THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 24 NUMBER 172

Washington, Wednesday, September 2, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Defense Mobilization; Federal Civil Defense Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.121 and paragraphs (e) and (f) of § 6.123 are revoked.

(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. 59-7297; Filed, Sept. 1, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (3) of paragraph (a) of § 6.309 are amended as set out below.

§ 6.309 Post Office Department.

(a) *Office of the Postmaster General.*
* * *

(2) One Executive Assistant to the Postmaster General.

(3) Six Special Assistants to the Postmaster General.

(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. 59-7298; Filed, Sept. 1, 1959; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

PART 361—BRITISH TOKEN IMPORT PLAN

Amendment to List of Commodities

Part 361, British Token Import Plan, is amended in the following particulars:

Section 361.13 *Commodities subject to the Plan,* is amended by deleting the following entries from the list set forth therein:

FOOD AND DRINK

85. Canned lobster.
75. Canned macaroni and spaghetti.
74. Canned soups.
84. Canned vegetables, including tomato juice, but excluding tomatoes and tomato puree.
87. Cheese rennet.
118. Glace cherries.
1. Jelly powder.
120. Marshmallow (cooking ingredient).
82. Mustard.
83. Olives preserved in salt or brine.
188. Onion and garlic salt.
219. Pectin, domestic pack.
157. Pickles.
185. Quick-frozen fruits.
119. Quick-frozen peas.
73. Rolled or flaked oats.
178. Sugar confectionery of all kinds, excluding cocoa preparations.
86. Vegetable butter coloring.

LEATHER PRODUCTS

151. Fancy leather goods, excluding trunks, traveling bags, handbags, wallets and pochettes.
221. Leather footwear.
138. Leather gloves, including industrial gloves.

RUBBER MANUFACTURES

91. Household rubber gloves.
68. Rubber bands.
67. Rubber bathing caps.
47. Rubber belting, other than conveyor belting.
69. Rubber erasers.

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distributor with misrepresenting the price and composition of neckties it sold to retailers for resale by labeling them falsely as "Pure Silk", "All Silk", etc. and by attaching labels bearing fictitious prices represented thereby as the regular retail prices.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Wells International Corporation, a corporation, and its officers, and Ned Goldsmith, individually and as an officer of said corporation, respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of neckties or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing, or in any other manner, that certain amounts are the regular and usual retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

3. Misrepresenting, in any manner, and by any means, the fibers or materials of which merchandise is composed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7293; Filed, Sept. 1, 1959; 8:48 a.m.]

Title 25—INDIANS

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

SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

Miscellaneous Amendments

On pages 478–480 of the FEDERAL REGISTER of January 21, 1959, there was published a notice of intention to amend portions of Part 121 of 25 CFR. In the main, these amendments consist of the realignment of material under the subheading "Sales" to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes.

Interested persons were given an opportunity to submit their comments, suggestions, or objections in writing on the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period several comments, suggestions, and objections were received. These were thoroughly considered and discussed, and as a result of such consideration and discussions changes have been made as set forth below:

1. The phrasing of § 121.2(a), regarding the issuance of patents in fee, has been changed to the positive; and "it is determined" connotes a more formal action and constitutes, in fact, the action that is taken.

2. Section 121.10 has been rewritten to put into clearer language what was intended to be said.

3. Section 121.11 has been changed to provide that written notice of a proposed sale need not be given to a tribe which has indicated by resolution that it is not interested in acquiring land.

4. Section 121.12, regarding the acceptance of bids that are less than the appraised value, has been clarified.

5. Section 121.14 has been changed in the sentence regarding oral auction by adding "provided the tribe is not the high bidder in such cases." Section 121.14 has been further changed since it has been pointed out that the deleted provision would have added an unnecessary and cumbersome administrative step. "United States Treasury Check" has been added to the provision relating to the deposit to accompany sealed bids to accommodate those cases in which a tribe is a bidder. An added sentence excepts the tribe from the requirement of submitting a sealed bid of 75 percent or more of the appraised value of the land. Since this requirement could possibly result in the tribe not being eligible to participate in the oral auction, and since such auction is to be held primarily for the benefit of the tribes, the change is appropriate.

6. Section 121.15 has been changed to reflect the present practice which was not intended to be changed.

7. Section 121.17 *Bidding by employees,* has been changed to more fully encompass the prohibition contained in the statute.

8. Section 121.19 has been changed to make regulatory a practice regarding delivery of title documents which has always been followed.

9. Section 121.21 has been combined with § 121.20 since the statutory authority for the charge for cost of conveyance and for the additional sales fee is the same, and there is no apparent reason for having two different sections. Further, no reason is seen for basing the cost of conveyance on the amount of the purchase price, as set forth in the present § 121.20. The provision for waiving the collection of the cost of conveyances where the purchaser is a tribe which contributes to the expenses of the realty functions will help avoid unnecessary bookkeeping procedures.

10. Section 121.22 has been renumbered § 121.21, since § 121.21, as published, has been combined with § 121.20. The section has also been changed to more accurately reflect the present procedure with regard to preparation of the appraisal of the land.

11. Section 121.23 has been renumbered § 121.22.

The proposed amendment to the regulations, as so changed, is hereby adopted, and is set forth below. The amendment is effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON, *Secretary of the Interior.*

AUGUST 27, 1959.

1. Section 121.2(a) is amended to read as follows:

§ 121.2 Issuance of patents in fee.

(a) The Secretary of the Interior may, in his discretion, and pursuant to the Acts of February 8, 1887, as amended (24 Stat. 388, as amended; 25 U.S.C. 349); June 25, 1910, as amended (36 Stat. 855, as amended; 25 U.S.C. 372); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing Acts, issue patents in fee to Indians applying therefor in accordance with § 121.1. A patent in fee will be issued pursuant to this paragraph if it is determined that the applicant is competent and capable of managing his or her own affairs. At the time of the issuance of a patent in fee, an inventory of the estate covered thereby shall be delivered to the patentee. If an application is denied, the applicant shall be so notified in writing.

2. The heading "Method of Sales" is deleted and §§ 121.9 through 121.31 are consolidated into 14 sections under the following heading to read as follows:

SALES AND EXCHANGES OF INDIVIDUALLY OWNED TRUST OR RESTRICTED LAND, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND

Sec.
121.9 Authority.
121.10 Statutory prohibitions.
121.11 Petition for sale.
121.12 Appraisal.
121.13 Advertisement.
121.14 Bids.
121.15 Action at close of bidding.
121.16 Rejection of bids; disapproval of sale.
121.17 Bidding by employees.
121.18 Negotiated sales.
121.19 Deferred payment sales.
121.20 Cost of conveyances; payment.
121.21 Irrigation fees; payment.
121.22 Preference right to purchase lands in Oklahoma.

§ 121.9 Authority.

(a) Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing Acts, the following classes of land may be sold or exchanged

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by the Indian owner(s) with the approval of the Secretary of the Interior:

(1) Allotted land, and devised and inherited interests therein;

(2) Land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites either that title is in the United States in trust for the Indian or that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, the Secretary of the Interior, or other official of the Federal Government.

(b) Pursuant to the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended, in certain circumstances the Secretary of the Interior or his duly authorized representative may sell interests in trust allotments acquired by Indians through inheritance or devise.

§ 121.10 Statutory prohibitions.

Trust or restricted Indian lands, or any interest therein, may not be conveyed without the approval of the Secretary of the Interior or his authorized representative (see 25 U.S.C. 348, in addition to Acts cited above). Moreover, inducing an Indian to execute any instrument purporting to convey any trust or restricted land or interest therein, or the offering of any such instrument for record, is prohibited and criminal penalties may be incurred. (See 25 U.S.C. 202.)

§ 121.11 Petition for sale.

Petitions for the sale of trust or restricted land shall be filed on approved forms with the Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land. Sales will be authorized only if, after careful examination of the circumstances in each case, a sale appears to be clearly justified in the light of the long-range best interests of the owner(s). Written notice of the approval of petitions for sale of land shall be given to the tribe, occupying the reservation where the land is located, a sufficient time in advance of public advertising to reasonably enable the tribal authorities to consider the possibility of tribal interest in the land being sold. Such notice need not be given where a tribe has, by appropriate resolution, expressed a lack of interest in acquiring land on the reservation.

§ 121.12 Appraisal.

Prior to making or approving a sale, exchange, or gift of trust or restricted land, an appraisal shall be made indicating the fair market value of such land. If the highest bid received at an advertised sale is less than the appraised value, the bid may be accepted with the consent of the owner(s) if the bid price approximates the appraised value and is, in the judgment of the Secretary, the highest price that may be realized in the circumstances.

§ 121.13 Advertisement.

Upon approval of an application for an advertised sale, notice of the sale will be published not less than 30 days prior to the date fixed for the sale, unless a shorter period is authorized. Notice of sale will state the terms, conditions, and method of sale; and will include the date, hour, and place of sale; description of the tract or tracts; a list of all reservations to which title will be subject; where and how bids shall be submitted; and a statement warning all bidders against violation of the provisions of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders. With the consent of the owner(s), the notice may afford to the tribe, to members of such tribe, or to any reasonably defined class of Indians, a right to meet the high bid.

§ 121.14 Bids.

Advertised sales may be made under sealed bid or under sealed bid followed by an oral auction. The notice of sale (§ 121.13) shall state the method of bidding. Sealed bids may be submitted either by mail or personally by the principal or an agent, and in either event, will be considered only if received by the officer in charge prior to the hour fixed for the sale. Sealed bids must be enclosed in a sealed envelope, and must be accompanied by a certified check, cashier's check, money order, or United States Treasury Check, payable to the Bureau of Indian Affairs, for not less than 10 percent of the amount of the bid. The sealed envelope must be marked as prescribed in the notice of sale. The sealed envelopes will be publicly opened by the officer in charge only at the time fixed for the sale. The bids will be announced and will be appropriately recorded. The advertisement will provide for an oral auction to follow the opening of sealed bids in all cases in which a preference right to meet the high bid has not been granted to a tribe seeking such a right, provided the tribe is not the high bidder in such cases. The auction will be held provided one or more acceptable sealed bids are received. The auction shall be limited to bidders who, in their sealed bids, offer 75 percent or more of the appraised value of the land. The provision for holding an oral auction is based on a policy which recognizes that in many instances a tribe has a valid interest in acquiring lands of individual Indians which are offered for sale and which is designed to provide an additional opportunity to Indian tribes to acquire the lands. In furtherance of this policy, it will not be required that the sealed bid of the tribe amount to 75 percent or more of the appraised value of the land, in order for the tribe to be eligible to participate in the oral auction. At the conclusion of the auction, the highest bidder shall be required to increase his deposit to not less than 10 percent of the amount of his bid.

§ 121.15 Action at close of bidding.

The officer in charge of the sale shall publicly announce the highest bid, and the deposit submitted by the unsuccessful bidders shall be returned immediately to them. The deposit submitted by the successful bidder shall be held in special deposits. The awarding of bid shall be made by the Area Director, who shall appropriately notify the successful bidder and require the deposit of the remainder of the purchase price within 30 days from the date of notification. Upon a showing of cause, the Area Director may, in his discretion, extend the time for payment of the balance due. The issuance of patent or delivery of deed to the purchaser will not be authorized until the balance has been paid. If the remainder of the bid is not paid within the time allowed, the bid will be rejected and the bidder's deposit will be forfeited to the use of the owner(s) of the land.

§ 121.16 Rejection of bids; disapproval of sale.

The officer in charge of the sale shall have the right to reject any and all bids prior to award. The Secretary of the Interior reserves the right to reject any bid at any time prior to the issuance of patent or approval of deed, when he shall have determined such action to be in the best interests of the Indian owner(s).

§ 121.17 Bidding by employees.

Except as authorized by the provisions of § 251.5 of this chapter, no person employed in Indian affairs shall directly or indirectly bid, or make or prepare any bid, or assist any bidder in preparing his bid. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 251.5 of this chapter (see 25 U.S.C. 68 and 441).

§ 121.18 Negotiated sales.

(a) The following types of conveyances may be negotiated: (1) A sale to another Indian, an Indian tribe, or a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (b) of this section; (2) the United States or an agency thereof, or a state or local government or agency thereof, or such other sale as may be for a public purpose; (3) a sale to a non-Indian when the Secretary determines that it is impractical to advertise; (4) an exchange; (5) temporary easements for rights of way not to exceed fifty years. Except as provided in paragraphs (b) and (c) of this section, the consideration for a negotiated sale shall be not less than the appraised value of the land. The consideration for an exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land.

(b) An Indian owner of trust or restricted land may, with the approval of the Secretary, convey land to a member of his or her immediate family for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. For purposes of this section, immediate family is defined as the Indian's spouse, brothers and sisters, lineal ancestors of Indian blood, and lineal descendants.

(c) Indian owners of trust or restricted land may, with the approval of the Secretary, convey land to any Indian who is a co-owner of the land for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. If more than one of the Indian co-owners wish to buy the land, and if the owners agree, all such co-

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owners interested will submit sealed bids. With the consent of the owners, the award will be made to the highest such bidder.

§ 121.19 Deferred payment sales.

When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. The terms of the sale will be incorporated in a Memorandum of Sale which shall constitute a contract for delivery of title upon payment in full of the amount of the agreed consideration. The deed executed by the grantor or grantors will be held by the Superintendent and will be delivered only upon full compliance with the terms of the sale. If conveyance of title is to be made by fee patent, request therefor will be made only upon full compliance with the terms of the sale. If the purchaser, whether Indian or non-Indian, is to take title in a nontrust and unrestricted status, the purchaser shall pay not less than 25 percent of the purchase price in advance, and shall execute notes on Form 5–110g for the balance payable in three equal payments on or before 1, 2, and 3 years after date. If the purchaser is an individual Indian or Indian tribe, and if the purchaser is to take title in a trust or restricted status, the purchaser shall pay not less than 10 percent of the purchase price in advance; terms for the payment of the remaining installments are within the discretion of the Secretary of the Interior. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

§ 121.20 Cost of conveyances; payment.

In all cases involving the sale of restricted allotted Indian lands, either on a cash basis or on deferred payments, the purchasers will be required to deposit with the Superintendent, in addition to the consideration for the land, the sum of $22.50, such amount to be paid when the purchaser is notified that he is the successful bidder. Such fees should not be included in checks covering payment for the land, but collected separately and deposited to the credit of the United States as general fund receipts, except when the expenses of the work are paid from Indian tribal funds, in which event they shall be credited to such funds. This fee is collected for the purpose of paying, at least in part, for the work incident to the sale as required by the Act of February 14, 1920, as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413). The fee may be reduced to a lesser amount than $22.50 or to a nominal amount if the circumstances justify such reduction in the discretion of the Secretary of the Interior. When the purchaser is an Indian tribe which bears all or any part of the expenses of the realty functions, the collection of the fee shall be waived.

(Sec. 1, 41 Stat. 415, as amended; 25 U.S.C. 413)

§ 121.21 Irrigation fees; payment.

Where irrigable lands are to be sold, a statement for use in preparing the appraisal will be obtained from the supervising or project engineer as to the proportionate per acre construction cost of the project to be assessed against the land, the amount of such assessment which has not been paid, and the amount of unpaid operation and maintenance charges assessed against the lands. In such sales the purchaser will be required to pay the proportionate per acre construction cost of the particular project to be assessed against the land; and in addition, the purchaser will be required to pay the annual operation and maintenance charges assessed against the land which will be based on the annual cost of the operation of the system. All such charges, remaining unpaid as of the date of the acceptance of the bid, must be paid by the purchaser. In all cases purchasers will be required to enter into an agreement for the payment of all such charges. A lien clause covering the cost of all irrigation charges, past and future, will be inserted in the patent or other instrument issued to the purchaser.

CROSS REFERENCES: For regulations pertaining to construction costs, see Parts 211, 214, 215 of this chapter. For additional regulations pertaining to the payment of fees and charges in connection with the sale of irrigable lands, see Parts 128, 129, and § 211.4 of this chapter.

§ 121.22 Preference right to purchase lands in Oklahoma.

In the case of any sale of restricted Indian land at public auction or by sealed bids in Oklahoma, except in the case of the Osage Reservation, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501–509), provides in part that whenever any restricted Indian land or interests in land other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other Act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisement satisfactory to the Indian owner(s), or if offered for sale at auction, said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor. Such preference right to purchase is placed in the Secretary of the Interior under the Act and is recognized as remaining in full force and effect until released by said Secretary or his authorized representative through endorsement on deeds of conveyance or in an appropriate order, the form of which is "Preference right of purchase resting in the Secretary of the Interior under section 2 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 502), is hereby waived as to the lands herein described."

(Sec. 9, 49 Stat. 1968; 25 U.S.C. 509)

3. A new § 121.33 is added under the heading "Removal of Restrictions and Sale of Lands, Five Civilized Tribes, and Reinvestment of funds in Nontaxable Lands," to read as follows:

§ 121.33 Applicability of other sections.

Sections 121.18(a)(5) and 121.22 are applicable to the Five Civilized Tribes.

[F.R. Doc. 59-7276; Filed, Sept. 1, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 2,4-Dichloro-6-(o-Chloroanilino) Triazine

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Hawthorn Road, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine in or on garlic, onions (dry bulb), green onions, leeks, and shallots. The request for tolerances for green onions, leeks, and shallots was later withdrawn. Data in the petition do not show that a tolerance greater than 1.0 part per million is necessary to cover residues in or on garlic and onions (dry bulb).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which these tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.158 (24 F.R. 1460)) are amended as follows:

In § 120.158 *Tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine*, paragraph (b) is amended by inserting the item "garlic" and "onions (dry bulb)". As amended, paragraph (b) reads as follows:

(b) 1 part per million in or on garlic, onions (dry bulb), potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objec-

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