

From: "Couch, Dean" <DACOUCH@owrb.ok.gov>
To: "nrcprep@nrc.gov" <nrcprep@nrc.gov>
Date: Mon, Nov 5, 2007 6:03 PM
Subject: Sequoyah Fuels DEIS

9/21/07

72FR54080

Attached is a comment letter from the Oklahoma Water Resources Board. The original hard copy is also being mailed. Thank you.

Dean Couch
General Counsel
Oklahoma Water Resources Board

<<SFC-DEIS-Comment11-5-07.pdf>>

CC: "AHF@nrc.gov" <AHF@nrc.gov>, "Trevor Hammons (E-mail)" <Trevor_Hammons@oag.state.ok.us>, "Tolbert, Miles" <mtolbert@environment.ok.gov>

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STATE OF OKLAHOMA
WATER RESOURCES BOARD
www.owrb.state.ok.us

November 5, 2007

Chief, Rules Review and Directives Branch
Mail Stop T-6D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Sequoyah Fuels Corporation DEIS – Report Number NUREG-1 888

Dear Sir or Madam:

This letter constitutes a comment relating to the Sequoyah Fuels Corporation (SFC) site near Gore, Oklahoma, the proposed reclamation activities subject to the DEIS, and the ultimate request by SFC to transfer some lands to the United States or State of Oklahoma and release of other lands for unrestricted use by members of the public.

The Oklahoma Water Resources Board (OWRB) is an agency of the State of Oklahoma with authority and duties relating to the management and use of water in Oklahoma. The assets of the SFC include a permit to appropriate and divert water from Lake Tenkiller located a few miles upstream from the facility, with an additional diversion point authorized from the Illinois River near the facility. The appropriation permit was originally issued by the OWRB to the Kerr-McGee Corporation and was subsequently transferred to the SFC. The Kerr-McGee Corporation also transferred to the SFC the water storage contract rights at Lake Tenkiller that Kerr-McGee had obtained from the U.S. Army Corps of Engineers.

The draft EIS does not address or estimate the amount of water needed to carry out the proposed reclamation activities, nor does it address any proposals regarding the ultimate disposition of the water right issued by the OWRB or the storage contract entered into by the Corps of Engineers. These items are extremely important factors in assessing long-range water planning for east central Oklahoma and must be addressed before any approval of the transfer or release of any portion of the site is considered. In the meantime, the SFC should contact the OWRB to discuss the status of the water right to ensure a sufficient amount for reclamation activities is still authorized.

On a separate matter, we note that information in the report explains that nitrates in the southern portion of the site will migrate unabated to the Illinois River, and that natural flushing is permitted by the Department of Energy for long-term site control under Title I

OWRB

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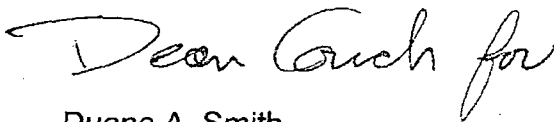
Rudy Herrmann, Chairman • Mark Nichols, Vice Chairman • Bill Secrest, Secretary

Lonnie L. Farmer • F. Ford Drummond • Richard C. Sevenoaks • Jack Keeley • Ed Fite • Kenneth K. Knowles

of Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). See Report, 3-26. Although the report explains that groundwater standards must be met before long-term site control can be transferred to the DOE and that a monitoring plan is being implemented, Oklahoma cannot take responsibility for detrimental effects that "natural flushing" may have on area water resources. Furthermore, Oklahoma cannot take responsibility for the quality of the water affected by the natural flushing of nitrates or from other contaminants emanating from the SFC facility that flows from Oklahoma into the State of Arkansas.

Thank you for the opportunity to submit comments to the DEIS for the Sequoyah Fuels Corporation facility.

Sincerely,

A handwritten signature in cursive script, appearing to read "Duane A. Smith for".

Duane A. Smith
Executive Director

cc: Miles Tolbert, Oklahoma Secretary of Environment
Trevor Hammons, Assistant Attorney General
Randy Young, Arkansas Natural Resources Commission
Allen Fetter, Project Manager, NRC