

**From:** Myron Fliegel  
**To:** agutterman@morganlewis.com; Jeannine Hale  
**Date:** 10/03/2006 11:51:08 AM  
**Subject:** Re: 2.206 Petition Status - Sequoyah Fuels

Dear Ms. Hale:

Doc. 40-8027

I understood that both the Cherokee Nation and the State of Oklahoma were satisfied with the Groundwater Monitoring Plan (GWMP). The GWMP was incorporated into SFC's license through amendment 31, August 22, 2005 (ML052280163). Prior to its approval, we worked with CN and OK technical staff to assure that all concerns were addressed. By letter dated April 14, 2004 (ML041190407) and email dated April 15, 2004 (ML041120209) CN and OK technical staff provided comments on an earlier version of SFC's GWMP. NRC, CN, and OK technical staff also informally discussed the GWMP in telephone conversations and meetings. We concluded that we required SFC to address all of the OK and CN issues (which were similar to NRC issues on the earlier version of the GWMP).

Prior to approval of the revised GWMP, we prepared an Environmental Assessment, which was sent, in draft form, to CN and OK for comment on July 7, 2005 (ML051990538 and ML051990534). OK responded on July 26, 2005 (ML052220115), concurring with NRC's finding of no significant impact. We did not receive a response from CN.

Based on the above, we concluded that CN and OK were satisfied with the GWMP.

We also worked with CN and OK technical staff in our review of the groundwater corrective action plan (GWCAP) and concluded that our requests for additional information on the earlier version of the GWCAP included concerns identified by CN and OK.

Myron Fliegel

>>> "Jeannine Hale" <[Jeannine-Hale@cherokee.org](mailto:Jeannine-Hale@cherokee.org)> 09/29/2006 11:29 AM >>>

Dear Mr. Fliegel: As promised, Mr. Hammons and I commenced the necessary review of documents to determine compliance with Section III D of the Settlement Agreement concerning the 2.206 Petition. This provision hinges on whether the Groundwater Monitoring Plan (GWMP) and the Groundwater Corrective Action Plan (GWCAP) are both "revised in accordance with this Agreement". This requires comparison of the Plans with terms of the Agreement. I have pulled our files on these Plans and I have also done some preliminary checking on ADAMs to make sure I have all the documents. Mr. Hammons is in the process of moving his office and their files are not easily accessed right now. To be sure we have the latest on the GWCAP, we ask that Mr. Gutterman advise us of any revisions or documents submitted in 2006. Once we are certain we have all documents and the latest versions of the GWMP and GWCAP, we can complete the comparison of the terms of the Agreement and the GMP and GWCAP. We do appreciate the reminder that this needs to be resolved and will make every attempt to do so without unnecessary delay. Sincerely, Jeannine Hale Administrator, Environmental Programs Cherokee Nation 918-453-5786

**CC:** Bill VonTill; Giovanna Longo; Trevor\_Hammons@oag.state.ok.us

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**From:** Myron Fliegel

**Created By:** MHF1@nrc.gov

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