Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10899

AUTHORIZATION FOR THE COMMUNICATION OF RESTRICTED DATA BY THE CENTRAL INTELLIGENCE AGENCY

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act; 42 U.S.C. 2011 *et seq.*), and as President of the United States, it is ordered as follows:

The Central Intelligence Agency is hereby authorized to communicate for intelligence purposes, in accordance with the terms and conditions of any agreement for cooperation arranged pursuant to subsections 144a, b, or c of the Act (42 U.S.C. 2162 (a), (b), or (c)), such Restricted Data and data removed from the Restricted Data category under subsection 142d of the Act (42 U.S.C. 2162 (d)) as is determined

(i) by the President, pursuant to the provisions of the Act, or

(ii) by the Atomic Energy Commission and the Department of Defense, jointly pursuant to the provisions of Executive Order No. 10841,

to be transmissible under the agreement for cooperation involved. Such communications shall be effected through mechanisms established by the Central Intelligence Agency in accordance with the terms and conditions of the agreement for cooperation involved: *Provided*, that no such communication shall be made by the Central Intelligence Agency until the proposed communication has been authorized either in accordance with procedures adopted by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by those agencies, or in accordance with procedures approved by the Atomic Energy Commission and the Department of Defense and applicable to conduct of programs for cooperation by the Central Intelligence Agency.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 9, 1960.

[F.R. Doc. 60-11643; Filed, Dec. 12, 1960; 10:29 a.m.]

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Exemption of Luminous Dial Timepieces Containing Hydrogen 3 (Tritium)

On July 2, 1960, the Commission issued for public comment a proposed amendment to 10 CFR Part 30 to exempt from licensing and other regulatory controls luminous dial timepieces containing tritium. Comments filed by interested persons have been given careful consideration.

The amendment is designed to relieve from licensing and AEC regulatory controls persons who receive luminous dial timepieces containing tritium in accordance with the standards set forth in the amendment.

The principal changes which have been made in the amendment as published on July 2, 1960, as a notice of proposed rule making are as follows:

(a) The amendment will provide for a prelicensing evaluation of luminous dial timepieces to determine if the standards set forth in the amendment will be met rather than merely setting standards which licensees must meet in order to distribute timepieces. A person who applies tritium to timepieces or imports timepieces containing tritium from a foreign manufacturer must obtain a specific license which would authorize the exempt distribution of luminous timepieces.

(b) A requirement has been added to § 30.24 which requires an applicant for a specific license to submit detailed information on the type of luminous products which will be applied to timepieces, the methods which will be used in applying the luminous products to the timepieces, and the prototype and quality control testing which will be carried out to determine that the radioactive material is firmly bound to the hands or dials contained in the timepieces.

(c) A requirement has been added to § 30.24 which requires an applicant for a specific license to carry out specific tests which include (1) bending of hands, (2) a shock test by means of vibration of a timepiece and (3) an immersion test. Any visible flaking or chipping of the radioactive material or loss of more than five percent of the tritium will be considered a cause for rejection.

Further study is being given by the Commission to exemption of other radionuclides for use as luminescing agents for timepieces.

Notice is hereby given that the following amendments are adopted to be effective 30 days after publication in the FEDERAL REGISTER.

1. Add a new § 30.10 to read as follows:

§ 30.10 Certain luminous timepieces.

(a) Except for persons who apply tritium to luminous timepieces or hands or dials and persons who import for sale or distribution luminous timepieces or hands or dials containing tritium, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns or acquires luminous timepieces or hands or dials containing tritium.

(b) Any person who desires to apply tritium to luminous timepieces or hands or dials for sale or distribution, or desires to import for sale or distribution luminous timepieces or hands or dials containing tritium, should apply for a specific license, pursuant to § 30.24(i), which license states that the luminous timepieces or hands or dials may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

§ 30.24 [Amendment]

2. Add a new paragraph (i) to § 30.24 to read as follows:

(i) *Certain luminous timepieces.* An application for a specific license to apply tritium contained in luminous compounds to timepieces or hands or dials, or to import timepieces or hands or dials containing tritium for use pursuant to § 30.10 will be approved if: (1) The applicant satisfies the general requirements specified in § 30.23 and (2) the applicant submits sufficient information relating to the chemical and physical composition and characteristics of the luminous compound(s), the method of application of each compound, quality control procedures and prototype testing of luminous dials, and

(i) The tritium is bound in the luminous compound in a non-water-soluble and non-labile form and the compound is bound to the dials or hands. The tritium will be considered to be properly bound to the dials and hands if there is no visible flaking or chipping and the total loss of tritium does not exceed 5 percent of the total tritium when prototype dials and hands are subjected to the following tests in the order specified below:

(*a*) Attachment of dials to a vibrating fixture and vibration at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2G for a period of not less than one hour; and

(*b*) Attachment of the hub ends of the hands to a clamp and bending of hands over a one-inch diameter cylinder; and

(*c*) Total immersion of the dials and hands used in the tests described in (*a*) and (*b*) of this subdivision in 100 milliliters of water at room temperature for a period of 24 consecutive hours and analysis of the test water for its radioactive material content by liquid scintillation counting or other equally sensitive method.

(ii) Not more than a total of 25 millicuries of tritium will be applied per timepiece; and

(iii) Not more than a total of 5 millicuries of tritium will be applied per hand and not more than 15 millicuries will be applied per dial (bezels when used shall be considered as part of the dial).

(Secs. 81, 161, 68 Stat. 935, 948; 42 U.S.C. 2111, 2201)

Dated at Germantown, Md., this 2d day of December 1960.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 60-11548; Filed, Dec. 12, 1960; 8:45 a.m.]

PART 70—SPECIAL NUCLEAR MATERIAL

Material Transfer Reports

The following amendment prescribes a standard transfer and receipting form to be used by persons holding licenses issued pursuant to the regulations in Part 70, Chapter 1, Title 10, Code of Federal Regulations, in initiating and receipting shipments of special nuclear material.

Notice of proposed issuance of the amendment was published in the FEDERAL REGISTER on August 17, 1960 (25 F.R. 7890), and a period of 60 days was allowed for receipt of comments by interested persons. The comments filed have been given careful consideration.

The provisions of the new § 70.54 are unchanged from those which appeared in the notice of proposed rule making. However, slight changes have been made in the Form AEC-388, and in the accompanying instructions, as follows:

1. On the face of the Form AEC-388 the parenthetical instruction "(For AEC Use Only)" has been deleted from Item 5.

2. On the Face of Form AEC-388 Item 11 has been changed to read: "The items and quantities listed above were shipped on * * *".

3. On the face of Form AEC-388 Item 12 has been changed to read: "The items and quantities listed above were received on * * *".

4. In the instructions appearing on the reverse side of Form AEC-388 the "Note" at the bottom of the page is designated "Note No. 1", and a "Note No. 2" is added, reading: "Licensees are not required to report transfers of special nuclear material to another licensee or to the Commission, for disposal, if the material is contained in waste and if the material has been declared to the Commission as 'consumed' by a licensee.

Licensees are required to report all other transfers of special nuclear material, even though the Commission may have been paid the full value therefor. In such cases the following statement should be inserted in Item 8: 'Full value paid to AEC'."

5. Instruction 5 has been changed to read: "Enter name, address, license number and lease number of the organization assuming lease responsibility for the material; also the applicable order (Form AEC–640) number, if available."

Copies of Form AEC–388 referred to in the amendment will be furnished upon request made to AEC Material Leasing Officer, U.S. Atomic Energy Commission, Oak Ridge, Tennessee.

Notice is hereby given that the following amendment to 10 CFR Part 70 is published as a document subject to codification and is effective 30 days after publication in the FEDERAL REGISTER:

1. Redesignate §§ 70.54 and 70.55 as 70.55 and 70.56, respectively.

2. Add the following new § 70.54:

§ 70.54 Material Transfer Reports.

Each licensee who transfers and each licensee who receives special nuclear material shall submit to the Commission on Form AEC–388,[1] in accordance with the instructions set out therein, reports concerning each transfer of special nuclear material which has been distributed by the Commission pursuant to section 53 of the Act. Such reports shall be transmitted to the Commission promptly after the transfer takes place.

Dated at Germantown, Md., this 2d day of December 1960.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 60–11547; Filed, Dec. 12, 1960; 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 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

HYGROMYCIN B AND CHLORTETRACYCLINE IN ANIMAL FEED, ANIMAL FEED SUPPLEMENTS, AND IN FOOD FOR HUMAN CONSUMPTION

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Amercian Cyanamid Company, P.O. Box 383, Princeton, New Jersey, and other relevant material has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additives hygromycin B and chlortetracycline in medicated swine feed for the prevention and treatment of bacterial swine enteritis, for maintenance of weight gain in the presence of atrophic rhinitis, for reducing the incidence of cervical abscesses, and as an aid in the control of infestation of large roundworms (Ascaris suis), nodular worm (Oesophagostemum dentatum), and whipworm (Trichuris suis).

Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That § 121.208 (21 CFR 121.208) be amended to read as follows:

§ 121.208 Chlortetracycline in medicated feeds.

Chlortetracycline may be safely used in medicated feeds when incorporated therein in accordance with the conditions prescribed in this section:

(a) It is used, or intended for use as a component of low calcium diets in the treatment of the diseases of chickens described in § 146.26(b)(7) of this chapter, as follows:

(1) The quantity of chlortetracycline added to low calcium feed is such that the finished medicated feed contains not less than 110 parts per million (0.0110 percent) no more than 220 parts per million (0.0220 percent) of chlortetracycline.

(2) When feed contains 0.40 percent to 0.55 percent of dietary calcium, it shall not be fed continuously for more than 5 days.

(3) When feed contains 0.80 percent of dietary calcium, it shall not be fed continuously for more than 8 weeks.

(b) It is used, or intended for use, in combination with hygromycin in diets of normal calcium content in the prevention or treatment of diseases of swine described in § 146.26(b)(32)(iv) of this chapter and as an aid in the control of infestation of large roundworms (Ascaris suis), nodular worm (Oesophagostemum dentatum), and whipworm (Trichuris suis), as follows:

(1) For preventive use, the finished medicated feed shall contain 13 parts per million (0.0013 percent) of hydromycin B and 55 parts per million (0.0055 percent) of chlortetracycline.

(2) For treatment, the finished medicated feed shall contain 13 parts per million (0.0013 percent) of hygromycin B and 110 parts per million (0.0110 percent) of chlortetracycline.

(c) The quantities of the antibiotics referred to in this section refer to an activity equivalent to that of the antibiotic master standard.

(d) To assure safe use of the additive or additives, the label and labeling of the food-additive container, or that of any intermediate premix prepared therefrom, shall contain, in addition to other information required by the act, the following:

(1) The name of the additive or additives provided for in this section.

(2) A statement of the concentration or strength of the additive or additives contained therein.

(3) The word "medicated" prominently and conspicuously, wherever the term "feed" or "premix" is used, and in juxtaposition therewith.

(4) Adequate mixing directions to provide for a finished feed with the proper concentration of the additive or additives, whether or not intermediate premixes are to be used.

(5) Adequate use directions to provide a finished feed labeled as provided in paragraph (e) of this section.

(e) To assure safe use of the additive or additives, the label and labeling of the finished medicated feed shall contain, in addition to other information required by the act, the following:

(1) The name of the additive or additives provided for in this section.

(2) A statement of the appropriate concentration or strength of the additive or additives contained therein.

(3) The word "medicated" prominently and conspicuously, wherever the term "feed" appears on the label.

(4) If the additive is to be used as prescribed in paragraph (a) of this section, the label and labeling shall also include:

(i) The statement "contains 0.40 percent to 0.55 percent of dietary calcium—not to be fed continuously for more than 5 days", or the statement "contains 0.8 percent of dietary calcium—not to be fed continuously for more than 8 weeks", whichever is appropriate.

(ii) A statement that the medicated feed should not be used for laying hens.

(5) If the additive is to be used as prescribed in paragraph (b) of this section, the label and labeling shall also include:

(i) A statement that the medicated feed is to be used for prevention or treatment of the diseases of swine listed in § 146.26(b)(32)(iv) of this chapter, and as an aid in the control of infestation of large roundworms (Ascaris suis), nodular worm (Oesophagostemum dentatum), and whipworm (Trichuris suis), whichever is approprpiate.

(ii) A statement that the medicated feed is to be fed to swine only.

(iii) A statement that the medicated feed must be withdrawn 48 hours prior to slaughtering for food.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that a tolerance limitation is required in order to assure that the use of the food additives hygromycin B and chlortetracycline will not cause the edible tissues of chickens or swine to which are fed foods treated with the additives in accordance with § 121.208 to be unsafe. Therefore, the following tolerances are established and Subpart D is amended by changing § 121.1014, and adding the following new section, to read as follows:

[1] Filed as part of original document.