

Office Memorandum • UNITED STATES GOVERNMENT

TO : Marvin M. Mann, Assistant Director, Compliance, DATE: April 25, 1958
Division of Inspection, Headquarters

FROM : R. W. Smith, Director, Inspection Division,
San Francisco Operations Office

SUBJECT: WASTE DISPOSAL

SYMBOL: I:RSM

Supplementing my teletype of April 18, 1958, I am enclosing for your information a copy of Joint Resolution No. 9 introduced in the California Senate on April 8, 1958 by Senator Farr, as well as copies of the San Francisco Chronicle's article of April 23, 1958 which I referred to in our telephone conversation yesterday. I have been informed that the Senate resolution has temporarily been shelved pending completion of the budget hearings still under consideration before the California Legislature. This is in contrast to the Assembly Health Resolution No. 58, which was adopted by the Assembly on April 16, 1958. I expect to obtain published copies of the latter within several days and will transmit them to you. With respect to the Senate resolution, however, I do not expect to receive comparable published copies until the joint resolution has been acted upon by the Legislature; therefore, for the interim I would suggest that you reproduce the single copy to meet your needs.

An interesting incidental point with respect to the Senate joint resolution came up in yesterday's meeting between California's Departments of Fish and Game and Public Health. The point had reference to the statement, "philosophy of unsafe bulk disposal," appearing on lines 13 and 14 of page 2 and indicated that action has been initiated to clarify this phraseology so that it is clearly understood that the Department of Public Health in carrying out its responsibilities in connection with the resolution will first assure on shore that the bulk waste is satisfactory for dumping, rather than ascertaining later at sea whether an unsafe situation exists. Purportedly this would be accomplished by requiring waste disposal agencies to dilute solutions down to drinking water levels prior to loading on board a vessel for subsequent bulk disposal at sea; otherwise, the Department would feel responsible for conducting laborious surveys at sea to assure that the area in which bulk disposal has been made does not reveal any contamination of significant quantities.

The meeting was attended by Messrs. Ripley and Joseph of the Department of Fish and Game and Messrs. Stead, Reinke, and Cornish of the Department of Public Health, and included, as interested observers, Dr. C. Kinsmen of the U. S. Public Health Service and Messrs. Smith and Blanc of the AEC. This meeting between the two State agencies had been called by their respective Directors for the purpose of finding a common and reasonable approach for the State to take with respect to radioactive waste disposal companies. Specifically, the Department of Public Health has the obligation of answering certain correspondence directed to them by Reed-Curtis Nuclear Division of American Electronics and by the Nuclear Engineering Company which seeks State endorsement or approval of waste disposal activities.

After considerable discussion of waste disposal methods and of general oceanographic conditions, agreements were reached on the following significant factors:

1. The two agencies of the State agree that the Legislature has established in part, and probably will en toto, a policy which the agencies will be expected to implement;
2. Distance from shore is of greater significance in the case of bulk disposal than it would be for packaged disposal, although the latter was not minimized. Also, it was suggested that possibly there should be separate disposal sites for each type, in order to permit independent surveys if deemed necessary;
3. The current sea disposal sites, notably those off the southern coast of California, are located within the most favorable fishing areas, particularly with respect to albacore;
4. 2,000 fathoms and 60 miles from the nearest sea mounts (defined as any submarine mountain rising 500 fathoms or more above the surrounding ocean floor) would remove the sites from upwelling areas and thereby minimize any possible adverse effects on fishing banks. According to Fish and Game, there is some mixing between surface and submarine waters from 1,000 fathoms but not to any significant degree with water from 2,000 fathoms;

April 25, 1958

5. Fish and Game indicated reservations over bulk disposal of any form, but Public Health pointed out that in their opinion if it were diluted down to drinking water levels ($1^{\text{m}} \times 10^{-7}$ microcuries per milliliter), then it should be satisfactory. If this were not so, as Public Health pointed out, then theoretically all disposals in sewers would be in violation. Fish and Game agreed to this logic;
6. There is some question as to what the State can do legally with respect to these waste disposal companies. However, it was concluded that they could certainly strongly "encourage" the companies to comply with the State's wishes;
7. The best procedures and intentions will never preclude the possibility of an accident occurring and that only one accident is needed to stir up adverse public criticism. In view of this, Public Health felt that there is a need for developing some form of inspection system or joint-checking whereby the agencies of the State can assure for themselves that these waste disposal companies are adequately performing within the intent of the Legislative resolutions;
8. The Departments should consider some local approach to other Federal agencies to call to their attention the action of the California Legislature. This comment was particularly addressed to the Armed Forces which are engaged in the hauling of wastes to sea (chemicals, as well as radioactive wastes).

In concluding the meeting, the two Departments agreed on the following approach to be taken with respect to those waste disposal companies currently licensed by the AEC within California (Isotopes Specialties, Reed-Curtis Nuclear Division of American Electronics, Inc., and Nuclear Engineering):

1. Each company will be notified by letter of the Legislature's action to the effect that a policy has been established which the Departments feel must be recognized;
2. The notification will make specific reference to the 2,000-fathom and 60-mile limitations;

April 25, 1958

3. The notification will further indicate that if bulk disposal were authorized under license by the AEC, as far as the State is concerned bulk waste should be diluted (at shore) to the concentrations established by 10 CFR 20, Appendix B, for undetermined mixtures of alpha, beta and/or gamma emitters (1×10^{-7} microcuries per milliliter);
4. The notification will suggest that a meeting be held between the two Departments and the waste disposal companies on May 13 at which time it would be hoped that they could reach agreements with the companies as to suitable dumping areas off the central and southern coasts of California, as well as notification, reporting and recording techniques. It was indicated that the Division of Industrial Safety and the Water Pollution Board of the State would probably be invited to attend this meeting.

In response to a direct question concerning the AEC's interest in the proposed meeting, I indicated that the AEC would view this meeting as a State matter and confirmed (also in response to a direct question) that the AEC is on record with the statement that it would not object to the State adoption of more restrictive requirements.

In summary, I feel that the State is presenting a rather reasonable approach to this whole matter, and I have reason to believe that the waste disposal licensees in the State will agree to the position of the Departments so long as it is applied uniformly to all such licensees. It is admitted notably by the Public Health Department, that they do not want to impose undue restrictions, certainly not to the point of being accused of restraint of trade. But it should be recognized that they do have problems out here particularly with respect to the large fishing industries and it would seem that the approach they are now taking will satisfy all concerned. Therefore, we recommend that the AEC formally recognize the position of the State in this matter by incorporating the specific limitations described above in all licenses pertinent to ocean burials off the coast of California.

Enclosures:

1. Joint Resolution No. 9
2. San Francisco Chronicle's Article dtd. 4/23/58

S J Chronicle 4/22/56

Atomic Trash: State Will 'Trust' AEC

Continued from Page 1

SACRAMENTO, April 22.—The State has decided to "trust" the Atomic Energy Commission to avoid any further dumping of radioactive trash at sea in areas where fish might be endangered, a State Fish and Game Department executive said today.

"We have no definite word by telephone or by mail that the AEC will tighten their regulations, but we feel that because they understand the problem they will comply," William Ripley, assistant chief of the department's marine resources branch, told The Chronicle.

Hence the department has decided not to intervene formally in the proposed AEC licensing of a Burbank firm that sought to enter the atomic-trash disposal business, Ripley explained.

The department had pro-

tested earlier against granting of the license to Isotopes Specialties Co., Inc., and had urged that all earlier licenses—including one in the Bay Area—be modified.

Present ocean dumping is in weighted, sealed containers in water at least 6000 feet deep. The department wants it done at depths of at least 12,000 feet, and not closer than 60 miles to any under-sea mountain that might cause upward currents.

Ripley said the AEC inquired whether the department "wanted to become litigant" in the pending licensing case. The department replied that "We would prefer, at this time to pursue the matter informally. We trust your commission will give due consideration to our recommendation . . ."

Thus far, no private company in California has done any sea dumping of radioactive waste materials, but the Government itself has been dumping relatively large amounts off Southern California and southwest of the Farallones here.

Ripley said the department's request that dumping be at depths of 12,000 feet or more, and at least 60 miles from any sea mount, would not be a hardship in the Bay Area. Dumping 45 or 50 miles due west of the Farallones would meet both requirements, he said.

In Southern California—where dumping has been going on "in the middle of some of our best fishing grounds"—a much longer haul would be needed. The atomic trash would have to be taken at least 200 miles offshore, Ripley estimated.



C O P Y

AMENDED IN SENATE APRIL 13, 1958

CALIFORNIA LEGISLATURE - 1958 FIRST EXTRAORDINARY SESSION

SENATE JOINT RESOLUTION

NO. 9

INTRODUCED BY SENATOR FARR

April 8, 1958

Referred to Committee on Fish and Game

Senate Joint Resolution No. 9 - Relative to memorializing the Federal Government to undertake and enforce special safety precautions in the disposal of radioactive waste.

1. Whereas, The State of California is concerned about the
- 2 ocean disposal of wastes in the Pacific Ocean off California;
- 3 and
- 4 Whereas, Ocean fishing in this State is an important in-
- 5 dustry supplying needed protein food to the people of the
- 6 Nation; and
- 7 Whereas, Ocean fishing in this State employs many thou-
- 8 sands of people and is worth many millions of dollars
- 9 annually; and
- 10 ~~Whereas, Disposal of toxic, radioactive or other deleterious~~
- 11 ~~material~~ Whereas, Disposal of picric acid, radioactive
- 12 waste, or other waste material usable in chemical warfare in
- 13 the ocean presents potential hazard to marine animals; and
- 14 Whereas, The State of California is charged with the con-
- 15 servation of its marine resources and must raise issue with
- 16 disposal practices that offer potential hazard to either the re-
- 17 sources or their markets; now, therefore, be it
- 18 Resolved by the Senate and Assembly of the State of Cali-
- 19 fornia, jointly, That the Legislature of the State of California
- 20 hereby petitions the Federal Government and the armed
- 21 forces of the United States that any ocean disposal of any
- 22 ~~toxic, radioactive or deleterious material be carried out in net~~
- 23 picric acid, radioactive waste, or other waste material usable in
- 24 chemical warfare, potentially harmful to marine life, be car-
- 25 ried out in not less than 2,000 fathoms and not less than 50
- 26 miles from any sea mount; and be it further
- 27 Resolved, That any ~~toxic materials~~ picric acid, radioactive
- 28 waste, or tother waste material usable in chemical warfare,