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TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE CORN; WAREHOUSE RECEIPTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 5521, 8871, and 23 F. R. 207 containing the specific requirements of the 1957-crop corn price support program are hereby amended as follows:

1. Section 421.2338 is amended by adding a new paragraph (g) to provide that corn containing in excess of 13.5 percent moisture stored in an approved warehouse under loan or purchase agreement and otherwise meeting eligibility requirements is eligible for price support if a statement is furnished by the warehouseman. The new paragraph (g) reads as follows:

§ 421.2338 *Eligible corn.* * * *

(g) Corn when placed under a warehouse-storage loan or delivered from approved warehouse storage under a purchase agreement containing in excess of 13.5 percent moisture, shall not be eligible, except that corn represented by warehouse receipts which indicate that the corn is ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 13.5 percent moisture or less will be delivered substantially as follows: "On corn containing in excess of 13.5 percent moisture delivery will be made of corn grading No. _____ with _____ percent moisture in an amount of _____ bushels, which represents the actual quantity obtained after drying the corn and no lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

2. Section 421.2339 is amended by adding a new paragraph (g) to provide that if the warehouseman furnishes a statement as provided in § 421.2338 (g) the numerical grade and grading factors of the corn to be delivered must be shown on the supplemental certificate. The new paragraph (g) reads as follows:

§ 421.2339 *Warehouse receipts.* * * *

(g) If the warehouseman has furnished a statement as provided in § 421.2338 (g), the supplemental certificate must show the numerical grade, grading factors and the weight of the corn to be delivered. Where the grade, grading factors or the weight of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the entries shown on the supplemental certificate shall take precedence for the purpose of making loans and for settlement of loans and purchase agreements.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 11th day of April 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-2947; Filed, Apr. 18, 1958; 8:55 a. m.]

[1958 C. C. C. Cottonseed Bulletin 1]

PART 443—OILSEEDS

SUBPART—1958 COTTONSEED LOAN PROGRAM

This bulletin states the requirements with respect to loans under the 1958 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). A separate bulletin (or bulletins) will cover purchases of cottonseed under the 1958 Cottonseed Price Support Program. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.
443.1401 Administration.
443.1402 Availability of loans.
443.1403 Eligible producer.
443.1404 Eligible cottonseed.
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boat, or other vessel of fifteen gross tons or less propelled by machinery other than steam, under the Motorboat Act of April 25, 1940, as amended.

(c) A license as master, mate or pilot of inspected vessels on waters other than ocean and coastwise waters, or a license as master, mate or pilot of yachts on the Great Lakes, other lakes, bays, and sounds or rivers, or a license as operator issued under the act of May 10, 1956, will authorize the holder to serve as an operator of a motorboat, or other vessel of fifteen gross tons or less propelled by machinery other than steam, under the Motorboat Act of April 25, 1940, as amended, on the class vessel, waters and within other restrictions in his license.

(R. S. 4426, as amended, secs. 7, 17, 54 Stat. 165, 166, as amended; 46 U. S. C. 404, 526f, 526p)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Dated: April 15, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58-2929; Filed, Apr. 18, 1958; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 104]

INDIVIDUAL INDIAN MONEY ACCOUNTS

NOTICE OF PROPOSED RULE MAKING

APRIL 15, 1958.

Notice is hereby given of intention to revise Part 104—Individual Indian Money Accounts, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of the revision is to bring Part 104 up to date and provide the Secretary or his authorized representative with discretionary authority in the administration of individual Indian money accounts of minors and certain adults as specified.

All interested persons are hereby given the opportunity to submit in writing, views, data, and arguments concerning the proposed revisions, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

Part 104, formerly numbered Part 221 and titled Indian Money Accounts, is revised in its entirety to read as follows:

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

AUTHORITY: §§ 104.1 to 104.13 issued under R. S. 161, 465, 5 U. S. C. 22, 25 U. S. C. 9. Interpret or apply R. S. 441, as amended, 465; 5 U. S. C. 485, 25 U. S. C. 2.

§ 104.1 *Definitions.* (a) "Individual Indian money accounts" are those accounts under the control of the Secretary of the Interior or his authorized representative belonging to individuals.

(b) "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 expenditures 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, or, upon written request of such adults, to third parties. All such disbursements will be made at such convenient times and places as the Secretary or his authorized representive 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 governmental 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. 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

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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.

[F. R. Doc. 58-2890; Filed, Apr. 18, 1958; 8:48 a. m.]

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN RESERVATION IRRIGATION PROJECT, ARIZONA

APRIL 15, 1958.

Notice is hereby given of intention to modify the regulations in Part 221 of the Code of Federal Regulations, Title 25—Indians, relating to Miscellaneous Indian Irrigation Projects, and the San Carlos Indian Reservation Irrigation Project, Arizona, as set forth below. The proposed modification would delete the San Carlos Indian Reservation Irrigation Project, Arizona, from § 221.105; establish a separate operation assessment regulation for the San Carlos Indian Reservation Irrigation Project; and increase the annual basic assessment rate from $0.50 per acre to $14.00 per acre for the delivery of not to exceed four acre feet of water per acre annually.

Interested persons are hereby given opportunity to participate in the proposed revisions by submitting their views, data or arguments in writing to the Area Director, Bureau of Indian Affairs, P. O. Box 7007, Phoenix, Arizona, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

1. Section 221.105 is amended to read as follows:

§ 221.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928, 38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387, a part of the reimbursable cost of operating and maintaining the irrigation projects named in this section is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1957 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project and Agency	*Per acre (per annum)*
Duck Valley, Western Shoshone	$3.40
Miscellaneous Units, Navajo	.50
Pyramid Lake Unit, Carson	5.15
San Xavier Unit, Sells	1.00
Tongue River Unit, Tongue River	.25
Warm Springs Unit, Warm Springs	2.00
Burns Indian Village, Warm Springs	12.65

2. A new center head and new §§ 221.160 to 221.163 are added to read as follows:

SAN CARLOS INDIAN RESERVATION IRRIGATION PROJECT, ARIZONA

§ 221.160 *Basic assessment.* Pursuant to the Acts of Congress approved August 1, 1914, and March 7, 1928, 38 Stat. 583; 45 Stat. 210; 25 U. S. C. 385–387, the annual basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the San Carlos Indian Reservation Irrigation Project, Arizona, for the season of 1959 and subsequent years until further notice is hereby fixed at $14.00 per acre for delivery of not to exceed four acre feet of water per acre annually.

§ 221.161 *Excess water assessment.* Additional water, if and when available, in excess of the basic allowances, may be delivered upon written request to the Superintendent by the landowner or lessee at the rate of $3.00 per acre foot, or fraction thereof.

§ 221.162 *Payments.* The basic annual water assessment rate fixed in § 221.160 shall become due on March 1 of each year and shall be payable on or before that date each year, and no water shall be delivered prior to the payment of such charges except as provided in § 221.163.

§ 221.163 *Water delivery.* (a) The delivery of water shall be refused to all tracts of land for which the charges have not been paid except when the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the superintendent as hereinafter provided.

(b) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay such charges. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

[F. R. Doc. 58-2891; Filed, Apr. 18, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MARKETING OF TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1958–59 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311–1315, 1372–1375), the Agricultural Act of 1949 (63 Stat. 1051), and the Agricultural Act of 1956 (70 Stat. 188), marketing quota regulations are being prepared governing the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, burley tobacco, flue-cured tobacco, fire-cured (type 21) tobacco, fire-cured (types 22, 23, 24) tobacco, dark air-cured tobacco, Virginia sun-cured tobacco, and Maryland tobacco for the 1958–59 marketing year.

It is contemplated that the regulations for the 1958–59 marketing year will be substantially the same as those issued for the 1957–58 marketing year (22 F. R. 4634 cigar-binder and cigar-filler and binder; 22 F. R. 4064, 6909, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured; 22 F. R. 7923, Maryland) except for changes set forth herein.

The changes being considered which are applicable to each of the regulations are as follows:

1. A provision would be included to provide that each marketing card issued shall bear either the actual or facsimile signature of the State administrative officer for cards issued in State offices and the county office manager for cards issued in county offices.

2. It is proposed that a new paragraph entitled "Erroneous Notice of Measured Acreage" would be included and would read substantially as follows:

Erroneous notice of measured acreage. If it is determined that with respect to tobacco, the farm is out of compliance for farm marketing quota purposes, the farm nevertheless shall be deemed in compliance for marketing quota purposes if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that: (1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm in accordance with applicable regulations; (3) the incorrect notice was the result of an error

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