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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL AERONAUTICS BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (1) of § 6.337 is amended as set out below.

§ 6.337 Civil Aeronautics Board.

(1) Until January 15, 1959, one Executive Assistant to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-8536; Filed, Oct. 14, 1958; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART A—DATE DIVERSION PAYMENT PROGRAM ZMD 29A (1958 MARKETING SEASON)

- Sec.
- 518.581 General statement.
 - 518.582 Rate of payment.
 - 518.583 Eligibility for payment.
 - 518.584 Payment to date producers.
 - 518.585 Claims for payment supported by evidence of compliance.
 - 518.586 Records and accounts.
 - 518.587 Amendment and termination.
 - 518.588 Persons not eligible for payment.
 - 518.589 Set-off.
 - 518.590 Joint payee or assignment.
 - 518.591 Good faith.
 - 518.592 Definitions.

AUTHORITY: §§ 518.581 to 518.592 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.581 *General statement.* (a) In order to encourage the domestic consumption of dates produced in the con-

tinental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments on dates diverted under the terms and conditions hereinafter set forth.

(b) Information pertaining to this program and forms prescribed for use hereunder may be obtained from the following:

Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles 15, California.

C. P. Sivertson, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 14th Street and Independence Avenue, S. W., Washington 25, D. C.

§ 518.582 *Rate of payment.* The rate of payment applicable to dates diverted in accordance with the terms and conditions contained herein shall be 2.5 cents per net pound of dates whose moisture content does not exceed an average of 25 percent. A deduction of 0.05 cent per pound shall be made for each whole or fractional percent by which the moisture content exceeds 25 percent.

§ 518.583 *Eligibility for payment—*(a) *Program participation.* (1) Payments will be made to any individual, partnership, association of growers or packers, or corporation located in the continental United States (i) who executes an application, in quadruplicate, on prescribed forms, for participation in the program, (ii) whose application is filed no later than July 31, 1959, with the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles, California, (iii) whose application is approved by the Administrator, (iv) who diverts eligible dates, either directly or through an agent or subcontractor, (v) who files claim as provided in § 518.585, and (vi) who otherwise complies with all the terms and conditions of this program. Applications will be considered in the order submitted and in accordance with the availability of funds. An application must be submitted for

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certificates are issued and as that produced from previously inspected eligible dates, (2) recording container net weight and count of number of containers loaded in car or truck, and (3) any other examination necessary to determine compliance with program requirements.

(f) *Application.* "Application" means Form FV-488 (10-14-58), "Application for Participation in Date Diversion Payment Program ZMD 29a and For Approval of Diversion Product."

(g) *Filed.* Applications, claims and related documents are deemed to be filed on the date postmarked by a U. S. Post Office, if mailed, or when received by the appropriate USDA office if otherwise delivered.

Effective date: This program shall become effective at 12:01 a. m., P. s. t., October 14, 1958.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 10th day of October 1958.

[SEAL] S. R. SMITH,
Representative of the
Secretary of Agriculture.

F. R. Doc. 58-8538; Filed, Oct. 14, 1958;
8:54 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter J—Fiscal and Financial Affairs

PART 104—INDIVIDUAL INDIAN MONEY ACCOUNTS

REVISION OF REGULATIONS

There was published in the FEDERAL REGISTER on April 19, 1958 (23 F. R. 2610) notice of intention to revise 25 CFR Part 104. The purpose of this revision is to bring 25 CFR Part 104 up to date and provide the Secretary or his authorized representatives with discretionary authority in the administration of individual Indian money accounts of minors and certain adults as specified.

Interested persons were given an opportunity to submit views, data and arguments in writing to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within thirty days of the date of publication. The views and arguments received have been considered. The revision of 25 CFR Part 104 is substantially the same as proposed. The principal changes resulting from responses to the published proposals occur in §§ 104.3 and 104.9. In § 104.3 the provision has been deleted which proposed authorizing disbursements to third parties from the accounts of individuals upon the request of such individuals. In § 104.9 authority is given for applying funds in the account of an individual toward payment of money judgments rendered against him by any court of Indian offenses or under any tribal law and order code.

The revision of 25 CFR Part 104 set forth below is hereby adopted and be-

comes effective on the date of this publication.

Sec.	Definitions.
104.1	Osage Agency.
104.2	Individual accounts.
104.3	Minors.
104.4	Adults under legal disability.
104.5	Voluntary deposits.
104.6	Payments by other Federal agencies.
104.7	Purchase orders.
104.8	Restrictions.
104.9	Funds of deceased Indians other than the Five Civilized Tribes.
104.10	Funds of deceased Indians of the Five Civilized Tribes.
104.11	Appeals.
104.12	

AUTHORITY: §§ 104.1 to 104.12 issued under R. S. 161, R. S. 441, as amended, R. S. 463, R. S. 465; 5 U. S. C. 22, 485, 25 U. S. C. 2, 9.

§ 104.1 *Definitions.* As used in this part:

(a) The term "individual Indian money accounts" means those accounts under the control of the Secretary of the Interior or his authorized representative belonging to individuals.

(b) The term "minor" means an individual who has not reached his majority as defined by the laws of the State of his domicile.

§ 104.2 *Osage Agency.* The provisions of this part do not apply to funds the deposit or expenditure of which is subject to the provisions of Part 108 of this subchapter.

§ 104.3 *Individual accounts.* Except as otherwise provided in this part, adults shall have the right to withdraw funds from their accounts. Upon their application, or an application made in their behalf by the Secretary or his authorized representative, their funds shall be disbursed to them. All such disbursements will be made at such convenient times and places as the Secretary or his authorized representatives may designate.

§ 104.4 *Minors.* Funds of a minor may be disbursed in such amounts deemed necessary in the best interests of the minor for the minor's support, health, education, or welfare to parents, legal guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the Secretary or his authorized representative, or to the minor directly, upon such conditions as the Secretary or his authorized representative may prescribe. The Secretary or his authorized representative will require modification of an approved plan whenever deemed in the best interest of the minor.

§ 104.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare, or the funds may be disbursed to a legal guardian or curator under such conditions as the Secretary or his authorized representative may prescribe.

§ 104.6 *Voluntary deposits.* As a general rule, voluntary deposits shall not be accepted. Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is

determined that an exception to this prohibition should be made to avoid a substantial hardship, the facts in the case shall be considered by the Secretary or his authorized representative and an exception will be allowed or denied.

§ 104.7 *Payments by other Federal agencies.* Moneys received from the Veterans Administration or other Government agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), may be accepted and administered for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 104.8 *Purchase orders.* Purchase orders may be issued only in emergencies upon the request of any account holder. The Secretary or his authorized representative may act in emergencies on behalf of an account holder who is unable to make a request because of illness or incapacity or, to meet expenses of last illness or funeral.

§ 104.9 *Restrictions.* Funds of individuals may be applied by the Secretary or his authorized representative against delinquent claims of indebtedness to the United States or any of its agencies or to the tribe of which the individual is a member, unless such payments are prohibited by acts of Congress, and against money judgments rendered by courts of Indian offenses or under any tribal law and order code. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Secretary or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the Secretary or his authorized representative or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress. The funds of an adult whom the Secretary or his authorized representative finds to be in need of assistance in managing his affairs, even though such adult is not non compos mentis or under other legal disability, may be disbursed to the adult, within his best interest, under approved plans. Such finding and the basis for such finding shall be recorded and filed with the records of the account.

CROSS REFERENCE: For rules governing the payment of judgments from individual Indian money accounts, see § 11.26 of this chapter.

§ 104.10 *Funds of deceased Indians other than the Five Civilized Tribes.* Funds of a deceased Indian other than those of the Five Civilized Tribes may be disbursed (a) for the payment of obligations previously authorized, including authorized expenses of last illness; (b) for authorized funeral expenses; (c) for support of dependent members of the family of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (d) for necessary expenses to conserve the estate pending the completion of probate proceedings; and (e) for probate fees

and claims allowed pursuant to Part 15 of this chapter.

§ 104.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and State estate and income taxes, obligations approved by the Secretary or his authorized representative prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, costs of determining heirs to restricted property by the State courts, and claims allowed pursuant to Part 16 of this chapter.

§ 104.12 *Appeals.* Appeal from an action taken by a Superintendent or other officer in charge of an Indian agency or reservation may be taken within 30 days of notification of the action to the Area Director in charge of an area office of the Bureau of Indian Affairs. An appeal from an action of an Area Director may be taken within 30 days to the Commissioner of Indian Affairs. An appeal from an action of the Commissioner may be taken within 30 days to the Secretary of the Interior.

ELMER F. BENNETT,
Acting Secretary of the Interior.

OCTOBER 9, 1958.

[F. D. Doc. 58-8495; Filed, Oct. 14, 1958;
8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 16, Amdt. 4]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

LIMITATION OF SHIPMENTS

§ 969.316 *Avocado Order 16, as amended—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when in-

formation upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the Booth 8 and Lula varieties of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 969.316,

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 8-----	9-22-58	16 ounces 13 ¹ / ₁₆ inches	10- 6-58	14 ounces 13 ¹ / ₁₆ inches	10-13-58	12 ounces 13 ¹ / ₁₆ inches	10-27-58
Lula-----	10-13-58	18 ounces 13 ¹ / ₁₆ inches	10-20-58	16 ounces 13 ¹ / ₁₆ inches	11- 3-58	14 ounces 13 ¹ / ₁₆ inches	11-17-58

2. Delete from subparagraph (9) the dates "November 3, 1958," "November 17, 1958," "November 24, 1958," and "December 8, 1958" and substitute therefor the dates "October 27, 1958," "November 10, 1958," "November 17, 1958," and "December 1, 1958," respectively.

(c) The provisions of this amendment shall become effective at 12:01 a. m. e. s. t., October 13, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-8537; Filed, Oct. 14, 1958;
8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 49-1]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

PASSENGER-CARRYING AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of October 1958.

Effective June 25, 1958, the Civil Aeronautics Board revised Part 49 of the Civil Air Regulations. Prior to this revision, Part 49 permitted the carriage on passenger-carrying aircraft of certain radioactive materials when packed, marked, and labeled in accordance with the requirements for shipment by rail express. However, in the revised Part 49 such a provision was inadvertently omitted. It was not intended that the revised part should be more restrictive with respect to radioactive materials than was the previous part. The Board has found through experience, that radioactive materials when packed, marked, and labeled in accordance with requirements of Parts 72 and 73 of the ICC Regulations may be transported without any adverse effect on the safety of passengers aboard the aircraft. This amendment therefore will permit the carriage of radioactive materials as before.

as amended (23 F. R. 4349, 5476, 6318, 7343), are hereby further amended as follows:

1. Revise the dates appearing in columns (6) and (8) of Table I applicable to the Booth 8 variety, and in columns (4), (6), and (8) applicable to the Lula variety, so that after such revision the portion of such table applicable to such varieties shall read as follows:

Since this amendment corrects an error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends revised Part 49 of the Civil Air Regulations (14 CFR Part 49, as amended), effective October 10, 1958.

By amending § 49.31 by adding a new paragraph (f) to read as follows:

§ 49.31 *Articles which may be carried on passenger-carrying aircraft. * * **

(f) Subject to the limitations contained in § 49.24 (b), radioactive materials, Groups I, II, and III, may be carried when packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72, 73) for shipment by rail express.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 902, 52 Stat. 1007, as amended, 1015, as amended; 49 U. S. C. 551, 622)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F. R. Doc. 58-8533; Filed, Oct. 14, 1958;
8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 238]

PART 608—RESTRICTED AREAS

HAVANA, ILL., RESTRICTED AREA (R-547)
(DES MOINES)

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and is 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, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows: