

CF ONLY SEND ORIGINAL to:  
CF Subject Files 0/6 (27)  
NMS 9/12 R  
Region II  
660

February 26, 1987

Peter Nichols, Esquire  
Covington and Burling  
1201 Pennsylvania Ave, N.W.  
Washington, DC 20044

Re: Sequoyah Fuels Corporation, Docket No. 40-08027, License No.  
SUB1010, EA-86-91

Dear Mr. Nichols:

Enclosed is a copy of the settlement agreement which I signed yesterday  
on behalf of the NRC staff to resolve the pending civil penalty proceeding.

In accordance with the Commission's regulations in 10 C.F.R. 2.790, a  
copy of this letter will be placed in the NRC Public Document Room.

Sincerely,

Original Signed By  
James Lieberman

James Lieberman, Assistant General Counsel  
for Enforcement  
Office of the General Counsel

Enclosure: Settlement Agreement

cc: J. Taylor, IE

DISTRIBUTION:

AGCE Rdr  
AGCE Subj.  
Lieberman Chron  
Goldberg Info  
SC/RW/RH/MW/WP/LD Info  
JMurray  
NRC Central  
OGC Rdr

~~CONFIDENTIAL~~  
~~CONFIDENTIAL~~

6/23

|      |                   |   |   |   |   |   |   |
|------|-------------------|---|---|---|---|---|---|
| DFC  | : AGCE            | : | : | : | : | : | : |
| NAME | : J. Lieberman/tk | : | : | : | : | : | : |
| DATE | : 2/26/87         | : | : | : | : | : | : |

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the Matter of )

Sequoyah Fuels Corporation )

Sequoyah Fuels Facility )

Gore, Oklahoma )

Docket No. 40-08027

License No. SUB 1010

EA 86-91

SETTLEMENT AGREEMENT

WHEREAS, Sequoyah Fuels Corporation (the licensee) is the holder of Source Material License No. SUB-1010 issued by the Nuclear Regulatory Commission ("NRC") which authorizes the licensee to possess and use source material for the purpose of refining uranium from uranium ore concentrates and converting this uranium to uranium hexafluoride (UF<sub>6</sub>) for use by enrichment facilities. The license was most recently renewed on September 20, 1985, and will expire on September 30, 1990; and

WHEREAS, a series of special inspections and assessments were conducted at the Sequoyah Fuels Facility, Gore, Oklahoma during the period January 4 through February 14, 1986, as a followup to the January 4, 1986, accident in which a cylinder filled with uranium hexafluoride ruptured while being heated in a steam chest; and

WHEREAS, the NRC, acting through its Director, Office of Inspection and Enforcement, served upon the licensee by letter, dated October 14, 1986, a written Notice of Violation and Proposed Imposition of Civil Penalties, stating the nature

of the alleged violations, the provisions of the Commission's regulations that the licensee had allegedly violated, and the amount of the civil penalties proposed; and

WHEREAS, the licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties on November 13, 1986, by submitting (1) a Response to Notice of Violation and (2) a Protest of Civil Penalties and Petition for Remission or Mitigation; and

WHEREAS, the Director, Office of Inspection and Enforcement, in an Order dated February 5, 1987, determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed; and

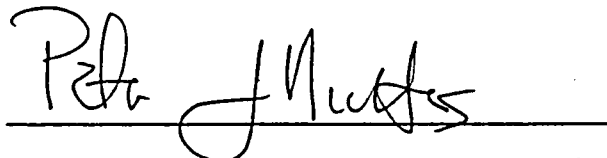
WHEREAS, the licensee wishes to terminate this civil penalty proceeding by payment of the proposed penalty without conceding its position as stated in its filings of November 13, 1986: Specifically, while recognizing the seriousness of the accident, the licensee continues of the view that there are strong legal and policy grounds arguing against the imposition of the proposed penalty in the circumstances, and objects to the characterization of its conduct; and further, that insufficient weight has been given to the substantial steps taken by the licensee since the January 4, 1986 accident to improve its operations; and

WHEREAS, the licensee waives its right to a hearing, and without admitting or denying any of the allegations of the Notice dated October 14, 1986, except as to

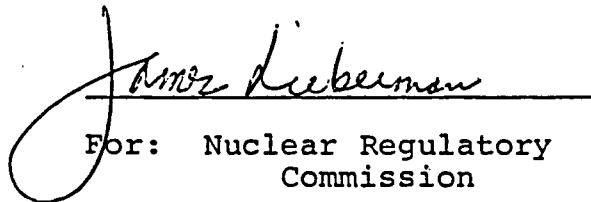
jurisdiction, to which it admits, and solely for the purposes of terminating this proceeding, agrees to the payment of the proposed penalty; and

WHEREAS, the NRC, while affirming its position as to the alleged violations stated in the Notice dated October 14, 1986, and Order dated February 5, 1987, agrees that this proceeding should be terminated by payment of the ordered penalty by the licensee, and recognizes that the licensee has taken significant steps since the accident to improve its operations at the Sequoyah Facility:

IT IS HEREBY ORDERED: This civil penalty proceeding will be terminated upon the payment by the licensee of civil penalties in the amount of Three Hundred Ten Thousand Dollars (\$310,000) within 5 days of the date of this Agreement by check, draft or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.



For: Sequoyah Fuels Corporation



For: Nuclear Regulatory  
Commission

DATE:

2/25/87