

June 14, 2002

Mr. Julian Fite, Esq.
General Counsel
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465-0948

Dear Mr. Fite:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of April 2002. In your letter, you stated that the Cherokee Nation would prefer that the decommissioning of the Sequoyah Fuels Corporation (SFC) facility near Gore, Oklahoma, satisfy the unrestricted release provisions in the license termination rule (LTR). In the event this cannot be accomplished, the Cherokee Nation supports long-term stewardship of the Gore site and the surrounding buffer lands by the Department of Energy (DOE) under the restricted release provisions in the LTR.

The Commission is currently evaluating SFC's proposal concerning the decommissioning options available to the Gore site. If the residual radioactive material remaining on-site is determined to be byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, ownership of it would ultimately be transferred to DOE under the provisions of Uranium Mill Tailings Radiation Control Act. In any event, in making its decision, the Commission will focus on ensuring adequate protection of public health and safety.

The staff will keep you informed of the Commission's decision. If you have any further comments or questions, please contact me.

Sincerely,

/RA/

Richard A. Meserve