. 7289, that Jacob A. Newborn, Jr., stated under oath in a petition to the Texas Secretary of State for incorporation of the Jacob A. Newborn Company that $120,000 had been paid in to the corporation, as required by Texas law, and submitted with said petition a deposit slip showing that the $120,000 had been deposited to the company's account in a bank at Tyler, Texas, whereas, although a charter was issued by the Secretary of State for said corporation, the $120,000 had not been and was never paid in and the corporation never had $120,000 to its credit in the bank; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated March 28, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a reply filed on April 3, 1958, the applicant stated that Jacob A. Newborn, Jr., signed the above-referenced corporate papers to reflect the "intent" of paying the money in, that without his authorization someone transmitted the papers to the Secretary of State of Texas, and that after Mr. Newborn, Jr., learned of "the premature issuance of a charter" he had the corporation dissolved; but that, we believe, inasmuch as Jacob A. Newborn, Jr., appears to have stated under oath in his petition to the Texas Secretary of State that the $120,000 had been paid in to the corporation, substantial questions obtain as to whether the foregoing reflects adversely on the requisite character qualifications of Jacob A. Newborn, Jr., to be a party to the instant application; and

It further appearing that, after consideration of the foregoing, we are of the opinion that a hearing on this application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether stockholders Nancy and Nena Newborn, minor daughters of Jacob A. Newborn, Jr., who is trustee of their said stock and president and director of the applicant corporation, are real parties in interest in the instant application.

2. To determine whether Jacob A. Newborn, Jr., possesses the requisite character qualifications to be a party to, and officer and director of, the permittee of a standard broadcast station.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 (c) of the Commission rules, by a qualified officer of the corporation or by an attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3691; Filed, May 15, 1958; 8:48 a. m.]

[Docket Nos. 12427, 12428; FCC 58-433]

ELECTRONIC MUSIC CO. AND WSBC BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John Englebrecht and Stephen A. Cisler d/b as Electronic Music Company, Chicago, Illinois, Docket No. 12427, File No. BPH-2342; WSBC Broadcasting Company, Chicago, Illinois, Docket No. 12428, File No. BPH-2359; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications of John Englebrecht and Stephen A. Cisler d/b as Electronic Music Company and the WSBC Broadcasting Company for construction permits for new Class B FM broadcast stations to operate on 93.1 megacycles, Channel No. 226, in Chicago, Illinois;

It appearing, that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applications were advised by letter dated March 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Electronic Music Company in a letter dated April 11, 1958, requested an extension of thirty days in which to complete engineering changes and an amendment to its application; but that we are of the opinion that the orderly dispatch of the Commission's business requires that these applications be designated for hearing without further delay inasmuch as any applicant may amend after designation for hearing on a showing of good cause, pursuant to § 1.311 of the Commission's rules; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant applications is necessary; and

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate its proposed station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That the request of the Electronic Music Company for an extension of time in which to complete engineering changes and an amendment to its application is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3692; Filed, May 15, 1958; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 184, Amdt. 1]

CALIFORNIA

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 184, dated April 9, 1958, for the State of California, is hereby amended as follows:

1. By including in paragraph 1. thereof the Counties of Alameda, Stanislaus and Monterey; and

2. By changing the period in paragraph 3. thereof to a comma and adding "except that applications from Alameda, Stanislaus and Monterey Counties may be accepted until November 30, 1958."

Dated: May 2, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-3675; Filed, May 15, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8543]

HUMBLE OIL & REFINING CO.

NOTICE OF HEARING

MAY 12, 1958.

Humble Oil & Refining Company (Applicant), a Texas corporation with principal place of business at Houston, Texas, has heretofore filed an application for a certificate of public convenience and necessity in the above-caption docket, pursuant to secton 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Notice of the filing of said application and its consolidation for purposes of hearing was issued on August 29, 1956, and published in the FEDERAL REGISTER on September 6, 1956 (21 F. R. 6725-28). Said notice also fixed September 17, 1956, as the last day for filing protests or petitions to intervene. By further notice issued on September 24, 1956, said application was severed at the request of Applicant from the applications with which it had been previously consolidated and the hearing thereon postponed to a date to be fixed by further notice.

Applicant proposes to sell natural gas in interstate commerce from production of the W. M. Bevly Lease, Plymouth Field, San Patricio County, Texas, to Plymouth Oil Company for resale.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 28, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3678; Filed, May 15, 1958; 8:46 a. m.]