

AUG 4 1987

The Honorable Dan Glickman
Member, United States
House of Representatives
301 Wolcott Building
201 North Main
Hutchinson, Kansas 67501

Dear Congressman Glickman:

We are pleased to reply to your June 26, 1987, letter to Stephen Kent of the Nuclear Regulatory Commission (NRC) regarding a letter from a constituent, Mr. Robert Batson, expressing concern over an application by Kerr-McGee Corporation to market an agricultural fertilizer.

Mr. Batson quotes an article from the March 1987 issue of Acres, USA, a Kansas City, Missouri publication. The article implies that the fertilizer, if approved for use, would be sold as any other fertilizer and would be used on food crops. The article also implies that only one Oklahoma Department of Agriculture employee is responsible for the licensing decision and that the analysis accompanying the license request was prepared by a person biased in favor of the Kerr-McGee Corporation and did not mention heavy metal or radioactive constituents of the fertilizer. From reading this article, we can understand Mr. Batson's concern, however, the review process involved a number of agencies and was in much greater depth than indicated by the article. Furthermore, the use of the fertilizer is quite limited.

Sequoyah Fuels Corporation (SFC), a wholly owned subsidiary of the Kerr-McGee Corporation, operating a uranium hexafluoride (UF_6) facility near Gore, Oklahoma, under an NRC license (SUB-1010) was issued a registration by the State of Oklahoma on August 20, 1986, enabling it to market a nitrogen fertilizer derived from a waste product of UF_6 production, subject to a number of specific conditions imposed by the NRC on use of the fertilizer. SFC is using the fertilizer solely on company owned hay and grazing land in eastern Oklahoma and will not use it on crops intended for human consumption or offer it for commercial sale. In 1982, the NRC determined that use of the fertilizer will produce no adverse environmental effects if used as represented by SFC and has required SFC to provide extensive surveillance over the use of the fertilizer. The decision to permit use of the fertilizer in this manner was based on extensive research and testing programs beginning in 1973. The NRC, SFC, Oak Ridge National Laboratory, the State of Oklahoma Departments of Health and Agriculture, and Oklahoma State University were involved in evaluating the safety of its use. A copy of the registration including a supplement to the registration is enclosed.

Item 3 of the registration supplement requires that all conditions specified by the NRC through Amendment No. 17 to the SFC license will be followed when using the product. The first condition of this amendment specifically excludes use of the fertilizer on human food crops. Conditions 3 and 9 of this license amendment specify the restrictions placed on the use of the fertilizer and forage grown on the land regarding heavy metal and radioactive constituents. A copy of this NRC license amendment is enclosed.

The amendment provides the NRC and the State of Oklahoma documented assurance that SFC treats, uses, and controls the fertilizer as represented and provides continuing data to support the finding that the environmental impact resulting from the use of the fertilizer on farmland and crops is minimal as described in the 1982 NRC document, "Environmental Impact Appraisal of the Proposed Amendments for Use of Raffinate." A copy of this document is enclosed. The U.S. Food and Drug Administration, Environmental Protection Agency, and Department of Agriculture were among those agencies reviewing this document. The NRC also requires the program surveillance data be submitted on an annual basis by SFC in a "Completion Report." A copy of the May 1986 report is enclosed.

The article implies that the decision to use the treated waste solution is left solely to a single employee of the Oklahoma Department of Agriculture, Jack Craig. Mr. Craig is Commissioner of Agriculture for the State of Oklahoma and as such is a member of a five-man board appointed by the Governor of the State. In the case at hand, the Plant Industries Division of the Oklahoma Department of Agriculture submitted SFC's request to register the nitrate solution as a fertilizer in Oklahoma to the board for consideration. The request was returned by the board recommending approval to the Plant Industries Division where it was approved. During the process, all parties were aware of all the studies performed by SFC, the State, and others. They were also aware of the conditions placed on the fertilizer use by the NRC (Amendment 17). (Personal communications, Commissioner Craig 7/17/87.)

We hope that this information will alleviate the concerns of Mr. Batson. If I can be of further assistance in this matter, please let me know.

Sincerely,

Original signed by
Victor Stello

Victor Stello, Jr.
Executive Director
for Operations

cc: Mr. Scott Fleming

Enclosures:

1. Oklahoma Fertilizer Registration
dtd 8/14/86 transmitted by
ltr dtd 9/15/86
2. Sequoyah Fuels Corporation NRC
Amendment #17 dtd 6/30/82
3. Environmental Impact Appraisal
dtd 3/82
4. 1986 Fertilizer Completion Report
transmitted by memo dtd 5/1/87

(See attached page for distribution and concurrence)

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Sincerely,

Victor Stello, Jr.
Executive Director
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Handwritten: Concerns of Mr. Batson

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