



U.S. NUCLEAR REGULATORY COMMISSION  
**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST**

FOIA — 92-204

RESPONSE TYPE

FINAL

☒

PARTIAL

DATE

JUL 27 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) K 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.

☐ 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

*Donna H. Humely*

9301110099 920727

PDR FOIA

CURRAN92-204

PDR

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

FOIA NUMBER(S)

**FOIA — 92-204**

DATE

**JUL 27 1992**

**PART II B — APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendix(es) 1 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 wrongdoers 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 Freedom 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
Ben B. Hayes	Director, Office of Investigations	L-1	XX		

**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 K  
(RECORDS RELEASED)

1. 8/19/91 Memorandum for A. Bill Beach from John Hickey, Subject: Sequoyah Fuels Corporation (SFC) Environmental Findings (1 page)
2. 1/22/92 Memorandum for James Taylor from Samuel Chilk, Subject: Notice of Violation for Sequoyah Fuels Corporation (EA 91-153) (1 page)

APPENDIX L  
(RECORD WITHHELD IN ITS ENTIRETY)

1. ---- A Record Relating to an Ongoing Investigation  
(Exemption 7A)

HARMON, CURRAN, GALLAGHER & SPIELBERG

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April 23, 1992

BY HAND

Donnie H. Grimsley, Director  
Division of Freedom of Information  
and Publication Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-92-204  
Rec'd 4-24-92

SUBJECT: Freedom of Information Act Request

Dear Mr. Grimsley:

On behalf of Native Americans for a Clean Environment, and pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b), et seq., I hereby request that you make available copies of any and all documents in the Nuclear Regulatory Commission's possession that discuss any issues relating to the construction, operation, licensing, or re-licensing of the Sequoyah Fuels Corporation ("SFC") uranium processing plant in Gore, Oklahoma; and/or any documents that discuss inspection and/or enforcement issues relating to that plant.

This request updates FOIA-91-81, which was submitted on February 27, 1991. It therefore covers documents issued on that date or later.

NACE is familiar with and has access to documents that are already in the NRC's Public Document Room in Washington, D.C., and does not seek a search for those documents. Rather, the purpose of this request is to obtain access to any other documents that may be in the possession of the NRC Staff but have not been sent to the Public Document Room.

Pursuant to NRC regulations at 10 C.F.R. § 9.85, we request that any searching and copying fees incurred as a result of this search be waived. Native Americans for a Clean Environment is a non-profit, tax-exempt organization that was formed for the purpose of educating the public about environmental issues, with emphasis on the nuclear industry. NACE has intervened in the license renewal proceeding for the SFC plant, and has brought enforcement action against SFC, which was shut down for seven

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HARMON, CURRAN, GALLAGHER & SPIELBERG

Donnie H. Grimsley, Director  
April 23, 1992  
Page 2

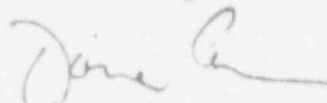
months due to its unprecedented and egregious contamination and mismanagement of the site. Waiver of fees for this request is in the public interest, because it will assist NACE in investigating SFC's environmental and safety record and contributing to public debate regarding whether and under what conditions SFC should be allowed to operate its facility. NACE also merits a waiver of fees because it is a non-profit charitable organization with limited resources, and is unable to pay the large searching and copying fees that may be incurred as a result of this request.

In the alternative, we request that the NRC continue to grant NACE status as a "representative of the news media." See 10 C.F.R. § 9.39(a), National Securities Archives v. Department of Defense, 880 F.2d 1381 (D.C. Cir. 1989). As discussed in previous Freedom of Information Act request, NACE publishes a monthly newsletter, "NACE News," that reports to about 1,000 readers on environmental issues affecting Native Americans. For many years, NACE News has reported on the risks to public health and the environment posed by the Sequoyah Fuels Corporation's Gore, Oklahoma facility. A copy of NACE's most recent newsletter is attached.

If for any reason you decide to deny this fee waiver request, please contact me before incurring any charges on behalf of NACE.

I look forward to receiving your response within ten working days of receipt of this request, as required by the Freedom of Information Act.

Sincerely,



Diane Curran  
Counsel to Native Americans  
for a Clean Environment

cc: Lance Hughes  
Director, NACE



# NACE NEWS

NATIVE AMERICANS for a CLEAN ENVIRONMENT  
(918)458-4322



FEBRUARY, 1992

Volume VII No. 2

Greetings,

February gets most people to thinking about Spring being just a month or two away, so its time for us, to remind all our readers to recycle all those plastic six pack carriers. The six pack hammock is not only fun for kids & adults, it helps reduce trash in our over burdened landfills and saves the lives of marine life. For free instructions on making a six pack hammock, drop us a note & we'll send you the ever so easy instructions.

\* Happy 10th Anniversary to the cancellation of the Black Fox Nuclear Power Plant. Our eternal thanx to Carrie Dickerson, CASE and all the people who said NO! Stopping a nuke plant in mid-construction was no easy task and it seems like only days ago that we were all working so hard on that one. With the old Kerr-McGee plants shut down & the food irradiator cancelled, that only leaves 1 nuke plant in OK- Guess Who!

\* The country's first food irradiation plant has now opened in Florida. Vindicator, Inc. started selling irradiated strawberries last month and sez they'll be shipping them to Washington state soon. To get an idea on how one could ever get built, local resident Frank Cueno said "I don't think the US government would permit something to come out like this if there was some kind of health risk involved". Another resident said "I'm tired of eating rotten strawberries". Get a grip people, there's a season for everything.



\* As of press time, the Senate has voted 52-43 in favor of the "National Energy Strategy" bill (S.2166). Although drilling in the Arctic National Wildlife Refuge has for the time, been removed from the bill, it still contains language for one-step licensing of new nuclear plants. People really shouldn't let this gift to the nuclear industry slide by. Contact your congressional reps & let them know you want the "one-step" licensing rule out of S.2166. Our thanks (if you can believe it) to Senator Boren, who voted against one-step licensing.



Look for this symbol - the Radura.  
It means the food was irradiated.

# Sequoyah Fuels

## Old Dog, Old Tricks

We are happy to report that the old nuke conversion plant is still "shut down". We use the term lightly because the NRC still can't explain why there were high uranium emissions from the plant one month after it was "shut down". SFC is approaching 5 months of being out of service - so locals can breath a little easier.

A few weeks ago, NACE received a call from NUKEM (yes, that's right folks). NUKEM is one of the worlds largest and sleaziest uranium import and export companies. Seems we have put a kink in the international uranium market & they felt a need to whine about it. Oh, please, some of these guys still own slaves! A week following the NUKEM call, we got a call from Edlow, International (another uranium transporter). Edlow sez their customers are too nervous to send uranium to Sequoyah Fuels because they may never re-open (so?).

The most stupid event this past month was the public exit interview following a 1 week inspection for restart. SFC received a violation because contaminated materials were found in the training center (where the public meeting was). The problem being that the NRC identified the same contaminated materials 2 months ago & nothing had been done. During public comments, Joe Sheppard, the new prez., lost his temper & got to show his true colors (he's sooooo arrogant - you'd think the queen of england had given him title to our communities). And where did all those neck ties come from? A little out of fashion in Carlile community - those consultants were sure easy to pick out.

The NRC has finished releasing the backlog of inspection reports from last year and our apologies to our friends out west. Seems SFC lost 2' (740 lbs.) of their radioactive sludge load on the way to Quivir (Grants, NM) in September.

In other inspection news, SFC's insurance company sent out an inspector to look the place over. He had to leave his pants because they had become contaminated during his visit. Just add him to the list of congressmen, NRC inspectors, journalists, workers & residents.

The new tentative date for relicensing hearing is now set for June '92 (3rd change) and we are told that the NRC Commissioners won't be voting on a restart decision until around April or May. This should give the company some time to pile up more violations.

Oh, yea. Alexander Haig, the "I'm in charge now" guy was recently named a full member of GA's board of directors. Now don't we feel safe!



**Leave Uranium  
in the Ground**





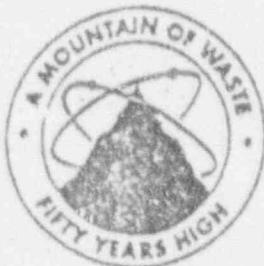
## NUCLEAR NOTES

A federal judge has stopped the Energy Dept. from working on the Waste Isolation Pilot Project (WIPP) located in New Mexico. The judge sez the DOE has to get a transfer of title from the Congress &

must also get a RCRA permit from the state of New Mexico.

\* Heart of America Northwest, citing inaction by the state of Washington and the EPA, has announced they will sue the Dept. of Energy & Westinghouse Hanford. The citizens groups wants Hanford to stop dumping untreated radioactive waste into the ground near the Columbia River. Illegal discharges continue under a secret deal between the Washington State Dept. of Ecology and Hanford.

\* The NRC deliberately lied to Congress in March 1990 about the readiness of the Seabrook reactor to start operation. According to an Inspector Generals report, the NRC lied about inspection of welds & whistleblower lawsuits. It's the ole' "fox guarding the henhouse", what should congress expect??

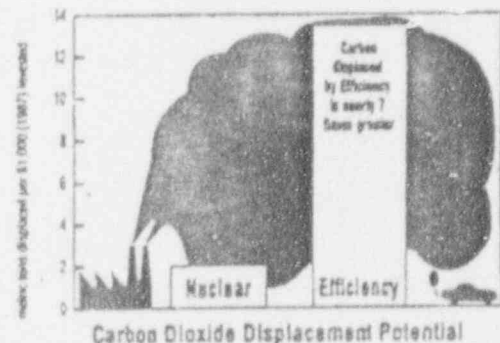


\* Politics may come and go, but uranium can kill for eternity. With the break up of the Soviet Union, fears of a black market on uranium are coming true. Arrests and seizures for selling uranium have now happened in Italy, Switzerland, and Romania.



## Efficiency Cuts CO<sub>2</sub> Emissions

In the U.S., improved electrical efficiency can be up to seven times more cost-effective than new nuclear power in reducing carbon dioxide emissions from coal-fired power. Every \$1,000 invested in nuclear power displaces two metric tons of CO<sub>2</sub> emissions. Every \$1,000 invested in efficiency displaces nearly 14 tons of CO<sub>2</sub>.



Source: Bill Keelin and Gregory Kats, "Comparative Analysis of Nuclear and Efficiency Abatement Strategies," Energy Policy, Dec. 1988  
© Safe Energy Communication Council

\* Some of us may remember back in 1989 a Soviet submarine sank off the coast of Norway. You may also remember it was a nuclear powered sub. Well, recent tests of the sediment and analyzed in Norway show that radioactivity is leaking from the sub and contaminating the seabed. The sunken sub is next to some of Europe's richest fishing grounds.

\* Ontario Hydro has been cutting its uranium purchases in Ontario & all uranium mining in Ontario should be stopped by 1996. Ontario is home to the infamous Elliot Lake uranium mine. The bad news is all mining efforts are being directed to Saskatchewan where the uranium is of a much higher quality. A word of advice to our brothers & sisters up north: Keep an eye on the George Hill family out of Saskatchewan, very deep ties to General Atomics & the Blue Brothers.

# Indian News



\* Its starting out to be a very sad year for Indian newspapers. The Navajo Nation Today has suspended publication. Today was the only independent newspaper published on the Navajo Nation. One of the oldest Native newspapers in Canada, Kainai News, closed its doors in September after struggling for a year without gov't. subsidies. The fate of Tundra Times, which has been published weekly out of Alaska for 30 years, will be decided in March at a shareholders meeting. Tundra Times last issue was December 23.

\* Conoco Oil has filed a lawsuit against the Ponca Tribe, protesting the 8% severance tax imposed by the tribe. The Ponca tribe and others have been forced to drink bottled water for decades thanks to Conoco's widespread contamination of water supplies.

\* The South and Meso American Indian Information Center (SAI) now has its "500 Years of Indian Resistance: Resources for Action" kit available. The kits are US\$14 or international \$14 from SAI, P.O. Box 28703, Oakland, CA 94604.

\* A deal struck with the Chamorro gov't. of Nicaragua gives Taiwanese timber reserves belong to the Sumo & Miskito Indians. timber reserves cover an area size of Delaware.

\* A worldwide conference indigenous peoples will take place May 18-30 in Rio de Janeiro, Brazil immediately before the UN Conference on the Environment & Development. For more info: International Indigenous Commission, Center of Common Future, Palais Wilson, Rue de Paquis, CH-1201, Geneva Switzerland.

\* At the Rosebud rez., it seems the dump company RSW is back again. Although the Chairman & Council say the mega-dump is a dead issue, there is a new proposal pending with the tribe and "executive sessions" are being held between the company rep & tribal officials. Research efforts by the Good Road Coalition have discovered that Rhett Albers, who represents RSW, also had an ash landfill project near Edgemont, SD. Seems Albers hauled in the ash, never disposed of it & then claimed bankruptcy when the state tried to get the company to comply. Do these guys go to some school for crooks & criminals? Same ole', same ole'.

\* In efforts to revitalize the Penobscot culture, tribal member Barry Dana has been offering courses in traditional arts, language and healing. For more info: Native Studies, P.O. Box 17, Old Town, ME 04468.

\* Senate Bill 1687 "Indian Tribal Government Waste Act of 1991" is again rearing its ugly head in this session of Congress. It seems to be a commercial waste import bill to us, but regardless, it would only seem fair to have field hearings on the bill before it is introduced. To ask for field hearings, write: Senate Select Committee on Indian Affairs, Washington, D.C. 20510.



\* A group in W. Virginia has put together a packet on how they successfully stopped a proposed MRS project. Could have some useful tips for all of us opposing an MRS in Indian country. Copies of the packets are \$15 from: Mountaineer Policy Institute, 264 Hugh Street, Morgantown, WV, 26505 or call 304-296-8611.

## MARK BOLTON





## ENVIRONMENTAL

\* In the continuing education of using disposable diapers, the pieces to the puzzle come one by one. Here's a large piece to clarify the picture of destruction that we're looking at.

The Sami from north of Scandinavia, some of Europe's last indigenous people, are under attack from some of Sweden's leading suppliers of forestry products & the U.S. based Procter & Gamble.

The forestry product companies; Stora, MoDo and Korsnas, claim they have a legal right of access to Scandinavian forests. The Sami have been herding reindeer & living sustainably for centuries in the northern forests.

Procter & Gamble enters into the picture by way of Pampers. Stora uses large areas of Swedish forests to supply pulp for Pampers. In 1990 Pampers sales totaled \$12 billion.

Sami activist Olof Johansson said "If we don't have the reindeer we will join all the other displaced aboriginal peoples of the world without an income. Our old culture has been preserved by the reindeer and the income they bring. Without them, our knowledge, languages and beliefs could be lost forever."

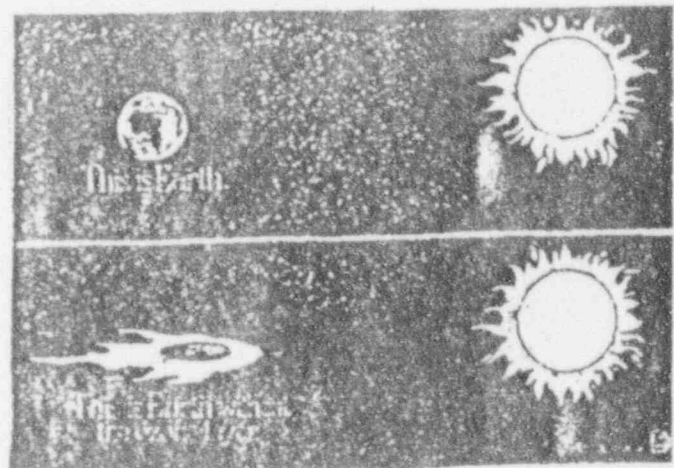
A Stora representative says "if the Sami want to use the land, then they should pay rent to the landowners." What a jerk! The reps. name is Karl Henriksson & we suggest you send all your dirty Pampers to him & then go out and buy cloth diapers. Wa-do.

\* On Feb. 12, Ottawa County in N.E. Oklahoma voted to reject any commercial medical waste incinerators. Hooray, Ottawa!!



\* Residents in Osage county Okla. are demanding that the state act on their complaints over cro dusting. Aerial spraying of a host of herbicides including 2,4-D have riled residents who have had their homes sprayed.

\* In news about the Ozone layer According to NASA, the amount of protective ozone in the atmosphere over Antarctica fell to its lowest level in 13 years of recorded data. The American Lung Association has said it will sue the US gov't. demanding it strengthen its ozone pollution standards. An international scientific panel concluded in October that the ozone layer is thinning over parts of the US and the rest of the world in spring and summer.



\* As environmental news seeps out little by little from the Gulf War, an analysis by the British Atomic Energy commission sez that inhalation of uranium dust from the spent rounds of armor-piercing bullets could be a serious health hazard. The Commission estimates that up to 40 tons of uranium was left lying about Kuwaiti deserts.

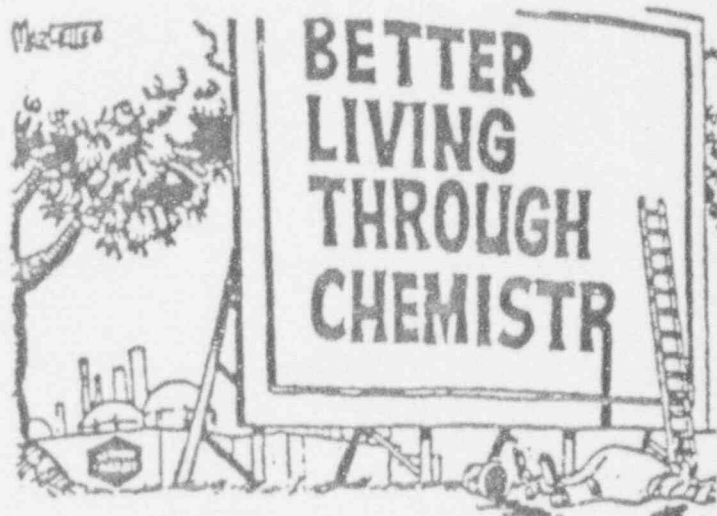
Although the oil fires are out, 400 miles of Saudi coast line looks like a "long seaside highway"; 70 million barrels of crude still covers the landscape; crop production has dropped 40%; and farm animals are dying from eating contaminated grass. Say hello to the "new world order".

\* A new report released by Public Citizen's Congress Watch documents that kids in Philadelphia public schools are routinely exposed to neuro-toxic pesticides year after year. "The lack of knowledge was so bad that one official actually said that the pesticide applicator would just zip in and zip out of the classrooms while the kids were there" sez Nancy Watzman of the schools-pesticide project.

### THE FOREST SERVICE COMETH



\* The Citizens' Mining Information Network has started a new bi-monthly newsletter to provide citizens with information on the environmental impacts of mineral development. If you're working on mining problems in your community, this is a new and promising resource. To get on the mail list write: Mine Monitor Southwest Research & Information Center, P.O. Box 4524, Albuquerque, NM, 87106 or call 505-262-1862.



\* Citizens in Western Australia are fighting their government to stop exporting hazardous wastes out of the country. Cleanaway (give us a break)/Brambles Australia is attempting to gain gov't. approval to export waste before two panels responsible for a national strategy can release their reports.

In other Aussie news, citizens are also trying to protect the Yakabindie station from nickel mining. Yakabindie is an aboriginal custodial area and central to the Dreamtime story.





# MEMBERSHIP FORM

NEW ☐ RENEWAL ☐

SUBSCRIBE NOW!

MAKE CHECK or MONEY ORDER TO:  
Please Do Not Send Cash.

Native Americans for a Clean  
Environment

P.O. Box 1671  
Tahlequah, OK 74465

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

## NACE MEMBERSHIP DUES

Student----- \$10.00  
Individual/Family-- \$15.00  
Sr. Citizen----- \$10.00

\_\_\_\_ I want to help, I am able to

- ☐ Telephone Tree ☐ Publicity  
☐ Researching ☐ Mailouts  
Documents ☐ Fund Raising  
☐ Community Organizing  
☐ I would like more information

## Items Available from NACE

NACE Caps ----- \$10.00  
NACE Beaded Caps(special orders only)---- \$25.00  
NACE Bumper Stickers ----- \$ 1.00  
NACE Duffel Bags ----- \$25.00  
NACE Flannel-lined Jackets ----- \$25.00  
NACE Posters ----- \$10 (unsigned) or  
\$25 (signed)  
NACE T-shirts ----- \$10.00 for Adults/Child  
\*(Specify colors, not guaranteed)\*  
(sizes: Child - Toddler, S, M, L)  
(sizes: Adults - S, M, L, X, XXL)

\*General membership is open to  
persons, regardless of race,  
religion or politics.

NATIVE AMERICANS  
FOR A  
CLEAN ENVIRONMENT

P.O. Box 1671  
Tahlequah, OK 74465

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