

December 24 1985

John H. Frye III  
Administrative Judge  
ASLBP  
United States Nuclear Regulatory Commission  
Washington D C 20055

DOCKETED  
USNRC

'85 DEC 30 P1:02

In the Matter of  
SEQUOYAH FUELS CORPORATION  
(Sequoyah Facility)

OFFICE OF THE  
DOCKETING & SERVICE  
BRANCH

Docket No 40 - 8027; ASLBP No 85-513-03-M L

MLA

Dear Judge Frye

Please find enclosed an outline of the testimony CASE is to provide at the hearing January 7 and 8. We find it rather curious that an outline is required since you have so very narrowly defined both the content and time frame for discussion of issues at the hearing. We were not aware that an informal hearing was to be so formally structured. Therefore all we can do at this time is to repeat the topics and order of presentation per your memorandum and order.

We find this both disturbing and curious because such a limited agenda and time allotment might thwart the intent and purpose of federal law granting public hearings. Our request is simple: we ask for an open public forum on this matter. Again we are not submitting all of our questions and concerns in advance (as noted in our original petition). We feel that to do so in advance could be the equivalent of "trying" the matter prior to the public hearing.

Therefore we are serving notice that we intend to reserve a number of concerns and questions for the "supplemental testimony" permitted by the presiding officer.

We would however ask the Presiding Officer to inquire prior to the hearing for a clarification of two terms that are being confused in the data. First what is the precise content of the so-called "depleted UF<sub>6</sub>". Too much disparity over its content, nature or use is in the material. We need one definition. For example: What is the difference in terms of economics or hazardous material between UF<sub>6</sub> that "has no value as a nuclear material (Judge Frye Nov 5 1985)" and UF<sub>6</sub> that "The external radiation hazard of this material is somewhat less than that from natural uranium because its depleted in <sup>235</sup>U and <sup>233</sup>U and the daughter products associated with the decay of those isotopes (NRC Nov. 19 1985 -DRAFT REPORT)? Aside from the obvious blunder in assigning correct atomic weight numbers to the material in question we ask your honor to inquire as to precisely what is the content of depleted UF<sub>6</sub>. This should help distinguish between an economic definition and a more precise chemical content one. We wonder also what the NRC considers as "somewhat less". Surely with all the advanced technological machines available they can be at least a little more precise than that.

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We ask your honor to note with us that only the U<sup>235</sup> has been removed. Therefore we wonder how many radio-active elements are still in it. For example where is the U<sup>238</sup>? To our understanding this is much more hazardous than U<sup>235</sup>. We respectfully submit that the mere removal of one nuclear element does not render UF<sub>6</sub> (depleted) to a harmless substance

Our second question concerns the definition of the term "raffinate". For over a year now we have been lead to believe that "raffinate" was a sort of generic term that Kerr-McGee uses to describe their liquid waste. Now it appears that "raffinate" formerly a generic term has become a descriptive term that only applies to the liquid waste from UF<sub>6</sub> production

We ask - What new term will be used to distinguish between liquid waste from UF<sub>6</sub> production (raffinate); and if allowed the liquid waste from the proposed facility? How will they be distinguished when mixed? Will another term come into being to define the new mixture?

We ask this in all seriousness and sincerity because of the obvious to us at least attempts to confuse the issue in the numerous references which are contradictory in terms of the generation of waste products and its respective referent

In conclusion of this letter we extend our appreciation to the counsel for Kerr-McGee for sending to your honor the "Assessment of Potential Environmental and Adverse Health Impacts from Operation of the Sequoyah Facility Gore Okla. (Oct 1985) ". If we could afford the reproduction cost we would have mailed this out as another example of just how little is known about the health effects of the plant

We are, at once embarassed and yet vindicated by this so-called study. Embarassment is from having to admit that our own Oklahoma State Health Department would release an obviously flawed and incomplete "study". Vindicated in that the conclusions of this report negates the whole thing "It must be emphasized that this study due to numerous limitations in the types of data available for analysis does not conclusively prove or disprove an effect which might be related to the waste management practices of Sequoyah Fuels "

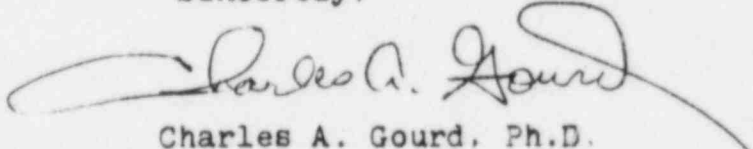
We make two points. First, as with the DRAFT NRC evaluation (which as we understand is not legally binding on the NRC and can be changed at will) this OSDH report is self-negating. Both studies indicate that not enough is known to make an adequate assessment and both attempt to evade conclusive statements.

We note that the NRC DRAFT evaluation is based entirely on Kerr-McGee provided data. This is hardly an independent analysis. And even the counsel for Kerr-McGee says that the OSDH report is "independent". We suggest otherwise and wish only to make a corrective statement on this issue.

Our second point relates back to a concern that has been deemed "moot" by the administrative judge in our original petition. We point to the undeniable fact that NEITHER REPORT IS SIGNED BY A RESPONSIBLE AUTHORITY. Who sir, we must ask is responsible for these types of reports that tell us that nobody knows enough to say anything conclusive. It would seem that at some point in time someone somewhere has got to be held accountable. Why should we be forced to suffer environmental and health risk when the so-called "experts" can't tell us enough to make a rational decision?

Again we appreciate counsel for Kerr-McGee for their consideration of our position by disseminating this report. We wish everybody a Merry Christmas and a Happy New Year.

Sincerely,



Charles A. Gourd, Ph.D.

\*\* Special Note: I had to type this letter on the old backup typewriter. It seems the comma and period keys are not working properly. Please insert which ever is appropriate in the spaces in the above.

cc: Service List

## OUTLINE OF CASE TESTIMONY

- I - Address draft safety evaluation report
- II - Testimony on tornado frequency
- III - Testimony on environmental data
- IV - Questions and supplemental testimony permitted  
by Presiding Officer
- V - Qualifications of the employees at Kerr-McGee Sequoyah  
Fuels Sequoyah Facility

In the Matter of

SEQUOYAH FUELS CORPORATION  
(Kerr-McGee)  
(Sequoyah Facility)

Docket No. 40-8027-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing has been served upon the following persons:

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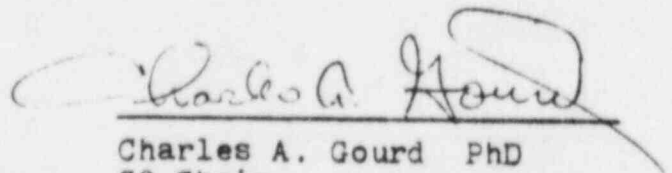
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Dated at Park Hill Okla.  
This 24th day of December, 1985



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