

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF PERSONNEL

WASHINGTON, D. C.

MAY 1954

MEMORANDUM FOR SECRETARY FLEMING  
CHAIRMAN, FEDERAL RADIATION COUNCIL

Subject: Promulgation of guidance to the President for the use of  
Federal agencies in the control of radiological activities

The Working Group has drafted a memorandum to the President which the Federal Radiation Council will consider at its next meeting on May 14th. Presumably the memorandum will, in the course of agency review, be signed by the members of the Council and transmitted to the President for his approval of the Council's recommendations. Assuming that the President does approve the recommendations, the manner in which the approval is announced and disseminated must be determined.

In making that determination, the following factors should be kept in mind:

1. Presidential approval of the recommendations should be clearly indicated.
2. It is desirable that notice be given to the agencies and agencies that the recommendations have been approved by the President.
3. It is desirable that the approved recommendations be a matter of record so that authoritative reference can be made to them in the course of agency operations, research programs, and cooperative programs with the States.
4. The recommendations should be promulgated as guidance rather than as orders or directives (It was determined last year in consultation with the heads of some of all agencies involved that under the Constitution, the order and the legislation).
5. Presidential action should be taken prior to the beginning of the year on approximately 1/1/54.

We have examined various alternative methods of promulgation, ranging from the use of an executive order to the publication of a statement of policy. It is felt that the latter method is the most desirable.

recommend that the memorandum with the proposed amendments be published in the Federal Register. It is proposed that, in the same issue of the Federal Register, the proposed amendments be published on the same page of the memorandum as the proposed amendments.

"If the foregoing recommendations are approved for the guidance of Federal agencies in the conduct of radiological protection activities, it is further recommended that this memorandum be published in the Federal Register."

\_\_\_\_\_  
Secretary, Health, Education and Welfare  
Washington, D.C.

\_\_\_\_\_  
Secretary, Department of Defense  
Washington, D.C.

\_\_\_\_\_  
Secretary, Department of State  
Washington, D.C.

\_\_\_\_\_  
Secretary, Department of Justice  
Washington, D.C.

\_\_\_\_\_  
Secretary, Atomic Energy Commission  
Washington, D.C.

The recommendations contained in the above memorandum are approved for the guidance of Federal agencies, and the memorandum shall be published in the Federal Register.

\_\_\_\_\_  
(for President's signature)

(4)

Such an approach has numerous advantages. It insures that all of the recommendations would be clearly indicated, and it insures that the President has acted upon the advice of his Cabinet. Publication in the Federal Register provides a permanent record of the action.

REPRODUCED AT THE OFFICE OF THE DIRECTOR, NATIONAL BUREAU OF STANDARDS

guidance for their use has been approved by the President and that that guidance a matter of record. It is suggested that the President not issuing an order or directive. The action is of such a nature that it can easily be acted upon without the time-consuming delay inherent in some other alternatives. There is also a question of this type of action by the President.

We have conferred informally with Justice staff on this matter. There appears to be no legal difficulty in having the President act in the manner suggested above.

We suggest that the press release accompanying the President's action be brief, possibly saying such as: "The President has approved the recommendations contained in the attached report from the Federal Radiation Council. He further approved specific arrangements for White House health and safety and Welfare press relations to be made known to the press through the Press Secretary Hagerty."

  
James B. Atchafalua  
Deputy Director