

UNITED STATES GOVERNMENT

# Memorandum

TO : Robert Lowenstein, Acting Director  
Division of Licensing & Regulation

DATE: April 6, 1961

FROM : W. B. McCool, Secretary

SUBJECT: AEC-R 18/5 - PETITION FOR AMENDMENT OF 10 CFR 40, "LICENSING OF  
SOURCE MATERIAL" FILED BY AMERICAN POTASH AND CHEMICAL CORPORATION

SYMBOL: SECY:WLM

1. We informed your office on April 6, 1961, that at Regulatory  
Meeting 98 on April 5 the Commission:

a. Found that the possession and use of the United  
States of source material in the materials described in  
paragraph 1 of AEC-R 18/5 are not of significance to  
the common defense and security and that such activities  
can be conducted without any unreasonable hazard to life  
or property;

b. Found that, since the amendment will relieve from  
rather than impose restrictions under regulations currently  
in effect and will not adversely affect the public health  
and safety, general notice of proposed rule-making and public  
procedure thereon are unnecessary and good cause exists for  
making the amendment effective upon publication;

c. Approved the issuance of the amendment to 10 CFR 40  
set out in Appendix "B", as revised, to AEC-R 18/5;

d. Noted that the amendment will be published in the  
Federal Register, to become effective upon publication;

e. Noted that a letter will be sent to American Potash  
and Chemical Corporation, substantially as set out in  
Appendix "C" to AEC-R 18/5;

f. Noted that the Atomic Energy Commission will  
be informed of this action by letter such as Appendix  
"D", as revised, to AEC-R 18/5;

g. Noted that the amendment will be published in the  
Federal Register, to become effective upon publication;

4, 1961

2. The Commission requested paragraph 2 of the Notice of Rule making be revised so as to read:

"On March 6, 1961, American Potash and Chemical Corporation filed a petition with the Commission requesting the establishment of this exemption. In its petition the Corporation described, among other things, the industrial processes and commercial products in which such rare earth chemicals are used, and the absence of justification for licensing from the standpoint of the health and safety of the public."

and that the letter to the JCAE and the public announcement be made to conform to the revised Notice.

The Acting Director of Regulation has directed you to take the action required by the above decision. It is his understanding that your office will prepare the correspondence to the JCAE and the American Potash and Chemical Corporation. Copies of these letters together with other pertinent correspondence should be provided the Office of the Secretary.

cc: Acting Director of Regulation  
General Manager  
Deputy General Manager  
Asst. General Manager  
Asst. Gen. Mgr. for Adm.  
General Counsel  
Director, Compliance  
Director, Health & Safety  
Director, Public Information  
Regulatory Affairs