

UNCLASSIFIED

YANKEE INCORPORATED
DUBLIN, NEW HAMPSHIRE

March 15, 1958

Atomic Energy Commission
Washington 25, D.C.

Gentlemen:

Your press release of March 8 states that a license to Isotopes Specialties will be issued unless a request for a formal hearing is made by March 22nd. Please consider this our request that a formal, well advertised, hearing be held.

We have no doubt that the granting of this license is in order yet it does seem to us that a precedent of the pollution of the seas-no matter how seemingly undangerous now could lead to dire results later. Currents have a way of shifting and if in breeding etc. contamination is passed along you may be really getting into something. It seems as if this matter is important enough to invite the opinions of people like the Woodshole Lab-NY Zoological Society, etc.

Perhaps there is a better alternative like an old lake bottom or volcano crater or some such? We hope so ..it would seem as if one day that ocean bottom may be man's last hope!

Respectfully yours,

/s/

Robb Sagendarph
Publisher

4

Central Files

of Paper AEC-R 35/

Per CECIL KING Date 4/28/58

paper.

Commission for

a. Action

xxx b. Information

As a matter of

a. Urgency xxx c. Routine

b. Priority _____ d. Deferred _____

COMMENTS:

General Manager

Date 4/29

ATOMIC ENERGY COMMISSION

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 Department of Fish and Game, and from Yankee Incorporated, Dublin, New Hampshire, objecting to the proposed issuance of a byproduct material license to Isotopes 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 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).

~~APPENDICES "F" AND "G"~~

8. ~~The April 14 letter from the Department of Fish and Game and the April 18 teletype quoting the resolution of the Assembly of the State of California are being reviewed by the Division of Licensing and Regulation for appropriate action and further report to the Commission.~~

march 31, 1958

27-7

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 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 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,

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

Attachments:

As stated above ✓

on file APPENDIX A

9701210101 1p.

C O P Y

DLR:LRR
27-7

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,

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

Enclosure:
10 CFR Part 2 (Rules of Practice)

APPENDIX B

970120139 3pp.