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RECORD #133

TITLE: Exemption of Thorium-Containing Scrap Under 10 CFR
40.13(c) (4).

FICHE: 38289-214

UNITED STATES GOVERNMENT

Memorandum

0663/66

133

TO : Those Listed Below

DATE: May 9, 1966

FROM : Leo Dubinski, Assistant Director for Materials
Division of Compliance

SUBJECT: EXEMPTION OF THORIUM-CONTAINING SCRAP UNDER 10 CFR 40.13(c)(4)
(INSPECTION GUIDE MEMORANDUM NO. 75)

The purpose of this memorandum is to inform addressees that the possession of tungsten- or magnesium-thorium scrap with a thorium content which does not exceed four percent by weight, is exempt from the regulations pursuant to 10 CFR 40.13(c)(4).

The following is an excerpt from a memorandum from the Enforcement Branch, Division of State and Licensee Relations, in which the Division of Compliance concurred:

"Under the provisions of 10 CFR 40.13(c)(4) any finished product or part fabricated of or containing magnesium-thorium alloy with a thorium content not exceeding 4% by weight is exempt from the regulations in Part 40, except that the exemption does not extend to the chemical, physical or metallurgical treatment or processing of any such product or part.

"Persons who receive possession of scrap containing magnesium-thorium alloys, in most instances, will have no definitive information as to the chemical content of the metal. Accordingly, it does not seem reasonable or necessary to require these persons to obtain a source material license to authorize possession of such material.

"The Division of Safety Standards recognizes the problem of wording in 10 CFR 40.13(c)(4) and is planning to prepare an appropriate amendment of Part 40 to clarify that no license is needed by persons who receive scrap magnesium-thorium alloy containing not more than 4% by weight of thorium."

(continued)

Addressees:

R. W. Kirkman, Director, Region I, Division of Compliance
J. G. Davis, Director, Region II, Division of Compliance
R. C. Hageman, Director, Region III, Division of Compliance
D. I. Walker, Director, Region IV, Division of Compliance
R. W. Smith, Director, Region V, Division of Compliance



IGM No. 75
Those Listed Below

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The foregoing quotation deals only with magnesium-thorium alloys. However, the conclusion is equally applicable to tungsten-thorium alloys.

The net effect of the preceding explanation is to construe "any finished product or part" to include items which have been discarded as scrap. Note that the exemption does not extend to chemical, physical or metallurgical treatment or processing of the scrap.

Please remove and destroy page C-10 dated October 5, 1964, of the Materials Inspection Guide and add the attached revised page C-10 dated May 9, 1966.

Attachment:

Revised page C-10 dtd 5/9/66

cc: Distribution C, w/att

40.13 (continued)

"(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

The exemption contained in subparagraph 40.13(c)(4) does not authorize the chemical, physical, or metallurgical treatment or processing of the finished products or parts. The shape, physical configuration, or appearance of the finished product or part may be changed by bending, warping, twisting, painting or the like, so long as the product or part remains intact. However, the product or part may not be drilled, cut, sawed, punched, extruded, chemically etched or treated, etc., except as authorized in a specific license or the general license in 40.22. The possession of scrap is exempt but the restrictions on processing apply.

"(5) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with

No total possession limit is specified for source material contained in counterweights which a person may possess pursuant to this exemption. It is the responsibility of the person possessing the counterweights to determine that the three conditions specified

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