

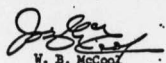
NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

ATOMIC ENERGY COMMISSION  
Agreement Between Atomic Energy  
Commission and State of New Hampshire  
Discontinuance of Certain Commission  
Regulatory Authority and Responsibility  
Within the State

Notice is hereby given that the Chairman of the Atomic Energy Commission and the Governor and Executive Council of the State of New Hampshire have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (Section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) in FEDERAL REGISTER issuances of February 14, 1962; 27 F.R. 1351; April 3, 1965; 30 F.R. 4352 and September 22, 1965; 30 F.R. 12069.

Dated at Washington, D. C., this 6th day of May, 1966.

FOR THE ATOMIC ENERGY COMMISSION

  
W. B. McCool  
Secretary

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0360

F

Duplicate Original

AGREEMENT  
BETWEEN THE  
UNITED STATES ATOMIC ENERGY COMMISSION  
AND THE  
STATE OF NEW HAMPSHIRE  
FOR  
DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY  
AND  
RESPONSIBILITY WITHIN THE STATE PURSUANT TO  
SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor and Council of the State of New Hampshire is authorized under Chapter 229, New Hampshire Laws of 1963, to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of New Hampshire certified on January 13, 1966, that the State of New Hampshire (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on April 18, 1966, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation

Enclosure 2

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0361

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0362

of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;
- D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Enclosure 2

NOTICE: If the film image is less clear than the notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0363

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or f. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Enclosure 2

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0364

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Enclosure 2

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0365

NOTICE: If the film image  
is less clear than this  
notice, it is due to the  
quality of the document  
being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0366

ARTICLE VIII

This Agreement shall become effective on May 16, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Washington, District of Columbia, in triplicate, this 18th day of April, 1966.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

/s/ Glenn T. Seaborg  
Glenn T. Seaborg, Chairman

Done at Concord, State of New Hampshire, in triplicate, this 29th day of April, 1966.

FOR THE STATE OF NEW HAMPSHIRE

/s/ John W. King  
John W. King, Governor

/s/ William A. Styles  
William A. Styles

/s/ Austin F. Quinney  
Austin F. Quinney

/s/ Emile Simard  
Emile Simard

/s/ Robert L. Mallat, Jr.  
Robert L. Mallat, Jr.

/s/ James H. Hayes  
James H. Hayes  
EXECUTIVE COUNCIL

STATE OF NEW HAMPSHIRE  
INTER-DEPARTMENT COMMUNICATION

Wayne Johnston *WJF*  
Radiation Specialist  
FROM Bureau of Environmental Health

DATE September 9, 1985  
AT (OFFICE) HMS Bldg., Hazen Drive

RECEIVED

OCT 03 1985

DEPARTMENT OF  
HEALTH & ENVIRONMENTAL SERVICES  
PLANNING AND MANAGEMENT

SUBJECT

TO Muriel Robinette  
Water Supply & Pollution Control Commission  
6 Hazen Drive  
Concord, NH 03301



We have taken a quick look at the sample of waste coating sand (WSPC 85721-WP2-10C) you brought in. Its appearance is that of a fine, almost clay-like sand, of gray-brown color, consolidated in part into easily friable larger chunks up to a few centimeters in size. We found at least one piece each of rusty metal and what appears to be glazed ceramic material in going through a portion of it.

The sample was damp so we dried some weighed portions for a time under a heat lamp. The moisture content is at least ten percent.

We did gamma spectral analyses of two portions of dry material. What we found was radium -226 (8.6 E-5 microcurie per gram dry weight) and thorium -234 (1.1 E-5 microcurie per gram dry weight). These represent 4.9 E-9% and 2.7 E-14% by weight of the material.

Since Th -234 is the daughter of U-238, if we assume that neither is enriched nor depleted relative to the other by any means other than radioactive decay (in short, if secular equilibrium exists) then U-238 is present as 0.002% of the material.

A source material is defined in the New Hampshire Rules for the Control of Radiation as any material containing uranium or thorium (He-P 2003.01, para (ad), pg. 3-5) or as any ore containing 0.05 percent by weight of uranium or thorium or any combination of them. At least under the second definition the material is not a source material as the facility received it and would not be considered for control unless they were to extract or concentrate the material.

In addition, if the material were controlled, it would meet the criteria for "low activity bulk solid waste" (He-P 2060.03, para. (aa), pg. 60-3) and the definition for "low level waste" (He-P 2060.03, para. (ab)-(5), pg. 60-4) specifically excludes "low activity bulk solid waste" from the "low level waste" category.

Legally it probably has nothing to do with us. I would want to do a lot more work before I stood up in court though.

In terms of its nature as a hazard, I can only give you my opinion. It is an emitter of alpha and beta radiation and does have a gamma output "above background." I can point out pieces of granite with similar gamma exposure rates.

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0967

STATE OF NEW HAMPSHIRE

INTER-DEPARTMENT COMMUNICATION

DATE 9/9/85

FROM Wayne Johnston

AT (OFFICE) Environmental Health

SUBJECT

TO Mariel Robinette

Page 2

In the interest of keeping doses and body burdens "as low as reasonably achievable" (the ALARA concept) your best bet is to stay as far away from the waste for as long as you reasonably can in dealing with it. Wear a dust mask or other respiratory protection when handling it.

If we can do more please contact Diane Tefft at 271-4588 to make arrangements.

WJ:em

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0368

# STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE March 7, 1989

FROM Diane E. Tefft, Administrator <sup>DET</sup>  
Bureau of Radiological Health AT (OFFICE) Division of Public Health Services

SUBJECT REVIEW OF DRAFT REPORT "KEARSARGE METALLURGICAL CORPORATION"

TO Brook Dupee, Administrator  
Risk Assessment

This is to indicate that I have reviewed the DRAFT document entitled "Kearsarge Metallurgical Corporation, Town of Conway, New Hampshire, November 9, 1988" as requested. Below, I offer comments resulting from this review.

1) The report indicates findings of radioactivity in the "waste pile" implying on-site contamination.

Kearsarge Metallurgical Corp. was a licensee of the Bureau of Radiological Health for use and possession of Cobalt 60 (sealed sources) not to exceed 10 curies each and Iridium 192 (sealed sources) not to exceed 100 curies each for use in exposure devices for industrial radiography. Kearsarge terminated its license upon proper "disposal" (e.g. return to manufacturer) of its radioactive material in April, 1982. No additional licensable radioactive material was possessed by Kearsarge after this date.

Kearsarge was also an X-ray registrant of the Bureau but this would have no effect on the referenced findings.

2) Ref. Pg. 1 (last sentence): We note that readings of mR/hr (milli-rem per hour) are not concentrations but instead a dose rate reading. We further note that such readings are listed in tables throughout the report as concentrations and need to be corrected.

Waste disposal limits as set by the Bureau are reported in concentrations (e.g. curies per unit volume). It is difficult, if not impossible, to compare readings in mR/hr to a concentration value.

3) Radioactive materials found at Kearsarge Metallurgical have been determined to be Radium-226, 228 and Thorium-228, 234. We note that these materials do occur in nature and have appeared in New Hampshire in quantities similar to those found at Kearsarge (Ref. NCRP Report No. 45, "Natural Background Radiation in the United States"). Also, recent discussions relating to indoor radon seem to support these findings by indicating the high presence of radium, radon and other similar naturally occurring radioactive materials in New Hampshire granite and soil. This suggests that the discovery of such radioactive material at Kearsarge is not unusual.

Lastly, we note that radioactive materials which occur in nature do not become licensable (regulated) unless the concentrations are altered from

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0369

Brook Dupee  
Risk Assessment

Page 2  
3/7/89

their natural state (e.g. passage through a filter system) or they are refined (e.g., mining and milling) for an intended use.

Conclusion:

It is our recommendation that the radioactive materials discovered in the "waste pile" at Kearsarge be noted as present and explained as naturally occurring rather than as contaminants. This would eliminate any inference that low-level radioactive waste is present and destined for disposal as possible "mixed waste." This would also eliminate any ties to past licensable radioactive material use which in my opinion is totally unrelated to the current situation.

It is further recommended that the inference of Radon-222 as a public health hazard resulting from the presence of the stated radionuclides be re-evaluated. We do not doubt the presence of Radon-222 from the natural decay of Radium-226 formed on site, but question the implications as a public health hazard when it is probably being vented to ambient air at a lesser concentration than are some of the private homes in New Hampshire.

DET:em

Cc: Jack Stanton  
Dennis O'Dowd

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0370

NOTICE: If the film image  
is less clear than this  
notice, it is due to the  
quality of the document  
being filmed

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

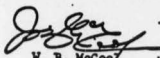
0371

ATOMIC ENERGY COMMISSION  
Agreement Between Atomic Energy  
Commission and State of New Hampshire  
Discontinuance of Certain Commission  
Regulatory Authority and Responsibility  
Within the State

Notice is hereby given that the Chairman of the Atomic Energy Commission and the Governor and Executive Council of the State of New Hampshire have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (Section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) in FEDERAL REGISTER issuances of February 14, 1962; 27 F.R. 1351; April 3, 1965; 30 F.R. 4352 and September 22, 1965; 30 F.R. 12069.

Dated at Washington, D. C., this 6th day of May, 1966.

FOR THE ATOMIC ENERGY COMMISSION

  
W. B. McCool  
Secretary

NOTICE: If the film image  
is less clear than this  
notice, it is due to the  
quality of the document  
being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0372

Duplicate Original

AGREEMENT  
BETWEEN THE  
UNITED STATES ATOMIC ENERGY COMMISSION  
AND THE  
STATE OF NEW HAMPSHIRE  
FOR  
DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY  
AND  
RESPONSIBILITY WITHIN THE STATE PURSUANT TO  
SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor and Council of the State of New Hampshire is authorized under Chapter 229, New Hampshire Laws of 1963, to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of New Hampshire certified on January 13, 1966, that the State of New Hampshire (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on April 18, 1966, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation

Enclosure 2

of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

Enclosure 2

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEANSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0373

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;
- D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Enclosure 2

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0374

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Enclosure 2

NOTICE: If the film image is less clear than the notice it is due to the quality of the document being filmed

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0375

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Enclosure 2

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0376

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

KEARSARGE METALLURGICAL CORP.  
ADMINISTRATIVE RECORD

KEA 001

0377 L

ARTICLE VIII

This Agreement shall become effective on May 16, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Washington, District of Columbia, in triplicate, this 18th day of April, 1966.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

/s/ Glenn T. Seaborg  
Glenn T. Seaborg, Chairman

Done at Concord, State of New Hampshire, in triplicate, this 29th day of April, 1966.

FOR THE STATE OF NEW HAMPSHIRE

/s/ John W. King  
John W. King, Governor

/s/ William A. Styles  
William A. Styles

/s/ Austin F. Quinney  
Austin F. Quinney

/s/ Emile Simard  
Emile Simard

/s/ Robert L. Mallat, Jr.  
Robert L. Mallat, Jr.

/s/ James H. Hayes  
James H. Hayes  
EXECUTIVE COUNCIL