



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA — 92-204

RESPONSE TYPE

FINAL

☒ PARTIAL

DATE

JUL 8 1992

DOCKET NUMBER(S) (if applicable)

REQUESTER

Diane Curran

PART I.—AGENCY RECORDS (RELEASED OR NOT LOCATED (See checked boxes))

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments section.

Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) I are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request are enclosed. (Documents 1-1 through 1-11)

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

You will be billed by the NRC for fees totaling \$ _____.

You will receive a refund from the NRC in the amount of \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____.

PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Ronnie H. Chumley

9301070232 020708
PDR FOIA
CURRAN92-204 PDR

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**
(CONTINUATION)

FOIA NUMBER(S)

FOIA — 92-204

DATE

JUL 8 1992

PART II.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) H are being withheld in their entirety or in part under the Exemption No. (s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1 The withheld information is properly classified pursuant to Executive Order. (Exemption 1)

2 The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)

3 The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)

Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

4 The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).

☒ 5 The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:

☒ Deliberative Process. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.

☒ Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)

☒ Attorney client privilege. (Confidential communications between an attorney and his/her client.)

6 The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)

7 The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)

Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))

Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7 (C))

The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

OTHER

PART II.C — DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Information and Publications Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
Robert D. Martin	Regional Administrator Region IV	H 1, 3, 4	X		
Robert Bernerno	Director, Office of Nuclear Material Safety & Safeguards	H 2	X		

PART II.D — APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

APPENDIX H
(RECORDS WITHHELD IN THEIR ENTIRETY)

1. 8/9/91 Memorandum for James Lieberman from Robert Martin
Subject: Supplemental Information on Proposed
Sequoyah Fuels Enforcement Action 91-067 (1 page)
enclosing pages 31-44 of the proposed enforcement
action (14 pages) (Exemption 5)
2. 9/16/91 Memorandum for Richard Cunningham from Charles
Haughney Subject: Proposed Sequoyah Fuels
Corporation Enforcement Action (2 pages)
(Exemption 5)
3. 11/26/91 Memorandum for James Lieberman from Robert
Martin Subject: Recommended Enforcement Action -
Sequoyah Fuels Corp. (EA 91-153) (2 pages)
(Exemption 5)
4. Undated Memorandum for James Lieberman from Robert
Martin Subject: Proposed Enforcement Action -
Order to Sequoyah Fuels Corporation (EA 91-067)
(1 page) enclosing Draft letter to Sequoyah Fuels
Corporation from Hugh Thompson (1 page) and Draft
Order Modifying License (38 pages) (Exemption 5)

APPENDIX I
(RECORDS RELEASED)

1. 5/8/91 Handwritten Note to Wes (1 page)
2. 5/8/91 Telephone or Verbal Conversation Record
Subject: Roberts/Schornicks urinalyses
(1 page)
3. 5/8/91 Handwritten Note to Lee, Wes, Scott,
Carol (2 pages)
4. 5/8 Handwritten Note to Wes (1 page)
5. 5/9/91 Handwritten Note to Carol Couch, Scott Munson
and West. (1 page)
6. 5/9 Handwritten Note to Scott Pennington (1 page)
7. 5/16/91 P21 Part 21 Tracking System (1 page)
8. 5/17/91 To Norma Voss from Reau Graves, Subject:
SFC Procedure Violations (5 pages)
9. 6/10/91 Memorandum for Charles Haughney from A. Bill
Beach, Subject: Sequoyah Fuels Environmental
Findings (1 page)
10. 6/26/91 Record of Conversation, Subject: Elevated Soil
Contamination Outside SFC's Restricted Area
(1 page)
11. 6/28/91 Telephone or Verbal Conversation Record, Subject:
Old Domestic Well (1 page)
12. 9/9/91 Health Physics Improvement Program (20 pages)
13. 12/20/91 Memorandum for G. Michael Vasquez from L.J.
Callan, Subject: Inspection Team Charter (4 pages)
14. 1/6/92 Memorandum for G. Michael Vasquez from L.J. Callan
Subject: Supplement to December 20, 1991, Team
Charter (3 pages)

15. 1/7/92 Memorandum for Gary Konwinski et al., from G. Michael Vasquez, Subject: Team Inspection of Sequoyah Fuels Corporation (SFC) January 13-17, 1992 (5 pages)
16. 1/8/92 Conversation Record, Individual Interviewed: Dr. John Garrick, PLG (2 pages)
17. 1/10/92 Event Notification Worksheet (1 page) Attachment: Sequoyah Fuels Corporation 24 Hour Notification 10 CFR 40.60 (b)(1) (2 pages), Fax Cover Sheet (1 page) NRC Event Notification No. 22588 (1 page)
18. 1/15/92 Record of Conversation on 1/14/92 Subject: Report of Exceedance of SFC's NPDES Permit for PH (1 page)
19. 1/20/92 Sequoyah Fuels Corporation 24 Hour Notification 10 CFR 40.60 (b)(1) (1 page)
20. 1/21/92 Preliminary Notification of Event or Unusual Occurrence -- PNO-IV-92-03 (3 pages)
21. 1/24/92 Note to Merri Horn from G. Michael Vasquez Subject: License Amendment Application for Sequoyah Fuels Corporation (SFC) January 8, 1992 (2 pages)
22. 1/31/92 Preliminary Notification of Event or Unusual Occurrence -- PNO-IV-92-06 (1 page)
23. 2/6/92 Handwritten Telephone Conversation Record (1 page)
24. 2/12/92 Fax Cover Sheet enclosing Sequoyah Fuels Corporation 24 Hour Notification (3 pages)
25. 2/13/92 Preliminary Notification of Event or Unusual Occurrence -- PNO-IV-92-13 (2 pages)
26. 2/19/92 NRC Operations Center, SFC Event No. 22844 (2 pages)
27. 2/19/92 Sequoyah Fuels Corporation 24 Hour Notification 10 CFR 40.60 (b)(1) (1 page)
28. 2/24/92 Conversation Record, Subject: Personnel Contamination Incident (2 pages)

29. 2/26/92 Conversation Record, Subject: Estimation of the Volume of Contaminated Soil and Sludge at the Sequoyah Fuels Corporation Facility (1 page)
30. 2/26/92 Record of Conversation, Subject: Concerns from A Member of the General Public (1 page)
31. 2/26/92 Sequoyah Fuels Corporation 24 Hour Notification 10 CFR 40.60 (b)(1) (1 page)
32. 2/27/92 Preliminary Notification of Event or Unusual Occurrence -- PNO-IV-92-15 (2 pages)
33. 2/28/92 Region IV Items of Interest (1 page)
34. 3/10/92 Event Notification Worksheet No. 22987 (1 page)
35. 3/13/92 NRC Operations Center, SFC Event No. 23003 (1 page), Fax Cover Sheet (1 page) Sequoyah Fuels Corporation 24 Hour Notification 10 CFR 40.60 (b)(1) (1 page)
36. 4/22/92 Memorandum for Richard Cunningham from L.J. Callan, Subject: Review of Sequoyah Fuels Corporation (SFC) Ground-Water Monitoring Plan (1 page)
37. 4/24/92 Memorandum for Richard Cunningham from L.J. Callan, Subject: Review of Sequoyah Fuels Corporation (SFC) Action Plan (2 pages)
38. Undated Inspector Guidance (1 page)
39. Undated Telephone Conversation Record, Subject: NRC Inspection Report 40-8027/92-06 (1 page)
40. Undated Sequoyah Facility Operating Procedure, G-114, Revision #5, PD-92.01.04, Subject: Change Room Procedure (13 pages)
41. Undated Excerpt from NUREG-1391, pages 2-4 (3 pages)

JUN 10 1991

MEMORANDUM FOR: Charles J. Haughney, Chief
Fuel Cycle Safety Branch, IMNS, NMSS

FROM: A. Bill Beach, Director
Division of Radiation Safety and Safeguards, RIV

SUBJECT: SEQUOYAH FUELS ENVIRONMENTAL FINDINGS

Attached is a memorandum from the inspector that has been reviewing the Sequoyah Fuels Corporation (SFC) environmental discovery program. Due to the expected time delay in processing SFC's renewal application, the sector has recommended that several environmentally-related issues be addressed separately from and prior to the renewal effort. Enclosed for your review are the inspector's recommendations for potential licensing actions.

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

bcc:
RDMartin
ABBeach
LAYandell
GMVasquez
NMLS File
RIV File
J. Caldwell, EDO (17g21)

RIV:NMLS *GMV*
GMVasquez/ch
6/10/91

DD:DRSS
LAYandell
6/10/91

DD:DRSS
ABBeach
6/10/91

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

DEC 20 1991

MEMORANDUM FOR: G. Michael Vasquez, Team Leader

FROM: L. J. Callan, Director
Division of Radiation Safety and Safeguards

SUBJECT: INSPECTION TEAM CHARTER

During the week of January 6-10, 1992, you are to lead a second inspection team at the Sequoyah Fuels Corporation's (SFC's) facility in Gore, Oklahoma. Consistent with the team inspection conducted December 2-6, 1991, the purpose of this current inspection is to verify SFC's compliance with the October 3, 1991, Order Modifying License (Effective Immediately) and Demand For Information (Order) and to evaluate SFC's status with regard to the readiness for restart of the Sequoyah Facility. This inspection should build upon the findings of the first team inspection. To this end, the team shall:

1. Assess the adequacy and completeness of the health and safety and the environmental program reviews to date. Perform more random reviews of the population of procedures to ensure that SFC plans are complete and comprehensive. Determine if previously identified procedural weaknesses have been corrected and, by sample, if the revised procedures are effective and ready for implementation.
2. Assess the effectiveness of worker training on new and modified procedures.
3. Assess SFC's actions, completed and planned, in response to the management issues raised in the Order, including management effectiveness and staff readiness to reinstate operations. In particular, assess the effectiveness of SFC's management oversight of environmental activities.

During performance of the inspection and drafting of the inspection report, team members are to report directly to the team leader. The team's activities should use the guidance in MC 2601, as appropriate.

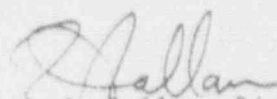
The inspection report will be designated 40-8027/91-17. Draft report inputs from team members shall be made to you no later than the close of business on January 17, 1992. The report should be issued by February 14, 1992.

A list of the correspondence and documents related to the Order is attached. You are responsible for forwarding additional documents to each team member as they are generated or received. Each team member should review these documents prior to conducting the inspection. Any questions should be directed to the team leader.

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You should prepare inspection tasks for each team member. These inspection tasks should assure completion of the charter requirements.


L. J. Gallan, Director
Division of Radiation Safety
and Safeguards

Enclosure:
Attachment - List of Correspondence

cc:

R. D. Martin
R. E. Cunningham, NMSS
J. Lieberman, OE
C. Haughney, NMSS
J. Hickey, NMSS
J. P. Jaudon, DRSS
C. L. Cain, NMIS
M. Horne, NMSS
S. Chidakel, OGC
T. Combs, GPA/CA
J. Gilliland, PAO
Team Members

ATTACHMENT

LIST OF CORRESPONDENCE

1. October 3, 1991, letter from Thompson to Sheppard, Order
2. October 7, 1991, letter from Sheppard to Martin, confirmation of action regarding Ms. Couch
3. October 7, 1991, letter from Sheppard to Martin, License No. SUB-1010, Docket No. 40-8027, Sequoyah Fuels Corporation Planned Activities
4. October 11, 1991, letter from Callan to Sheppard, acknowledging receipt of two October 7 letters, concurrence with some of SFC's activities, and not concurring with one activity
5. October 17, 1991, letter from Sheppard to Martin, submitting names and resumes of reviewers. (Morton and Smith with others attached)
6. October 18, 1991, letter from Sheppard to Martin, requesting additional time to respond to certain portions of the Order
7. October 23, 1991, letter from Sheppard to Martin, corrections to October 18, 1991, letter
8. October 24, 1991, letter from Martin to Sheppard, reply to October 17, 1991, letter
9. October 25, 1991, letter from Martin to Sheppard, Order Modifying License (Effective Immediately) and Demand for Information (EA 91-067) (replying to SFC's October 18 letter, as corrected October 23)
10. October 25, 1991, letter from Sheppard to Martin, reply to October 24, 1991, letter (SFC no longer seeking approval for Smith as a reviewer)
11. November 4, 1991, letter from Curran (NACE) to Martin, Sequoyah Fuels Enforcement Action
12. November 4, 1991, letter from Sheppard to Martin, requesting approval of Culberson and submitting lists of SFC procedures that would be reviewed prior to and after restart
13. November 8, 1991, letter from Callan to Sheppard, supplemental reply to October 17, 1991, letter (requesting a response to Ms. Curran's letter)
14. November 13, 1991, letter from Sheppard to Callan, supplemental reply to October 17, 1991, letter (responding to Ms. Curran's letter)
15. November 15, 1991, letter from Callan to Sheppard, reply to November 4, 1991, letter (requiring further additional information for reviewing the lists of procedures to be reviewed)

16. November 15, 1991, letter from Callan to Sheppard, reply to October 25, 1991, letter (acknowledging that SFC is no longer seeking approval of Mr. Smith)
17. November 15, 1991, letter from Sheppard to Martin, announcing management organizational changes
18. November 27, 1991, letter from Sheppard to Haughney, requesting an exception to Chapter 2, Section 2.5, Personnel Education and Experience Requirements for an individual assuming the Vice President, Regulatory Affairs
19. November 29, 1991, letter from Callan to Sheppard, in reply to SFC's November 20 letter regarding individuals to perform procedure reviews
20. December 2, 1991, letter from Sheppard to Lieberman, regarding Ms. Couch
21. December 2, 1991, letter from Sheppard to Lieberman, responding to the Demand For Information (not required for the team inspection, but for information only)
22. December 10, 1991, letter from Sheppard to Martin, responding to NRC's letter of November 15, 1991, requesting additional information about SFC's plan and schedule, and adding procedures to be reviewed based on the team inspection of December 2-6, 1991