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*Washington, Thursday, March 24, 1955*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10601

ADMINISTRATION OF COMMODITY SET-ASIDE

By virtue of the authority vested in me by the Agricultural Act of 1954 and by section 301 of title 3 of the United States Code, 65 Stat. 713, and as President of the United States, it is ordered as follows:

SECTION 1. (a) Subject to the provisions of this Executive order, the functions conferred upon the President by Title I of the Act of August 28, 1954, Public Law 690, 68 Stat. 897 (the Agricultural Act of 1954) hereinafter referred to as Title I, are hereby delegated to the Secretary of Agriculture.

(b) The authority delegated by this order is exclusive of the authority to declare any national emergency.

SEC. 2. Functions under Title I respecting the disposal outside the United States of commodities in the commodity set-aside shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States as such policy relates to the said functions.

SEC. 3. Strategic materials shall be acquired under section 103 (a) (2) of Title I only in accordance with programs certified by the Director of the Office of Defense Mobilization.

SEC. 4. Existing procedures of coordination among Federal agencies pertaining to the disposal of agricultural surpluses under other laws shall be applicable, so far as is permitted by law and otherwise appropriate, in the carrying out of Title I.

SEC. 5. The provisions of Part II of Executive Order No. 10575 of November 6, 1954 (19 F. R. 7252) are hereby extended and made applicable to the carrying on abroad of functions under Title I.

SEC. 6. This order shall not be deemed to amend or supersede any provisions of Executive Order No. 10560 of September 9, 1954 (19 F. R. 5927)

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*March 21, 1955.*

[F. R. Doc. 55-2452; Filed, Mar. 22, 1955; 2:50 p. m.]

## TITLE 7—AGRICULTURE

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

Subchapter B—Prohibitions of Imported Commodities

[Potato Reg. 1, Amdt. 2]

PART 1066—IRISH POTATOES

POTATO REGULATION NO. 1

Pursuant to the authority vested in me under section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 907, 1047), paragraph (a) of § 1066.1 *Potato Regulation No. 1* (20 F. R. 175, 484) is hereby amended to read as follows: "(a) of the round white or red skin varieties in packs of one hundred (100) pounds or more unless such potatoes meet the requirements of the U. S. No. 1, or better grade and (i) if they are of the Irish Cobbler or Bliss Triumph variety, they are of a size not smaller than 2 inches minimum diameter and (ii) if they are of a variety other than the Irish Cobbler or Bliss Triumph variety they are of a size not smaller than 2¼ inches minimum diameter;"

*Findings.* It is hereby found that it is impracticable 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 in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the requirements established by this import regulation are issued pursuant to section 8e of the act which makes such regulation mandatory; (2) an amendment to grade, size, and quality regulations in effect on domestic shipments of potatoes under § 970.301 of this chapter (19 F. R. 7284, 8556, 9171, 20 F. R. 1360) became effective March 7, 1955; (3) compliance with this amendment to the potato import regulation will not require any special preparation by importers which cannot be completed by the effective date; (4) notice of this amendment in excess of three days, the minimum that is pre-

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§ 146.26 *Animal feed containing penicillin.* * * *

(b) * * *

(24) (i) It is intended for promoting distribution of fat in chickens and turkeys, it contains dienestrol diacetate in a quantity by weight of feed, of 0.007 percent, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7, to establish the safety and efficacy of the article and to guarantee its identity, strength, quality and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) of this paragraph, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotics in the amounts specified in subparagraphs (6) and (7) of this paragraph.

(iii) It is also intended for continuation of coccidiosis prevention in poultry, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains one, but only one, of the ingredients prescribed by subparagraph (1) of this paragraph and in the amounts specified in that subparagraph, or it contains one, but only one, of the coccidiostats prescribed by subparagraph (20) of this paragraph, and in the amounts specified in that subparagraph.

(iv) It is intended for use in the diseases specified in subdivisions (i) (ii) and (iii) of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section, and in the amounts specified in that paragraph.

3. Section 146a.99 *Capsules crystalline penicillin G* * * * is amended in the following respects:

a. In paragraph (a) *Standards of identity* * * * the first sentence is changed to read as follows: "Capsules crystalline penicillin are crystalline penicillin G, sodium or potassium, with or without one or more suitable and harmless buffer substances, vitamin substances, and vegetable oils, enclosed in suitable and harmless gelatin capsules."

b. Paragraph (b) *Packaging; labeling* * * * is amended by changing subparagraphs (1) and (2) and adding subparagraphs (3) and (4) to read as follows:

(1) If it is for use in the preparation of oral solutions, each package shall bear on its outside wrapper or container a statement contains adequate directions for preparing such solutions, and a statement that such solutions should be used immediately.

(2) If it contains vitamin substances, each package shall bear on the outside wrapper or container and the immediate container the name and quantity of each such ingredient.

(3) It shall be labeled with an expiration date that is 36 months, except if it contains one or more vitamine substances it shall be labeled with an expiration date that is 12 months, after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed for the drug.

(4) If it contains one or more vitamin substances, after the name "capsules crystalline penicillin G potassium," or "capsules crystalline penicillin G sodium," wherever either such name appears, the words "with vitamin _____" (the blank being filled in with the name of the vitamin ingredient used) or "with vitamins" (if it contains more than one vitamin ingredient) in juxtaposition with such name.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing the antibiotic drugs and other ingredients specified in amendment 2, above, need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided that they are used in the amounts and for the conditions specified in that amendment.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated. March 18, 1955.

[SEAL] ROSWELL B. PERKINS,
*Acting Secretary.*

[F. R. Doc. 55-2408; Filed, Mar. 23, 1955; 8:50 a. m.]

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# TITLE 25—INDIANS

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

### Subchapter I—Grazing

### PART 71—GENERAL GRAZING REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 71.4 is amended to read as follows:

§ 71.4 *Regulations; scope; exceptions.* The grazing regulations of this part are hereby made effective as of the date of approval hereof for Indian lands under the jurisdiction of the Bureau of Indian Affairs, except as superseded by special written instructions from the Commissioner of Indian Affairs in particular instances, or by provisions of any tribal constitution, bylaws, or charter, heretofore or hereafter duly ratified, or by any tribal action authorized thereunder. All forms necessary to carry out the purpose of the regulations of this part shall be approved by the Commissioner of Indian Affairs.

2. Section 71.11 is amended to read as follows:

§ 71.11 *Indian grazing privileges; allocations and competitive bidding.* (a) Indian families, as defined in § 71.26, who own livestock in numbers not exceeding 250 head of cattle or 1,250 head of sheep, or a combined equivalent thereof in these proportions, may obtain grazing permits without competitive bidding, pursuant to §§ 71.12 and 71.13. Such permits shall be issued to the head of the family.

(b) Indian families who own livestock in numbers exceeding those stipulated in paragraph (a) of this section will be required to enter the open competitive market for their entire holdings, except for those for which they may receive free grazing privileges pursuant to § 71.9: *Provided,* That on reservations where only Indian livestock are grazed, competitive bidding will not be required, but first consideration in the allocation of grazing privileges shall be given to those Indian families owning less than the numbers stipulated in paragraph (a) of this section: *Provided further,* That no family shall be denied a pro rata share of the grazing capacity of the reservation.

3. Section 71.12 is amended to read as follows:

§ 71.12 *Appraisal of grazing privileges.* The total appraised rates for an entire unit, whether charged to Indian families receiving allocations pursuant to § 71.11, or incorporated as a minimum in advertisements for competitive bidding pursuant to § 71.14, shall not be less than the minimum rates authorized pursuant to § 71.10.

4. Section 71.13 is amended to read as follows:

§ 71.13 *Advertisement of grazing privileges; authority therefor* Prior to the advertisement of grazing privileges for competitive bidding, pursuant to § 71.14, the Indians in General Council or their duly authorized representatives shall authorize for tribal lands, and may recommend for allotted lands, the following:

(a) The allocation of range units to Indian permittees eligible therefor pursuant to § 71.11,

(b) The kind or kinds of livestock which will be allowed to graze on each range unit;

(c) The rate per head to be charged for allocations authorized under paragraph (a) of this section and to be incorporated as the minimum in the advertisement, subject to the requirements of §§ 71.10 and 71.12;

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(d) The number of years for which grazing privileges are to be authorized under both allocation and advertisement, subject to the maximum number of years prescribd by law and subject further to the limitation that all permits shall expire within the permit period established for the reservation;

(e) The number of livestock which may be grazed free of charge on range units comprised of tribal lands or on the tribal lands in range units comprised of tribal and other lands operated by Indian families, subject to the limitations of § 71.9;

(f) Whether the existing permittee of a unit, whose occupancy has been satisfactory, shall be given the privilege of meeting the high bid thereon.

The matters thus determined will be entered in the official minutes of the meeting, and the action taken shall be final for the period concerned unless authority to modify such action is granted in writing by the Commissioner of Indian Affairs.

5. Section 71.14 is amended to read as follows:

§ 71.14 *Advertisement of grazing privileges.* The sale of grazing privileges shall be advertised for competitive bidding for a period of 30 days on an approved form and proposals shall be received under sealed bids, unless otherwise authorized by the Commissioner of Indian Affairs. The minimum appraised rates to be incorporated in the advertisement shall not be less than determined pursuant to § 71.12. Proposals must be accompanied by a cashier's check, certified check, or draft, drawn upon a solvent bank, or money order, payable to the order of the Bureau of Indian Affairs, for not less than 10 percent of the amount of the grazing fees due for the first year at the rate bid. The advertisement shall be approved by the Area Director prior to issuance thereof by the Superintendent or other authorized person or persons.

6. Section 71.15 is amended to read as follows:

§ 71.15 *Grazing privileges; award thereof.* The Area Director or other authorized person or persons shall award grazing privileges to the highest satisfactory bidder, and notification thereof shall be given promptly to the superintendent. When pursuant to § 71.13, the privilege has been extended to the existing permittee to meet the high bid, such existing permittee shall be given ten days' written notice by the superintendent in which to meet the high bid. Thereafter, if the existing permittee does not so notify the superintendent that he will meet the high bid, the superintendent shall then notify the highest satisfactory bidder that his bid has been accepted.

7. Section 71.16 is amended to read as follows:

§ 71.16 *Grazing permits; by whom issued.* Grazing privileges on range units shall be on an approved revokable permit form, issued by the superintendent, or other person or persons authorized to sell grazing privileges pursuant to § 71.10. The superintendent shall approve permits issued by any other authorized person. All permits shall accord to the schedule of grazing privileges approved by the Area Director which includes allocations to Indian families pursuant to § 71.11 and awards made under competitive bids. All permits shall be subject to revocation by the Commissioner of Indian Affairs, in his discretion, after 30 days' written notice to the permittee.

8. Section 71.17 is amended to read as follows:

§ 71.17 *Bond requirements.* Permits must provide for the payment of grazing fees annually in advance.

(a) Full performance of all permits for periods exceeding one year shall be guaranteed by corporate surety bond of a company holding a certificate of authority from the Secretary of the Treasury or a satisfactory personal surety bond of not less than four solvent sureties in a penal sum of not less than the annual grazing fees. Each personal surety must own unencumbered real estate of a value equal to twice the amount of the bond and must furnish satisfactory evidence of ownership of such unencumbered real estate. If married, the spouse of the surety must also sign the bond and each signature must be witnessed by at least two individuals and their post office addresses must appear in the instrument. Attorneys-in-fact for corporate surety bonds must furnish satisfactory evidence of authority to execute bonds for and on behalf of the surety company.

(b) In lieu of furnishing a surety bond, a permittee may deposit at the time of the first payment of the grazing fees a sum equal to one-half of the annual grazing fees. This sum shall be held by the Area Director as a cash penal bond and may be applied to the grazing fees due for the last six months of the permit: *Provided,* That no breach of the permit has taken place. In all cases where a cash deposit is made in lieu of a surety bond, the permittee shall execute a proper power of attorney authorizing the Area Director to apply the cash deposit as liquidated damages in the event of any breach of the permit.

(c) Negotiable United States Treasury bonds or other negotiable Treasury obligations may be pledged in lieu of a cash penal or surety bond under the same conditions and stipulations for cash penal bonds. Such Government securities shall be forwarded to the Area Director for safekeeping deposit and must be accompanied with a proper power of attorney authorizing disposal thereof by the Area Director as liquidated damages in the event of any breach of the permit.

9. Section 71.18 is amended to read as follows:

§ 71.18 *Grazing permits; assignments and modifications.* Grazing permits shall not be assigned, sublet or transferred without the consent of the contracting parties, the surety and the issuing officer: *Provided,* That any part of the unit covered by a permit may be withdrawn by the Commissioner of Indian Affairs in his discretion after 30 days' written notice to the interested parties.

10. Section 71.19 is amended to read as follows:

§ 71.19 *Farm-pasture leases.* Farm-pasture lands not suitable for inclusion in range units may be leased in accordance with the provisions of Part 171 of this chapter.

11. Section 71.24 is hereby repealed.

(R. S. 161, sec. 6, 48 Stat. 986; 5 U. S. C. 22, 25 U. S. C. 466)

DOUGLAS MCKAY,
*Secretary of the Interior.*

MARCH 17, 1955.

[F. R. Doc 55-2396; Filed, Mar. 23, 1955; 8:47 a. m.]

# TITLE 29—LABOR

## Subtitle A—Office of the Secretary of Labor

### PART 3—ANTI-KICKBACK REGULATIONS

PAYROLL DEDUCTIONS

The regulations contained in § 3.5 are hereby amended in the following manner;

1. Paragraphs (a), (b), (c), and (d) are not changed,

2. Paragraph (e) is amended by adding subparagraphs (5) and (6) as follows:

(5) Contributions to the Red Cross and to Community Chests.

(6) Regular union initiation fees and membership dues where a collective bargaining agreement provides for such deductions. This does not include work permits or special assessments.

3. Paragraphs (f) and (g) are not changed.

(R. S. 161, sec. 2, 48 Stat. 948, as amended; 5 U. S. C. 22, 40 U. S. C. 276c. Interprets or applies sec. 1, 62 Stat. 740, sec. 310, 65 Stat. 307; 18 U. S. C. 874, 42 U. S. C. 1592i)

Signed at Washington, D. C., this 17th day of March 1955.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 55-2403; Filed, Mar. 23, 1955; 8:48 a. m.]

# TITLE 30—MINERAL RESOURCES

## Chapter I—Bureau of Mines, Department of the Interior

### Subchapter C—Explosives and Related Articles; Tests for Permissibility and Suitability

[Bureau of Mines Schedule 1-G]

### PART 15—EXPLOSIVES

JANUARY 28, 1955.

Part 15 of Subchapter C, Chapter 1 of Title 30, Code of Federal Regulations, is amended to read as follows:

Sec.
15.1 Purpose.
15.2 Definitions.
15.3 Application for test.
15.4 Fees.
15.5 Shipment of explosives.
15.6 Conditions under which tests for permissibility will be made.

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