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JUN 26 1958

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Mr. Bernard R. Kennedy, Director
The Federal Register
National Archives & Record Service
Department of Archives
Register Section
Washington 25, D. C.

Dear Mr. Kennedy:

Attached for publication in the Federal Register in the Rules and Regulations Section are an original and three certified copies of Part 112 "HARDTACK Nuclear Test Series, 1958". This regulation is to be effective upon filing with the Federal Register. Because of the public interest in this matter, we would appreciate having this document filed Thursday, June 26, and published as soon as possible thereafter.

Sincerely yours,

Kathleen H. Shea, Attorney
Office of the General Counsel

Enclosures:
Original & 3 cert. cpy.

- cc: Docket Clerk (LAR) (w/o attachment)
- Mr. Hughes (IS) (w/cy of attachment)
- W. B. McCool (GNC) (w/cy of attachment)
- Legal Files (w/cy of attachment)
- Law Library (w/cy of attachment) Mrs. Lasee
- OGC Reading File (w/cy of attachment)
- OGC Chronological File (w/o attachment)

BEST COPY AVAILABLE

Gen. Counsel
SHEA: MJ
6/24/58

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TITLE 10 - ATOMIC ENERGY

Chapter 1 - Atomic Energy Commission

Part 112 - HARDTACK Nuclear Test Series, 1958

On June 26, 1958, the Atomic Energy Commission issued public notice of the danger area to be established July 25, 1958, in connection with the forthcoming phase of the HARDTACK nuclear test series to be conducted in the area surrounding Johnston Island. The efficient and early completion of this test series, the initial phase of which is currently in progress at the Eniwetok Proving Ground in the Marshall Islands, is of major importance to the defense of the United States and of the free world.

To avoid any unnecessary delay or interruption of this test activity, and to protect the health and safety of the public, the Atomic Energy Commission is issuing the following amendments to Part 112, which amendments will be effective until the HARDTACK test series is completed.

In view of the relationship of these tests to the national defense, the potential hazard to the health and safety of individuals who enter the danger area, and the early starting date of the tests, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following amendments are published as a document subject to codification, to be effective upon filing with the Federal Register;

AUTHORITY: Issued under sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201. Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121. For the purposes of sec.

223, 68 Stat, 958; 42 U.S.C. 2273, § 112.4 issued under sec. 1611, 68 Stat 949, 42 U.S.C. 2201 (1).

1. § 112.3 is amended as follows:

§ 112.3 Definitions: As used in this part:

(a) "Danger area" means the following:

(1) That area established, effective April 5, 1958, encompassing the Bikini and Eniwetok Atolls, Marshall Islands and which is bounded by a line joining the following geographic coordinates:

18° 30' N., 156° 00' E.

18° 30' N., 170° 00' E.

11° 30' N., 170° 00' E.

11° 30' N., 166° 16' E.

10° 15' N., 166° 16' E.

10° 15' N., 156° 00' E.

(2) That area established, effective July 25, 1958, encompassing Johnston Island and which is a circle of 400 nautical miles radius centered at the following geographic coordinates: longitude 169° 31' 00" West and latitude 16° 45' 00" North.

(b) "HARDTACK test series" means that series of nuclear tests conducted and to be conducted by the Atomic Energy Commission and the Department of Defense at the Eniwetok Proving Ground and at Johnston Island, within the danger areas as defined in paragraph (a) of this section, which tests began in April 1958 and will end at an announced time during the calendar year 1958.

2. § 112.4 is amended as follows:

§ 112.4 Prohibition. No United States citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter or remain in either of the defined danger areas (§ 112.3 (a))

