

JUL 17 1985

Native Americans for a Clean
Environment Client Council
ATTN: Ms. Jessie Deerinwater
Route 2, Box 51-B
Vian, Oklahoma 74962

Dear Ms. Deerinwater:

This is in response to your recent letter (undated) to Mr. Samuel J. Chilk, Secretary of the Nuclear Regulatory Commission (NRC). In your letter, you requested page II-10-2 of the amendment application for the Sequoyah Facility, License No. SUB-1010, Docket 40-8027. Upon investigation, I find that a page is not missing, Kerr-McGee (KM) misnumbered the pages.

Regarding your request that we prepare an Environmental Impact Statement (EIS) related to the proposed expansion of the KM plant, we are currently preparing an Environmental Assessment on the KM proposal. If this assessment indicates the need for an EIS, one will be prepared. This procedure is consistent with the National Environmental Policy Act.

As to your request for a copy of KM's application for renewal, this document can be obtained from the Local Public Document Room at the Sallisaw City Library. Also in your letter, you requested details of the "Reactor" mentioned in the application. As I indicated to you during our recent telephone conversation, the "Reactor" for the UF_6 to UF_4 facility is a chemical reactor not a nuclear reactor. In this vessel (termed a reactor), UF_6 (a gas) reacts with hydrogen from cracked ammonia to form UF_4 , a solid.

In regard to your comment on the cost of decommissioning, the estimated \$500,000 for decommissioning the UF_6 to UF_4 facility is being evaluated as part of our review of the KM application and from what we know of this proposed facility, it appears to be reasonable. In your letter you also cited the General Accounting Office's (GAO) comments concerning the decommissioning of nuclear facilities. NRC has proposed a regulation change to address the GAO's concerns. In the interim, starting in 1977, we have required major fuel cycle licensees, such as the Sequoyah Facility, to provide plans and an estimated cost for decontaminating the facility at the end of plant life. KM's decommissioning plan for the Sequoyah facility has been incorporated as a condition of the license. This condition requires KM to decontaminate the facility so that it can be released for unrestricted use. In 1979, KM estimated the cost of decommissioning the facility at approximately \$2,500,000 and KM has committed to make these funds available for decommissioning at the end of plant life. This commitment was also incorporated as a condition of the license.

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Regarding your comments as to the type of hearing and what was stated in the newspapers, as you are surely aware, the media at times, errs. The Commission is currently reviewing your petition for a hearing and at this writing, no decision has been made as to what type of hearing will be convened. Whatever the type of hearing, all interested persons with standing will have an opportunity to participate.

Sincerely,

Original Signed By:

W. T. Crow

W. T. Crow, Acting Chief
Uranium Fuel Licensing Branch
Division of Fuel Cycle and
Material Safety, NMSS

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W.T. Crow 396-55
**Native Americans for a Clean
Environment Client Council**

Route 2, Box 51-B
Vian, Oklahoma 74962

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RECEIVED JUN 26 1985

Dear Mr. Chilk,

I was advised by a Mr. Ponner and Mr. Alan Bates that I needed to write you and give you additional information on our request for a public hearing on the application for Amendment to Sequoyah Facility License Sub-1010 Docket 40-8027 Uranium hexafluoride to Uranium Tetrafluoride Processing Plant, dated Jan. 2, 1985. First let me say, that although your office sent me a copy of this application, page II. 10-2 is missing, would you see that it is sent to me also?

On the hearing, our first request is that an Environmental Impact Statement be done according to The National Environmental Policy Act. Then we will need a formal public hearing with all people whose lives will be affected by this facility being given a chance to speak. This action (the expansion) will have consequences that will be irreversible and therefore should be examined before it is built, not after.

I have read the Application for Amendment and found that the discussion of several issues simply state "additional information on this subject will be found in the Sequoyah Facility

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Application for License Renewal SUB-1010 dated September 1982."

Could you send us that document so that we may look up the additional information?

We have several issues that must be addressed at the hearing, one important one will be that we need to know the details of the Reactor spoken of in the Application. Also, we will want to know why only \$500,000 is allotted for Decommissioning, when it is our understanding that your organization has tried to set guidelines that Nuclear Reactor owners put up \$100 million for Decommissioning. If it will take a minimum of \$100 million for nuclear power plants, how is it possible that a nuclear processing plant could be cleaned up for $\frac{1}{2}$ a million. It raises doubts in our mind. According to the GAO, your organization has been lax in this area, and I quote: "NRC, which has the responsibility on the commercial side, has not developed cost estimates, acceptable methods, or standards needed by industry to plan decommissioning or disposal of their facilities. NRC has not paid much attention to one of the biggest problems that may confront the public in the future- that is, who will pay the cost of decommissioning....."

-U.S. General Accounting Office,
1977

Your (U.S.N.R.C.) own policy on this shows us that $\frac{1}{2}$ million for cleanup is a joke- "The availability of adequate funds helps ensure that decommissioning can be accomplished in a safe and timely manner and that lack of funds does not result in delays in decommissioning that may cause potential public health and safety problems".

Robert Wood, "Assuring the Availability of Funds for Decommissioning Nuclear Facilities," NUREG-0584 1983:1

I realize that your people and Kerr McGee may be looking at this issue from a business point of view, but we are not. We are property owners in this area and people who want to retain it's beauty and usability for our future generation, so therefore, we have accepted the responsibility of seeing that it does not become contaminated beyond use in our generation.

One last point, it has been stated in the papers here that a judge will possibly be appointed to review both sides (ours vs Kerr McGee's) behind closed doors and make a decision without any public involvement. This would be totally unacceptable to our organization. This plant would affect the health of all people in this area and the Hearing has to be open to the General Public with NO decisions made behind closed doors. We also want anyone who would be affected by this plant to have the right as citizens to be able to speak as well as experts in the field.

I await your written reply to this letter.

[REDACTED]

Sincerely,

Jessie Deerinwater
Jessie Deerinwater
chairperson of
NATIVE AMERICANS FOR A CLEAN
ENVIRONMENT CLIENT COUNCIL

c.c.O.K. Legal Services, Cherokee Nation; PUBLIC CITIZEN, Seventh Generation Fund; Ok. Dept. of Health; Southwest Research and Information Center; Ok. Water Resources Board; assorted newspapers