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May 8, 1958

AEC-R 35/1

COPY NO. 23

ATOMIC ENERGY COMMISSION

APPLICATION OF ISOTOPES SPECIALTIES COMPANY, INC.,
FOR BYPRODUCT MATERIAL LICENSE

Note by the Acting Secretary

1. The General Manager has requested that the attached report by the Director of Licensing and Regulation be circulated for the information of the Commission.

2. Appendices "F" and "G" have been referred to the Division of Licensing and Regulation for appropriate action and further report to the Commission.

Harold D. Anamosa

Acting Secretary

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ATOMIC ENERGY COMMISSION

APPLICATION OF ISOTOPES SPECIALTIES COMPANY, INC.,
FOR BYPRODUCT MATERIAL LICENSE

Report to the General Manager by the
Director of Licensing and Regulation

PURPOSE

1. To inform the Commission of views expressed by the State of California and others on disposal of radioactive wastes in coastal waters.

DISCUSSION

2. By notice published in the Federal Register on March 7, 1958, the Atomic Energy Commission proposed, subject to receipt of request for formal hearing, the issuance of a byproduct material and source material license to Isotopes Specialties Company, Inc., Burbank, California, to collect, package and dispose of radioactive waste in the Pacific Ocean at depths of not less than 1000 fathoms.

3. On April 8, 1958, AEC-R 35 circulated to the Commission letters from the California Department of Fish and Game, and from Yankee Incorporated, Dublin, New Hampshire, objecting to the proposed issuance of a byproduct material license to Isotope Specialties Company, Inc. On March 31 and April 7, the Director of Licensing and Regulation sent letters to Yankee Incorporated and the Department of Fish and Game, respectively (Appendices "A" and "B") to determine whether these organizations desired to formally intervene in the Isotopes Specialties Company, Inc. matter.

4. By telegram dated March 22, 1958 (Appendix "C") Yankee Network, Boston, Massachusetts, expressed an interest in a formal hearing on the proposed issuance. Our reply thereto, dated April

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2, 1958, (Appendix "D") was substantially the same as those directed to the Department of Fish and Game and Yankee, Incorporated, as noted above.

5. On April 7, 1958, Yankee, Incorporated informed us (Appendix "E") that the company does not plan to intervene.

6. By letter dated April 14, 1958, (Appendix "F") the Department of Fish and Game, State of California, informed us that they did not desire to formally intervene in the matter, but desired to pursue the matter informally. The Department further requested that the Commission give serious consideration to their recommendations that ocean disposals be carried out in not less than 2000 fathoms of water at a distance of 60 miles from any sea mount and that all licenses previously issued by the Commission be reviewed and revised to meet these requirements.

7. In a teletype dated April 18, 1958, (Appendix "G") the San Francisco Operations Office transmitted a quoted resolution which is stated to have been adopted by the Assembly of the State of California on April 16, 1958. The resolution petitions the Federal Government and the Armed Forces to adopt the standards prescribed therein in authorizing sea disposals of radioactive wastes. (The proposed standards are more restrictive than those prescribed by our regulations or those recommended by the National Committee on Radiation Protection.)

8. Appendices "F" and "G" are being reviewed by the Division of Licensing and Regulation for appropriate action and further report to the Commission.

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APPENDIX "A"

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

March 31, 1958

Mr. Robb Sagendorph, Publisher
YANKEE INCORPORATED
Dublin, New Hampshire

Dear Mr. Sagendorph:

This acknowledges your letter of March 15, 1958, in which you refer to the proposed issuance of an AEC license to Isotopes Specialties Company, Inc.

By notice published in the Federal Register on March 7, 1958, the Atomic Energy Commission proposed the issuance of a Byproduct and Source Material License to Isotopes Specialties Company, Inc., to provide radioactive waste disposal services unless a request for a formal hearing was presented in the manner set forth in AEC regulations 10 CFR Part 2 (copy attached) within the period of time prescribed in such notice.

Your attention is directed to Sections 2.102(b) and 2.705(a) of the attached regulation. Please note that a formal hearing may be requested only by an applicant or an intervenor. Interested persons may intervene by following the procedures described in Section 2.705(a).

The AEC has reviewed the application submitted by Isotopes Specialties Company, Inc., and determined that the licensed material can be handled and disposed of in accordance with Federal Regulations. The factual basis for such determination is provided, for your information, in the attached memorandum, published in the Federal Register as Annex "B" to the notice of proposed issuance. We are also enclosing a copy of the proposed license.

Because your letter does not meet the requirements of the attached regulation, we cannot consider it as a request for a hearing. In the event that you choose to file a petition to intervene and request a formal hearing, you should do so within fifteen days after date of this letter.

If you have any further questions, please communicate with me.

Sincerely yours,

/s/

H. L. Price, Director
Division of Licensing and Regulation

Attachments: *

As stated above

* On file in Licensing and Regulation.

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Appendix "A"

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APPENDIX "E"

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

April 7, 1958

Mr. Seth Gordon, Director
Department of Fish and Game
State of California
722 Capitol Avenue
Sacramento 14, California

Dear Mr. Gordon:

This acknowledges your letter of March 20, 1958, in which you refer to the proposed issuance of an AEC license to Isotopes Specialties Company, Inc.

By notice published in the Federal Register on March 7, 1958, the Atomic Energy Commission proposed the issuance of a byproduct and source material license to Isotopes Specialties Company, Inc., to provide radioactive waste disposal services unless a request for a formal hearing was presented in the manner set forth in the Commission's Rules of Practice, Title 10, Code of Federal Regulations, Part 2 (copy attached), within the period of time prescribed in such notice.

We are uncertain whether your letter is intended to suggest that the AEC should decide to hold a hearing upon its own motion or whether it is your desire to intervene in the proceeding as a party and to request a hearing. In the event that you choose to file a petition to intervene and request a formal hearing, you should do so within fifteen days after the date of this letter.

If it is your purpose to intervene in the proceeding, you should file a petition for leave to intervene in accordance with the provisions of Section 2.705. The petition should describe your interest in the proceeding, how it may be affected by AEC action, and the position you are taking in the matter. A copy of the petition should be served upon the applicant. The petition may include a request for a formal hearing in accordance with Section 2.102 of the rules.

If you have any further questions as to our procedures, please do not hesitate to communicate with me.

Sincerely yours,

/s/ H. L. Price, Director
Division of Licensing and Regulation

Enclosure:

10 CFR Part 2 (Rules of Practice)

* On file in Licensing and Regulation.

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Appendix "B"

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APPENDIX "C"

TELETYPE

March 22, 1958

HONORABLE L. STRAUSS

UNITED STATES ATOMIC ENERGY COMMISSION

RELATIVE AEC RELEASE A-48 I SHOULD LIKE TO FILE HERewith
MY REQUEST FOR A FORMAL HEARING ON THE PROPOSED ISSUANCE ON
LICENSE. IN THAT CONNECTION QUALIFIED SCIENTISTS AND CONSERVATION
SPECIALISTS SHOULD BE ASKED TO GIVE THEIR EXPERT OPINION AND
ADVICE. WILL YOU KINDLY HAVE YOUR PUBLIC RELATIONS CHIEF KEEP
ME INFORMED ON THIS SUBJECT AS I AM SURE IT IS A MATTER OF SERIOUS
CONCERN TO MY NETWORK RADIO AUDIENCE WHICH LISTENS TO MY DAILY
PROGRAM ON THIRTY STATIONS IN THE SIX NEW ENGLAND STATES.

SINCERELY YOURS

MISS DINCAN MACDONALD YANKEE NETWORK BOSTON

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APPENDIX "D"

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

April 2, 1958

Miss Dincan MacDonald
Yankee Network
Boston, Massachusetts

Dear Miss MacDonald:

This is in reply to your telegram of March 22 in which you refer to the proposed issuance of an AEC license to Isotopes Specialties Company, Inc.

By notice filed with the Federal Register on March 7, 1958, the Atomic Energy Commission proposed the issuance of a Byproduct and Source Material License to Isotopes Specialties Company, Inc., to provide radioactive waste disposal services unless a request for a formal hearing was presented in the manner set forth in AEC regulations 10 CFR Part 2 (copy attached) within the period of time prescribed in such notice.

Your attention is directed to Section 2.102(b) and 2.705(a) of the attached regulation. Please note that a formal hearing may be requested only by an applicant or an intervener. Interested persons may intervene by following the procedures described in Section 2.705(a).

The AEC has reviewed the application submitted by Isotopes Specialties Company, Inc., and determined that the licensed material can be handled and disposed of in accordance with Federal Regulations. The factual basis for such determination is provided, for your information, in the attached memorandum, published in the Federal Register as Annex "B" to the notice of proposed issuance. We are also enclosing a copy of the proposed license.

Because your telegram does not meet the requirements of the attached regulation, we cannot consider it as a request for a hearing. In the event that you choose to file a petition in accordance with the provisions of Section 2.705(a) and request a formal hearing, you should do so within fifteen days after date of this letter.

The Division of Information Services of the AEC will keep you informed as requested in your telegram.

If you have any further questions, please communicate with me.

Very truly yours,

/s/ H. L. Price, Director
Division of Licensing and Regulation

Enclosures:
As named above

* On file in Licensing and Regulation.

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APPENDICE "E"

YANKEE INCORPORATED
DUBLIN, NEW HAMPSHIRE

April 7, 1958

Mr. H. L. Price, Director
Division of Licensing and Regulation
Atomic Energy Commission
Washington 25, D.C.

Dear Mr. Price:

Thank you for your courteous and comprehensive letter of March 31st. After reading it and the enclosures - particularly paragraph one page 3, it would appear that as long as this waste has to be disposed of somehow, this method seems as unharmed as any.

I do not know what the future may hold - nor does anyone else. But I do note a trend towards the sacrifice of minorities in this contamination from H-Bomb explosions, DDT spraying, etc., etc., which seems to me of rightful concern to lay individuals.

It was for this reason I wrote you as I did. And with this, suggest this particular file is now closed.

Sincerely,

/s/

Robb Sagendorph
Editor

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APPENDIX "F"

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
722 Capitol Avenue
Sacramento 14

April 14, 1958

Mr. H. L. Price, Director
Division of Licensing and Regulation
Atomic Energy Commission
Washington 25, D.C.

Dear Mr. Price:

We are in receipt of your letter of April 7, 1958 concerning our original letter to you of March 20, 1958 on the proposed issuance of an AEC license to Isotopes Specialties Company, Inc., Burbank, California.

We thank you for your consideration and for clarification of the procedure to be followed.

Our interest in the granting of a license to the applicant has been expressed to you in the letter of March 20.

We realize that there are areas of your responsibility that are involved with the security of our nation. Because of this and because of our knowledge of your understanding of the issue we have raised we would prefer at this time to pursue the matter informally. We trust that your Commission will give due consideration to the recommendations. This letter and the one of March 20 will serve to present our viewpoint.

We respectfully request that your Commission include as part of the requirements of the license requested that any ocean disposals be carried out in ocean waters not less than 2,000 fathoms deep and not less than 60 miles from any sea mount.

We would appreciate it if your Commission would review and revise the licenses of those other AEC waste disposal licensees operating in California to require disposal under the same conditions of depth and distance stated above.

We assume that such packaging requirements or equivalent as are recommended in N.B.S. Handbook 58 are also conditions of the permit.

Sincerely yours,

/s/

Seth Gordon
Director

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Appendix "F"

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APPENDIX "G"
U. S. ATOMIC ENERGY COMMISSION
TWX INCOMING

April 18, 1958

FM R W SMITH DIRECTOR INSPECTION DIV USAEC OAKLAND CALIF 58 APRIL
182300Z

TO MARVIN M MANN ASSISTANT DIRECTOR COMPLIANCE DIV OF INSPECTION
GERMANTOWN MD

THE FOLLOWING RESOLUTION OF THE STATE ASSEMBLY WAS GIVEN TO US OVER
THE PHONE TODAY:

"HEALTH RESOLUTION NO 58- RELATIVE TO MEMORIALIZING THE FEDERAL
GOVERNMENT TO UNDERTAKE AND ENFORCE SPECIAL SAFETY PRECAUTIONS IN
THE DISPOSAL OF RADIOACTIVE WASTE, WHEREAS THE STATE OF
CALIFORNIA IS CONCERNED ABOUT THE OCEAN DISPOSAL OF WASTES
IN THE PACIFIC OCEAN OFF CALIFORNIA AND WHEREAS OCEAN FISHING
IN THIS STATE IS AN IMPORTANT INDUSTRY SUPPLYING NEEDED PROTEIN
FOODS TO THE PEOPLE OF THE NATION AND WHEREAS OCEAN FISHING
IN THIS STATE EMPLOYS MANY THOUSANDS OF PEOPLE AND IS WORTH MANY
MILLIONS OF DOLLARS ANNUALLY AND WHEREAS DISPOSAL OF TOXIC
RADIOACTIVE OR OTHER DELETERIOUS MATERIALS IN THE OCEAN PRESENTS
POTENTIAL HAZARDS TO MARINE ANIMALS AND WHEREAS THE STATE OF
CALIFORNIA IS CHARGED WITH THE CONSERVATION OF ITS MARINE RESOURCES
AND MUST RAISE ISSUE WITH DISPOSAL PRACTICES THAT OFFER POTENTIAL
HAZARDS TO EITHER THE RESOURCES OR ANYTHING IN THEIR CONNECTION,
NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE STATE OF
CALIFORNIA THAT THE ASSEMBLY OF THE STATE OF CALIF HEREBY
PETITIONS THE FEDERAL GOVERNMENT AND THE ARMED FORCES OF THE
UNITED STATES THAT ANY OCEAN DISPOSAL OF ANY TOXIC RADIOACTIVE OR

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DELETERIOUS MATERIALS BE CARRIED OUT IN NOT LESS THAN TWO THOUSAND FATHOMS AND NOT LESS THAN SIXTY MILES FROM ANY SEAMOUNT AND BE IT FURTHER RESOLVED THAT ANY TOXIC MATERIALS BE DISPOSED IN SEALED CONTAINERS OF SUFFICIENT STRENGTH TO WITHSTAND THE PRESSURES OF TWO THOUSAND FATHOMS AND THAT ALL RADIOACTIVE MATERIALS BE PACKAGED IN ACCORDANCE WITH MINIMUM STANDARDS SET FORTH IN THE NATIONAL BUREAU OF STANDARDS HANDBOOK 58 AND THE MINIMUM STANDARDS PRESCRIBED BY THE PRESIDENTS NATIONAL COMMITTEE ON RADIATION PROTECTION AND THE REGULATIONS OF THE AEC, AND BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE STATE OF CALIFORNIA IS OPPOSED TO THE PHILOSOPHY OF BULK DISPOSAL OF RADIOACTIVE WASTES IN THE OCEAN EXCEPT IN SUCH CONCENTRATIONS AND IN SUCH PLACES MUTUALLY ARRIVED AT BY THE STATE OF CALIFORNIA AND THE FEDERAL GOVERNMENT, AND BE IT FURTHER RESOLVED THAT THE STATE OF CALIFORNIA WILL TAKE SUCH ACTIONS FROM TIME TO TIME AS MAY BE REQUIRED TO MEET CHANGING CONDITIONS AND MAKE SUCH REQUIREMENTS AS MAY BE DEEMED APPROPRIATE, AND BE IT FURTHER RESOLVED THAT THE CHIEF CLERK OF THE ASSEMBLY IS DIRECTED TO TRANSMIT SUITABLY PREPARED COPIES OF THIS RESOLUTION TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO EACH MEMBER OF CONGRESS OF THE UNITED STATES REPRESENTING THE STATE OF CALIFORNIA -THIS RESOLUTION ADOPTED APRIL 16." SOME OF THE TRANSCRIBING MAY BE SLIGHTLY OFF. HOWEVER WE EXPECT TO OBTAIN COPIES WITHIN A FEW DAYS AND WILL TRANSMIT SAME TO YOU.

IT IS FURTHER UNDERSTOOD THAT THE CALIFORNIA SENATE ADOPTED A SIMILAR RESOLUTION ON APRIL 17. WE WILL ATTEMPT TO OBTAIN COPIES OF THIS RESOLUTION ALSO AND TRANSMIT THEM TO YOU. THIS INFORMATION WILL BE OF PARTICULAR SIGNIFICANCE TO DLR IN THEIR CURRENT CONSIDERATIONS OF ISOTOPE SPECIALTIES HEARING REQUESTED BY THE FISH AND GAME DEPARTMENT AND PENDING APPLICATION OF REED-CURTIS NUCLEAR DIVISION, AMERICAN ELECTRONICS, INC. BULK DISPOSAL AT SEA. REF 2577