



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

FEB 18 1994

License: 42-23539-01AF
Docket: 030-28641

Department of the Air Force
USAF Radioisotope Committee
ATTN: Col Joseph Donnelly
HQ AFMOA/SGPR
8901 18th Street
Brooks Air Force Base, Texas 78235-5217

SUBJECT: DISPOSAL OF PARTS CONTAINING NICKEL-THORIA ALLOY

Your submittal dated April 6, 1989, which requested clarification regarding the disposal of aircraft engine parts containing nickel-thoria alloys, has been reviewed by staff members in our regional office and in the Office of Nuclear Materials Safety and Safeguards. Specifically, you asked whether such parts which cannot be reused can be disposed of as non-radioactive metal waste.

In your letter you correctly acknowledged that the NRC has previously ruled that parts which contain nickel-thoria alloy and meet the requirements of 10 CFR 40.13(c)(8) can be transferred and processed as scrap metal (under circumstances described below) without NRC regulatory control. Hence, you proposed that disposal of such materials without regard to their radioactivity should similarly be exempted from further NRC regulatory control. Our review has concluded that your proposal cannot be authorized for the reasons provided below.

The provisions of 10 CFR 40.13(c)(8) are restated below for your convenience:

"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, or transfers: ... (8) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, Provided, That: (i) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and (ii) The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight."

In the supplemental information to the final rule on 10 CFR 40.13(c), dated November 18, 1967, "Exemption of Certain Aircraft Engine Parts Containing Nickel-Thoria Alloy" [32 FEDERAL REGISTER 15872], the Commission specifically stated the following:

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C PDR

JE071/0

bcc: -
DMB - Original (IE-07)
LJCallan
JMMontgomery
SJCcollins
DDChamberlain
LWCamper
CLCain
WLFisher
MLMcLean
JEWhitten
JASmith, NMSS/IMAB (6 H3)
NMIB
RIV Files (2)

RIV:NMIB <i>(the)</i>	C:NMIB <i>(the)</i>	AD:DRSS <i>(Callan)</i>		
<i>*</i> MLMcLean	CLCain	DDChamberlain		
02/16/94	02/16/94	02/16/94		

bcc:
DMB - Original (IE-07)
LJCallan
JMMontgomery
SJCcollins
DDChamberlain
LWCamper
CLCain
WLFisher
MLMcLean
JEWhitten
JASmith, NMSS/IMAB (6 H3)
NMIB
RIV Files (2)

RIV:NMIB <i>the</i>	C:NMIB <i>the</i>	AD:DRSS <i>Control</i>		
<i>ML</i> McLean	CLCain	DDChamberlain		
02/16/94	02/16/94	02/16/94		