



**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST**

2000-361

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Meg Mendoza

DATE

NOV 28 2000

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **A** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **A** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT *
\$ 26.15

- You will be billed by NRC for the amount listed. None. Minimum fee threshold not met.
- You will receive a refund for the amount listed. Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

The NRC did not locate any records on 4005 Bohannon Drive, Menlo Park, California. I suggest that you contact the State of California at the below address:

Mr. Edgar D. Bailey, C.H.P., Chief, Radiologic Health Branch, Division of Food, Drugs, and Radiation Safety, California Department of Health Services, P.O. Box 942732, Sacramento, CA 94234-7320, Phone: 916-322-3482

The fees for processing your request are:
20 minutes professional search @ \$39.00 per hr. = \$13.00
15 minutes professional review @ \$39.00 per hr. = \$9.75
Duplication of 17 pages @ \$0.20 per page = \$3.40
Total = \$26.15

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

APPENDIX *A*
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	07/22/57	Western Union Telegram to AEC from D. Porro, Thermo Material, Inc. re: request to apply for a license (1 page)
2.	07/24/57	Ltr. to D. Porro, Thermo Material, Inc from L. Johnson, AEC re: response to telegram requesting a license (1 page)
3.	08/08/57	Western Union Telegram to AEC from D. Porro, Thermo Material, Inc. re: submitting an application for license (1 page)
4.	08/14/57	Ltr. to J. Hall, Thermo Material, Inc from J. Delaney, AEC re: granting Thermo's requested license (1 page)
5.	05/16/58	Compliance Inspection Report - Inspection performed on 5/9/58 (3 pages)
6.	06/03/58	Ltr. to D. Porro, Thermo Material, Inc from L. Johnson, AEC re: Results of inspection of 5/9/58 (2 pages)
7.	01/14/61	AEC - Title 10 - Part 40 - Licensing of Source Material (5 pages)
8.	04/06/61	Ltr. to D. Porro, Thermo Material, Inc from L. Johnson, AEC re: Licensing requirements for persons possessing uranium or thorium source material (1 page)
9.	03/08/94	Expert System License Evaluation Report for License C-03795 (2 pages)

CLASS OF SERVICE
 This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

1957 JUL 19 AM 11

SYMBOLS	
DL	= Day Letter
NL	= Night Letter
LT	= International Letter Telegram

W. P. MARSHALL, PRESIDENT

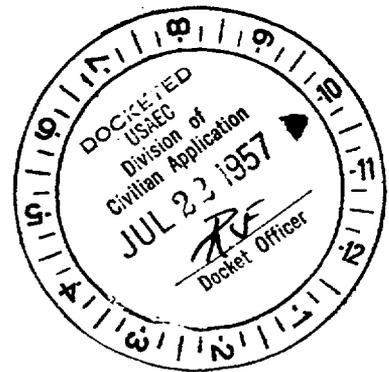
1220 (R 11-54)

The filing time shown in the date line on domestic telegrams is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

(20).
DOCKET NO. 40-1279

**WPO18 LONG DL PD AR=MENLO PARK CALIF 19 745AMP=
 ATOMIC ENERGY COMMISSION , ATTN LICENSING BRANCH=
 DIVN OF CIVILIAN APPLICATIONS=**

**HAVE BEEN REQUESTED BY CONVAIR FORT WORTH TEXAS TO APPLY
 FOR A LICENSE TO RECEIVE HANDLE AND STORE MAGNESIUM
 THORIUM MATERIAL OUR APPLICATION IS TO HANDLE 500
 POUNDS OF THE ALLOY PLEASE ADVISE WHAT IS REQUIRED SO
 THAT A LICENSE CAN BE OBTAINED AS RAPIDLY AS POSSIBLE=
 EMO D PORRO EXECUTIVE VICE PRESIDENT THERMO
 MATERIAL INC 4040 CAMPBELL AVE=**



4040

111

40-1279

JUL 24 1957

Thermo Material Inc.
4040 Campbell Avenue
Menlo Park, California

Attention: Mr. Eric B. Porro
Executive Vice President

Gentlemen:

Reference is made to your telegram requesting a license to receive magnesium thorium alloy. Enclosed are copies of AEC regulations 10 CFR 20 and 10 CFR 40. Part 40 is the regulation governing the use of source material by licensees.

Compliance with Part 20 is made a condition of all source material licenses.

Before we may further consider the issuance of a license, we will require a description of your proposed use of the thorium magnesium alloy and the procedures you intend to establish to protect health and minimize danger to life or property, including your procedures to be followed in avoiding non-nuclear accidents such as fire and explosion which might result in the spread of radioactivity.

Upon receipt of this information, prompt consideration will be given your request for license.

Very truly yours,

SIGNED

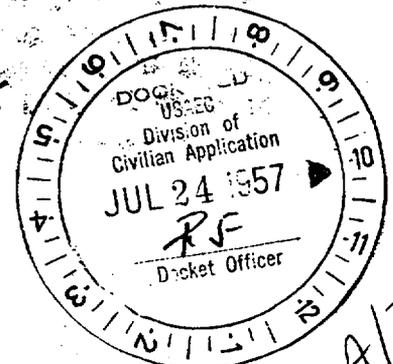
and

Lynn Johnson
Chief, Licensing Branch
Division of Civilian Application

Enclosures:
10 CFR 20
10 CFR 40

AIR MAIL

CERTIFIED A TRUE COPY
BY RF



CLASS OF SERVICE
 This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

DOCKET NO. 40-1299

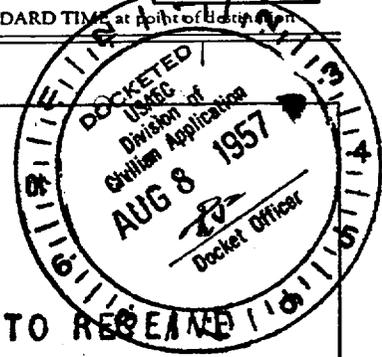
SYMBOLS
 DL=Day Letter
 NL=Night Letter
 LT=International Letter Telegram

W. P. MARSHALL, PRESIDENT

The filing time shown in the date line on domestic telegrams is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

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~~MASONXXXBLDG~~ WASHDC=



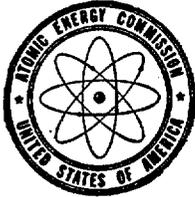
RE SUBMITTING APPLICATION REQUEST LICENSE TO RECEIVE
 HANDLE PROCESS AND STORE FIVE LBS OF MAGNESIUM THORIUM
 ALLOY SURFACT PREPARATION WILL INVOLVE DEGREASING OR
 SLIGHT SAND BLASTING OF SURFACE FOR APPLICATION OF A
 CERAMIC COATING TO THE MAGNESIUM THORIUM SPECIMENS
 WITHOUT CUTTING OPERATIONS BE PERFORMED ON THE MTAL ALL
 SPECIMENS WILL BE RETURNED TO ORIGINATING COMPANY IN

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

O PKA 387/2 1957 AUG 7 9 25
 TACT SUPERINTENDANTS AND FOREMAN WILL BE INSTRUCTED IN
 NECESSRY HEALTH PHYSICS PRECAUTIONS TO SAFEGUARD
 EMPLOYEES=
 THERMO MATERIAL J H HALL.

A/3

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE



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

IN REPLY REFER TO:

40-1277

SOURCE MATERIAL LICENSE

License No. C-3795

Dated: AUG 14 1957

Thermo Material Inc.
4040 Campbell Avenue
Menlo Park, California.

Attention: Mr. J. M. Hall

Gentlemen:

Pursuant to the Atomic Energy Act of 1954 and Section 40.21 of the Code of Federal Regulations, Title 10 - Atomic Energy, Chapter 1, Part 40 - Control of Source Material, you are hereby licensed to receive possession of and title to five (5) pounds of magnesium thorium alloy containing up to 4% thorium during the term of this license for development studies on aircraft parts.

You are further licensed to transfer and deliver possession of and title to refined source material to any person licensed by the Atomic Energy Commission, within the limits of his license.

This license is subject to all the provisions of the Atomic Energy Act of 1954 now or hereafter in effect and to all valid rules and regulations of the U. S. Atomic Energy Commission, including 10 CFR 20, "Standards For Protection Against Radiation."

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

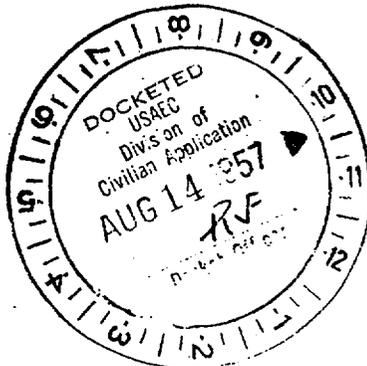
This license shall expire September 1, 1958.

FOR THE ATOMIC ENERGY COMMISSION

SIGNED

J. C. Delaney
Chief, Materials Section
Licensing Branch
Division of Civilian Application

CERTIFIED A TRUE COPY
BY *RVS*



AM

UNITED STATES ATOMIC ENERGY COMMISSION
COMPLIANCE INSPECTION REPORT

1. Name and address of licensee or permit holder Thermo Materials, Inc. 4040 Campbell Avenue Menlo Park, California	2. Date of inspection May 9, 1958
	3. Type of inspection Initial
	4. 10 CFR part(s) applicable 20 and 40

5. ~~Number~~ License No., ~~Date of Issue~~ Date of Issue, ~~Date of Expiration~~ Date of Expiration, ~~Scope and Conditions (Including Amendments)~~ Scope and Conditions

<u>License No.</u>	<u>Date</u>	<u>Expiration</u>	<u>Scope and Conditions</u>
C-3795	8-14-57	9-1-58	Scope: Five pounds of magnesium-thorium alloy containing up to 4% thorium during the term of this license for development studies on aircraft parts. Conditions: None.

~~Scope and Conditions~~

~~Scope and Conditions~~

~~Scope and Conditions~~

~~Scope and Conditions~~

6. ~~Inspection Findings (And Items of Noncompliance)~~ Inspection Findings (And Items of Noncompliance) Feasibility tests were made by Thermo Materials on aluminum oxide coating of licensed material. No further work as described in license application pursuant to License No. C-3795 is contemplated by Thermo. No items of noncompliance were noted during this inspection visit.

7. ~~Give date of last previous inspection:~~ Give date of last previous inspection: **None.**

8. ~~Is "Company Confidential" information contained in this report?~~ Is "Company Confidential" information contained in this report? **No.**
(Specify page(s) and paragraph(s))

DISTRIBUTION:
Original and One copy - Division of Inspection, Headquarters
One copy - Inspection Division, SAN

Approved by: _____

ORIGINAL SIGNED BY
W. J. COOLEY
(Inspector) ORIGINAL SIGNED BY
R. W. SMITH
San Francisco Operations Office
(Operations office)

MAY 16 1958
(Date report prepared)

If additional space is required for any numbered item above, the continuation may be extended to the reverse of this form using foot to head format, leaving sufficient margin at top for binding, identifying each item by number and noting "Continued" on the face of form under appropriate item.

COPY

A/S

9. This inspection was conducted by W. J. Cooley, SAN Inspection Division, at Thermo Materials, Inc., Menlo Park, California, in the presence of Mr. Porro, Manager, and his assistant, Mr. Smith. (Mr. J. M. Hall, named on License No. C-3795, is no longer with Thermo Materials, Inc.) No State representation was included on this visit. Thermo Materials is engaged primarily in specialties work involving the joining of materials of different heat capacity and coefficient of thermal expansion.
10. In the case of the subject licensed material an attempt was made to apply an adherent coating of aluminum oxide on several pieces of HK 31A alloy. The attempt was unsuccessful and the material had been returned to the contractor two months prior to the inspection visit. Licensed material in the quantity of less than four pounds of alloy was in the possession of Thermo Materials for three weeks. Processing the material required less than eight hours. No further work with the magnesium-thorium alloys is anticipated. No further work using the spray-coat process is anticipated and coating equipment is in storage on the premises.
11. The coating process involves the steps of degreasing, blasting, and coating. Before any operations were performed on this material, advice on safe handling was solicited and received from Stanford Research Institute. The probability of the sand blast grit being contaminated is recognized by Thermo Materials and the assistance and advice of the Stanford Research Institute will be made available at the time of disposal.



RECEIVED
DIVISION OF INDUSTRIAL SAFETY
U. S. DEPARTMENT OF LABOR

APR 11 1951
DIVISION OF INDUSTRIAL SAFETY

DLR:CMF
40-1279

JUN 3 1958

Thermo Materials, Inc.
4040 Campbell Avenue
Menlo Park, California

Attention: Mr. Eno D. Ferro, Executive Vice President

Gentlemen:

This refers to the inspection conducted on May 9, 1958, of your activities authorized under Source Material License No. C-3793 dated August 14, 1957. No items of non-compliance have been noted as a result of this visit.

We appreciate the cooperation given to the AEC representative.

Very truly yours,

Lyall Johnson, Chief
Licensing Branch
Division of Licensing & Regulation

bcc: Inspection Div., SAN
Inspection Div., Hdqtrs.
R. E. Cunningham, Wash., DLR
Public Document Room

Distribution:
Addressee
Formal Docket File
Supplementary Docket File
Div. & Br. rfs

A/6

OFFICE ▶	DLR	DLR	DLR	DLR	DLR
SURNAME ▶	CMF CMFerrell:lwj	RFBarker	LRROgers	Johnson	LJohnson
DATE ▶	5/27/58		5/30/58	6/2/58	6/2

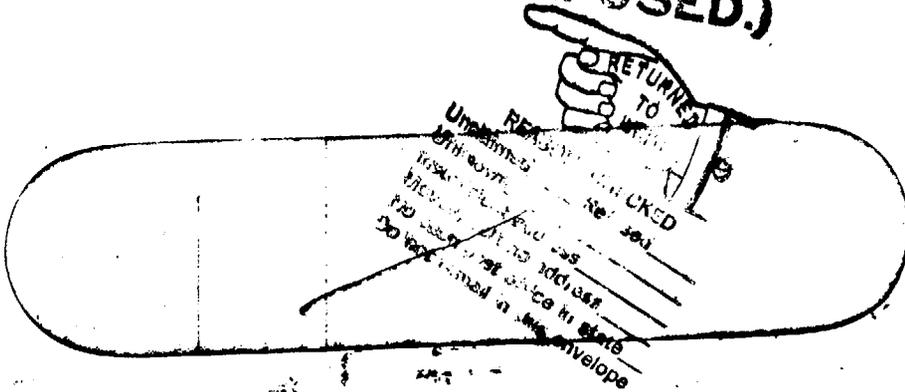
UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON 25, D. C.
OFFICIAL BUSINESS

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U.S. ATOMIC ENERGY COMMISSION

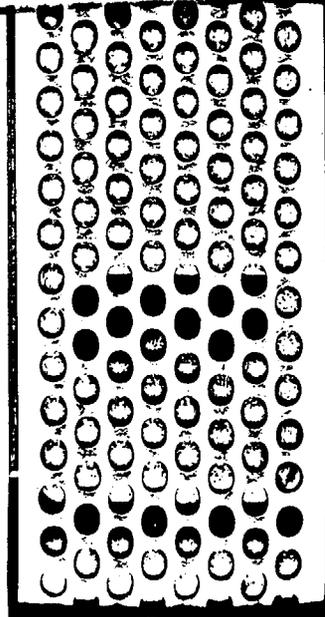
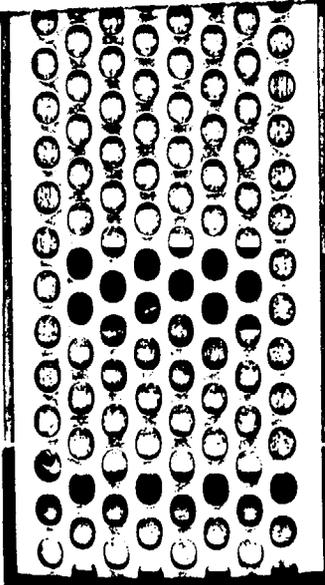
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C-233

(REFUSED.)



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FORMAL FILE COPIES MADE FEBRUARY 14, 1959

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(Reprinted from 26 F. R., 284, January 14, 1961)

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

The following amendments to Part 40 constitute an over-all revision of 10 CFR Part 40, "Control of Source Material".

Notice of proposed issuance of the following rules was published in the FEDERAL REGISTER on September 7, 1960 (25 F.R. 8619). A detailed statement of considerations explaining the provisions of the following amendments was published with the notice of proposed rule making. Comments filed by interested persons have been given careful consideration. The following amendments are the same as those incorporated in the notice of proposed rule making, except that § 40.42 has been revised to take into account long-period facility licenses which incorporate in a single document licenses also for source material which may be used as fuel or blanket material.

Accordingly, effective 30 days after publication in the FEDERAL REGISTER, 10 CFR Part 40 is amended to read as follows:

GENERAL PROVISIONS

- Sec.
- 40.1 Purpose.
- 40.2 Scope.
- 40.3 License requirements.
- 40.4 Definitions.
- 40.5 Communications.
- 40.6 Interpretations.

EXEMPTIONS

- 40.11 Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.
- 40.12 Carriers.
- 40.13 Unimportant quantities of source material.
- 40.14 Specific exemptions.

GENERAL LICENSES

- 40.20 Types of licenses.
- 40.21 General license to receive title to source material.
- 40.22 Small quantities of source material.
- 40.23 General licenses to export.

LICENSE APPLICATIONS

- 40.31 Applications for specific licenses.
- 40.32 Requirements for approval of applications for specific licenses.
- 40.33 Standards for issuance of export licenses.

LICENSES

- 40.41 Terms and conditions of licenses.
- 40.42 Expiration.
- 40.43 Renewal of licenses.
- 40.44 Amendment of licenses at request of licensee.
- 40.45 Commission action on applications to renew or amend.
- 40.46 Inalienability of licenses.
- 40.47 License requirement for persons possessing source material on the effective date of the regulation in this part.

TRANSFER OF SOURCE MATERIAL

- 40.51 Transfer of source material.

RECORDS AND INSPECTIONS

- 40.61 Records.
- 40.62 Inspections.
- 40.63 Tests.

MODIFICATION AND REVOCATION OF LICENSES

- 40.71 Modification, revocation and termination of licenses.

ENFORCEMENT

- 40.81 Violations.

SCHEDULE

- 40.90 Schedule A.

AUTHORITY: §§ 40.1 to 40.90 issued under sec. 161, 68 Stat. 948, 42 U.S.C. 2201. Interpret or apply secs. 62, 63, 64, 65, 182, 183, 68 Stat. 932, 933, 953, 42 U.S.C. 2092, 2093, 2094, 2095, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, sec. 40.41(c) issued under sec. 161b., 68 Stat. 948; 42 U.S.C. 2201(b) and secs. 40.61, 40.62 and 40.63 issued under sec. 161p., 68 Stat. 950; 42 U.S.C. 2201(p).

GENERAL PROVISIONS

§ 40.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States source material and establish and provide for the terms and conditions upon which the Commission will issue such licenses.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919).

§ 40.2 Scope.

Except as provided in §§ 40.11 to 40.14, inclusive, the regulations in this part apply to all persons in the United States.

§ 40.3 License requirements.

No person subject to the regulations in this part shall receive title to, receive,

possess, use, transfer, deliver, or import into or export from the United States any source material after removal from its place of deposit in nature, except as authorized in a specific or general license issued by the Commission pursuant to the regulations in this part.

§ 40.4 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(c) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(d) "License", except where otherwise specified, means a license issued pursuant to the regulations in this part;

(e) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(f) "Pharmacist" means an individual registered by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to compound and dispense drugs, prescriptions and poisons.

(g) "Physician" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine.

(h) "Source Material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical

form or (2) ores which contain by weight one-twentieth of one percent (0.05) or more of (i) uranium, (ii) thorium or (iii) any combination thereof. Source material does not include special nuclear material.

(i) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing;

(j) "United States," when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone and Puerto Rico;

(k) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting or beneficiating, or refining;

(l) Other terms defined in section 11 of the Act shall have the same meaning when used in the regulations in this part.

§ 40.5 Communications.

All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

§ 40.6 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 40.11 Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.

The regulations in this part do not apply to any person to the extent that such person receives possession of source material owned by the Atomic Energy Commission, or transfers, delivers, or exports source material owned by the Commission under and in accordance with a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the source material are governed by the applicable contract between such person and the Commission.

§ 40.12 Carriers.

Common and contract carriers, warehousemen, and the United States Post Office Department are exempt from the requirements for a license set forth in section 62 of the Act and from the regulations in this part to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

§ 40.13 Unimportant quantities of source material.

(a) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that

such person receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of 1 percent (0.05 percent) of the mixture, compound, solution or alloy.

(b) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the act to the extent that such person receives, possesses, uses, transfers, or imports into the United States unrefined and unprocessed ore containing source material; provided, that, except as authorized in a specific license, such person shall not refine or process such ore. The exemption contained in this paragraph shall not be deemed to authorize the export of source material.

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

(1) Any quantity of thorium contained in (i) incandescent gas mantles; (ii) vacuum tubes; or (iii) welding rods;

(2) Source material contained in the following products: (i) Glazed ceramic tableware, provided that the glaze contains not more than 20 percent source material; (ii) glassware containing not more than 10 percent source material; but not including glass brick, pane glass, ceramic tile or other glass or ceramic used in construction;

(3) Photographic film, negatives, and prints containing uranium or thorium;

(4) Any finished product or part fabricated of, or containing tungsten or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part; and

(5) (i) Uranium contained in aircraft counterweights installed in aircraft; *Provided*, That any such counterweight has been impressed with a statement, clearly legible after plating, which states "Caution-Radioactive Material-Uranium"; *And provided further*, That the exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, metallurgical or other treatment or processing of any such counterweight or the installation in, or removal from, an aircraft of any such counterweight, without a specific license from the Commission.

(ii) The exemptions contained in this section shall not be deemed to authorize the manufacture of any of the products described herein.

§ 40.14 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulation in this part as it determines are authorized by law and will not endanger life or

property or the common defense and security and are otherwise in the public interest.

GENERAL LICENSES

§ 40.20 Types of licenses.

Licenses for source material are of two types: general and specific. The general licenses provided in this part are effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part.

§ 40.21 General license to receive title to source material.

A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, deliver, use, import, export or transfer source material.

§ 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing use and transfer of not more than fifteen (15) pounds of source material at any one time by persons in the following categories:

(1) Pharmacists using the source material solely for the compounding of medicinals;

(2) Physicians using the source material for medicinal purposes;

(3) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs;

(4) Commercial and industrial firms, and research, educational and medical institutions for research, development, educational or commercial purposes;

And provided, That no such person shall pursuant to this general license receive more than a total of 150 pounds of source material in any one calendar year; and provided further that the general license contained in this paragraph shall not be deemed to authorize the export of source material, except as authorized in a specific or general license issued pursuant to this part.

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of Part 20 of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: *Provided, however*, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this part.

§ 40.23 General licenses to export.

(a) A general license, designated AEC-GRO-SMA, is hereby issued authorizing the export at any one time of up to three (3) pounds of source material from the United States to any foreign country or destination except countries or areas listed in § 40.90. Each person exporting source material pursuant to this general license shall file with the Collector of

Customs or the Postmaster one copy in addition to those otherwise required of the Shipper's Export Declaration of each export, and mark such copy for transmittal to the Division of Licensing and Regulation of the United States Atomic Energy Commission, Washington 25, D.C.

(b) A general license, designated AEC-GRO-SMB, is hereby issued authorizing the export of incandescent gas mantles containing thorium, without regard to quantity, from the United States to any foreign country or destination except countries or destinations listed in § 40.90.

LICENSE APPLICATIONS

§ 40.31 Applications for specific licenses.

(a) Applications for specific licenses should be filed in quadruplicate on Form AEC-2, "Application for Source Material License", on Form AEC-7, "Application for Source Material Export License", as appropriate, with the United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. Applications may also be filed in person at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or the Commission's offices at Germantown, Maryland.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.

(c) Applications and documents submitted to the Commission in connection with applications will be made available for public inspection in accordance with the provisions of the regulations contained in Parts 2 and 9 of this chapter.

(d) An application for a license filed pursuant to the regulations in this part will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act: *Provided*, That the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

(e) In his application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed by the applicant with the Commission's Division of Licensing and Regulation: *Provided*, That such references are clear and specific.

§ 40.32 Requirements for issuance of specific licenses.

An application for a specific license for purposes other than export will be approved if:

(a) The application is for a purpose authorized by the Act; and

(b) The applicant is qualified by reason of training and experience to use the source material for the purpose re-

quested in such manner as to protect health and minimize danger to life or property; and

(c) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property; and

(d) The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

§ 40.33 Requirements for issuance of export licenses.

(a) An application for a license to export uranium will be approved if the Commission determines that:

(1) The proposed export is within the scope of and consistent with the terms of an agreement between the United States and the government of the recipient containing safeguards against diversion of the material to military use; or

(2) The cumulative quantity of uranium specifically licensed for export to the consignee since July 1, 1957, does not exceed one hundred (100) kilograms, provided that the cumulative quantity specifically licensed for export to the recipient country since July 1, 1957, does not exceed one thousand (1,000) kilograms, excluding any amounts exported pursuant to either subparagraph (1) of this paragraph or § 40.23; and

(3) The export will not be inimical to the interests of the United States.

(b) An application for a license to export thorium will be approved if the Commission determines that the export will not be inimical to the interests of the United States.

LICENSES

§ 40.41 Terms and conditions of licenses.

(a) Each license issued pursuant to the regulations in this part shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations and orders of the Commission.

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Act.

(c) Each person licensed by the Commission pursuant to the regulations in this part shall confine his possession and use of source material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part shall carry with it the right to receive, possess, use and import source material and to deliver or transfer such material to other licensees within the United States authorized to receive such material.

(d) Each license issued pursuant to the regulations in this part shall be deemed to contain the provisions set forth in sections 183a to 183d, of the Act, whether or not said provisions are expressly set forth in the license.

(e) The Commission may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to

licensee's receipt, possession, use, transfer, import and export of source material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect restricted data;

(4) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

§ 40.42 Expiration.

Except as provided in § 40.43(b), and except as may be provided in licenses issued for operation of production or utilization facilities pursuant to Part 50 of this chapter, each specific license shall expire no later than three years from the last day of the month in which it is issued.

§ 40.43 Renewal of licenses.

(a) Applications for renewal of a specific license shall be filed in accordance with § 40.31.

(b) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal or for a new license, such existing license shall not expire until the application for renewal or for a new license has been finally determined by the Commission.

§ 40.44 Amendment of licenses at request of licensee.

Applications for amendment of a license shall be filed in accordance with § 40.31 and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 40.45 Commission action on applications to renew or amend.

In considering an application by a licensee to renew or amend his license, the Commission will apply the applicable criteria set forth in §§ 40.32 and 40.33.

§ 40.46 Inalienability of licenses.

No license issued or granted pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.

§ 40.47 License requirement for persons possessing source material on the effective date of this amendment.

(a) Any person who on the effective date of this amendment possesses source material received pursuant to a specific license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. Such license shall be deemed to include all terms and conditions incorporated in the previous

license which are not inconsistent or otherwise provided for in the regulations in this part and shall expire 90 days from the effective date of this amendment or on the expiration date contained in the previous license, whichever is later.

(b) Any person who on the effective date of this amendment possesses source material received pursuant to a general license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. To the extent that such possession is not authorized under an exemption or general license pursuant to §§ 40.11 through 40.14 or §§ 40.20 through 40.23, respectively, the license granted pursuant to this paragraph shall expire ninety (90) days from the effective date of this amendment.

TRANSFER OF SOURCE MATERIAL

§ 40.51 Transfer of source material.

(a) No licensee shall transfer source material except as authorized pursuant to this section.

(b) Any licensee may transfer source material:

- (1) To the Commission;
- (2) To a specific or general licensee whose license authorizes him to receive such material;
- (3) To any person exempt from the regulations in this part to the extent permitted under such exemption; or
- (4) As otherwise authorized by the Commission in writing.

RECORDS AND INSPECTIONS

§ 40.61 Records.

(a) Each person who receives source material pursuant to a license issued pursuant to the regulations in this part shall keep records showing the receipt, transfer, export and disposal of such source material.

§ 40.62 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect source material and the premises and facilities wherein source material is used or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him pursuant to the regulations in this chapter.

§ 40.63 Tests.

Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of:

- (a) Source material;
- (b) Facilities wherein source material is utilized or stored;
- (c) Radiation detection and monitoring instruments; and
- (d) Other equipment and devices used in connection with the utilization or storage of source material.

MODIFICATION AND REVOCATION OF LICENSES

§ 40.71 Modification, revocation and termination of licenses.

(a) The terms and conditions of each license shall be subject to amendment, revision, or modification by reason of amendments to the Act, or by reason of rules, regulations, or orders issued in accordance with the Act.

(b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violation of, or failure to observe any of, the terms and conditions of the Act, or the license, or of any rule, regulation or order of the Commission.

(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

(d) The Commission may terminate a specific license upon request submitted by the licensee to the Commission in writing.

ENFORCEMENT

§ 40.81 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

§ 40.90 Schedule A.

Albania.
Bulgaria.
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
Communist-controlled area of Viet Nam.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Poland (including Danzig).
Outer Mongolia.
Rumania.
Union of Soviet Socialist Republics.

Filed at Germantown, Md., this 9th day of January 1961.

For the Atomic Energy Commission.

WOODROW B. MCCOOL,
Secretary.

[F.R. Doc. 61-283; Filed, Jan. 13, 1961;
8:45 a.m.]



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

IN REPLY REFER TO:

40-1279

April 6, 1961

Thermo Materials, Inc.
4040 Campbell Avenue
Menlo Park, California

Attention: Mr. Emo D. Porro
Executive Vice President

LICENSING REQUIREMENTS FOR PERSONS POSSESSING URANIUM OR THORIUM SOURCE MATERIAL

Gentlemen:

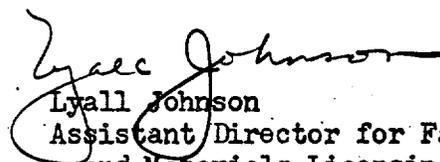
Records of the Atomic Energy Commission indicate that, under a license which has expired, you were authorized to receive and transfer uranium and/or thorium source material. Under former regulations, a license to possess source material was not required.

Under revised regulation 10 CFR 40, "Licensing of Source Material," effective February 13, 1961, a copy of which is attached, any person who possesses source material must now be specifically licensed unless the material is possessed pursuant to a general license or an exemption established in the regulations.

Accordingly, if you possess uranium or thorium source material that is not exempted from the licensing requirement (see Section 40.13 of the regulation for details) or if you possess such material and you are not generally licensed (see Section 40.22), you are required to obtain a license in order to retain possession of the material. Under the provisions of Section 40.47 of the regulation you have until May 14, 1961, to obtain a specific license.

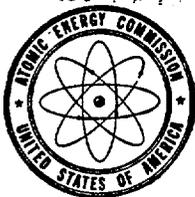
In the event a specific license is required, your application should be submitted in letter form in quadruplicate indicating the quantity of material you possess, describing the activities you wish to perform using the material and your procedures for assuring that your possession and use of the material will not endanger the health and safety of the public, in full compliance with the requirements of 40.32.

Sincerely yours,


Lyall Johnson
Assistant Director for Facilities
and Materials Licensing
Division of Licensing & Regulation

Enclosure:
10 CFR 40

A-18



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ATOMIC ENERGY COMMISSION
WASHINGTON 25, D. C.

IN REPLY REFER TO:

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In the event a specific license is required, your application should be submitted in letter form in quadruplicate indicating the quantity of material you possess, describing the activities you wish to perform using the material and your procedures for assuring that your possession and use of the material will not endanger the health and safety of the public, in full compliance with the requirements of §40.32.

Sincerely yours,

A handwritten signature in cursive script that reads "Lyall Johnson".

Lyall Johnson
Assistant Director for Facilities
and Materials Licensing
Division of Licensing & Regulation

Enclosure:
10 CFR 40

A-18

EXPERT SYSTEM LICENSE EVALUATION
REPORT FOR LICENSE C-03795

NAME OF LICENSEE: THERMO MATERIAL INCORPORATED
LISTED SITE: 4040 CAMPBELL AVENUE, MENLO PARK, CALIFORNIA
--- TYPE OF ACTIVITY OR FACILITY: MACHINING URANIUM

----- MATERIALS INFORMATION FOR THIS LICENSE -----
--Information on type and form of materials--
Material-- --Form--

THORIUM-MAG ALLOY Loose material

AMOUNT OR ACTIVITY OF THOSE MATERIALS CONTRIBUTING TO INITIAL SCORE:
---Material-- --Form-- AMOUNT Unit Score
THORIUM-MAG ALLOY LOOSE .20000000 LB

FINAL DECISION FOR LOOSE MATERIALS:

POTENTIAL SITE CONTAMINATION:
ELIMINATED FROM CONSIDERATION FOR SITE CONTAMINATION
Reason for elimination: LOW SCORE OF MATERIALS

*Job 1700
Box 55*

SEQUENCE OF RECORDED REASONING

1. The loose materials on this license were not significant, and the site was eliminated from consideration on this basis.

COMMENTS FOR LICENSE EVALUATION

- GENERAL COMMENTS ENTERED BY THE REVIEWER CONCERNING THE EVALUATION -
-- THE LICENSEE WAS AUTHORIZED 5 POUNDS OF MAGNESIUM THORIUM ALLOY NOT
-- CONTAINING MORE THAN 4% THORIUUM FOR USE IN DEVELOPMENTAL STUDIES.
-- THE CALCULATED AMOUNT OF THORIUM WAS 0.2 POUNDS. THE MATERIAL WAS
-- RETURNED TO CONVAIR IN FORT WORTH, TEXAS. THE WASTE FROM THE
-- SANBLASTING OPERATION WAS BEING STORED UNTIL THE MATERIAL COULD BE
-- DISPOSED. NO DISPOSAL METHOD OR COMPANY WAS PROVIDED IN THE
-- COMPLIANCE INSPECTION REPORT.

END OF COMMENTS FOR LICENSE EVALUATION

--- EXPERT SYSTEM EVALUATION WAS BASED ON THE ---
---- FOLLOWING INVENTORY RECORD -----

Docket Number: 40-01279 REGION RESPONSIBLE: V
LICENSEE NAME: THERMO MATERIAL INCORPORATED
STREET ADDRESS: 4040 CAMPBELL AVENUE City: MENLO PARK
FIPS state code (principal operation): CA
Site used: 4040 CAMPBELL AVENUE, MENLO PARK, CALIFORNIA
Disposition information present: LICENSEE LETTER STATING DISPOSITION
Contents of letter: COMPLIANCE INSPECTION REPORT.
Matl. Transfrd to: CONVAIR

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License to which transferred: UNKNOWN

This license was listed as expired on 09/01/58

COMMENTS: DEVELOPMENTAL STUDIES USING MAGNESIUM THORIUM ALLOY.

JOB NUMBER: 1700 BOX NUMBER: 55

Date of last evaluation or revision: 03/08/94

Reviewer: CJL