

U.S. DEPARTMENT OF LABOR  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C.

APR 21 1957

The Honorable Arthur S. Flemming,  
Chairman  
Federal Radiation Council  
Executive Office Building  
Washington 25, D. C.

Dear Mr. Flemming:

In accordance with your request of April 20, 1957, the Department of Labor has reviewed Radiation Protection, Draft Report to the Federal Radiation Council and examined the basic assumptions, definitions and recommendations contained in the report insofar as they might affect our operation.

In general, we find this draft an excellent summary of the background history and theory of protection in the field of radiation. In addition, we find the recommendations satisfactory and feasible and do not foresee, with one possible exception, any difficulties in implementing the report in our program.

We have two comments on the report. We would like to state first of all, we note that the mandate to the Federal Radiation Council gives the responsibility to advise Federal agencies in formulation of standards and also "in the establishment and execution of policies of cooperation with States". The report does not make reference to Federal-State relationship. It is our belief that it would be desirable that the recommendations of the Federal Radiation Council be coordinated by other governmental levels in addition to the Federal level. The Department of Labor has always endeavored to promote Federal-State cooperation in matters of mutual concern such as this. It would bring to the attention of the public the need for close cooperation by all levels of government. We suggest that the following lines be adhered to in the recommendations:

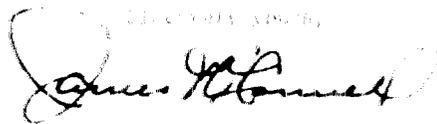
Beneficial use of radiation depends not only on the mature application and control of the Federal Government, but also by States and localities and other public and private groups. Federal agencies will have primary responsibility for the control of all markets of radiation for the public.

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developed in this staff report and fully implemented, it is desirable that other levels of government and private groups consider them in the development of their programs, so that as a nation we may progress with reasonable consistency in the beneficial development of this industry. It is recommended, therefore, that the principles enunciated in this report be considered for guidance by the Federal agencies and the States where joint programs are being developed. Furthermore, the Council is prepared through its member agencies to assist all levels of government in developing their programs and the private industry with tasks recommended in this study.

One other situation which concerns us, particularly with respect to our operating responsibilities under the Walsh-Healey Public Contracts Act, relates to Sections 6.20 and 6.21 dealing with atmospheric contamination in uranium mines. The whole report is based on the theory that benefits must be judged against the risks anticipated. The report indicates that no in-depth review of particular risks was made but the risks are considered minimal for the standards recommended. However, in Section 6.21, it is indicated that the levels recommended by the NCRU and ASA for uranium mines are exceeded. While stating that close watch should be given this problem, no recommendation or action is made at this time. It is further stated that while normally the persons involved probably suffer major impairment, the margin of safety, if any, is small. We do not believe that the relative number involved is a determining factor authorizing an apparent exception to recommended standards. A full consideration has been given to whether the benefits justify the added risks. It is not our understanding that the Board has considered this point. The question of atmospheric contamination in uranium mines must be faced directly at some time. Under the Walsh-Healey Public Contracts Act, this Department has a responsibility to enforce minimum safety codes on public contracts and, particularly in view of this point.

We appreciate the opportunity to discuss this report with you.

Director, MSHA  
  
Director, MSHA