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UNITED STATES
ATOMIC ENERGY COMMISSION
Washington 25, D. C.

4 September 1958

Dear Mr. President:

In our letter of January 27, 1958, we informed you that pursuant to your direction proposed amendments to the Atomic Energy Act of 1954 had been prepared. The amendments proposed with certain revisions were enacted on July 2, 1958, as Public Law 85-479.

In the letter of January 27, referred to above, it was pointed out that the amendments provided that proposed cooperation and the communication of Restricted Data or transfer of material or equipment would be undertaken only when the President determines that such actions will promote and will not constitute an unreasonable risk to the common defense and security. It was also stated that if the amendments were enacted, and Executive Order would be recommended to you establishing procedures whereby the President would authorize proposed communications or transfers only after joint review by the Department of Defense, the Atomic Energy Commission, and other interested agencies, and would authorize such communications or transfers in the absence of the President's personal approval only where the Department of Defense and the Atomic Energy Commission agree that the proposed cooperation and the communication of the proposed Restricted Data, or the proposed transfer arrangement for material or equipment, will promote and will not constitute an unreasonable risk to the common defense and security.

Attached hereto for your consideration is a proposed Executive Order carrying out the above undertaking.

Respectfully yours,

/s/ Donald A. Quarles
Deputy Secretary of Defense

/s/ John A. McCone
Chairman
Atomic Energy Commission

Sep 5 1958

Enclosure

The President
The White House

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EXECUTIVE ORDER

DELEGATING CERTAIN AUTHORITY UNDER
THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, Section 91c and Sections 144b and 144c of the Atomic Energy Act of 1954, as amended, require determinations by the President that, with respect of Section 91c, proposed cooperation and each proposed transfer arrangement, and with respect to Sections 144b and 144c, proposed cooperation and the proposed communication of the Restricted Data, will promote and will not constitute an unreasonable risk to the common defense and security; and

WHEREAS, in the interest of effective cooperation with other nations and regional defense organizations it is desirable that these determinations be made as promptly as possible and in the light of technical, national security and defense considerations pertaining to the determination; and

WHEREAS, the Department of Defense and the Atomic Energy Commission have expert knowledge and long experience in these matters:

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

Section 1. There is hereby delegated to the Department of Defense and the Atomic Energy Commission, acting jointly, after consultation with such other agencies as is appropriate, the responsibility for making the determinations required of the President under the provisions of Section 91c and Sections 144b and 144c of the Atomic Energy Act of 1954, as amended, set forth above.

Section 2. In any case where the Department of Defense and the Atomic Energy Commission are unable to agree upon such a joint determination, the proposed determination shall be referred to the President for his decision.

Section 3. This Order shall be effective on the date of issuance hereof.

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