

Release 6 (18)



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

June 25, 1986

MEMORANDUM FOR: Jeanne Gross\* George Beveridge\*  
RIV NMSS

Jeff Bartlett\*  
ELD

FROM: Linda L. Robinson, Chief  
Freedom of Information and  
Privacy Acts Branch

SUBJECT: FOIA REQUEST FROM PAT COSTNER FOR COPIES OF (1)  
NRC'S REQUESTS FOR COMMENTS FROM EPA, OSHA, AND  
STATE ON THE PROPOSED RESTART OF THE SFC FACILITY,  
(2) RESPONSES BY EPA, OSHA, AND STATE, AND (3)  
RESPONSES BY NRC STAFF, EPA, OSHA, AND STATE TO THE  
COMMENTS OF NON-GOVERNMENTAL ORGANIZATIONS AND  
INDIVIDUALS (FOIA-86-471)

Please find enclosed a copy of the subject FOIA request. Please  
inform Nina Toms of my staff by July 1, 1986, of your responses to  
the questions on the enclosure to this memorandum.

Please provide the FOIA Branch with all agency records subject to  
this request no later than July 7, 1986.

When submitting records responsive to the request, a careful review  
should be undertaken to identify (1) any material which should be  
withheld specifically as classified, safeguards, or proprietary  
information; and (2) all records received from, or transmitted to,  
one or more Commissioners, or which contain substantive excerpts  
from records received from, or transmitted to, the Commissioners.  
Records should be grouped on separate lists as follows: (A) records  
in the PDR; (B) records to be placed in the PDR; (C) records to be  
withheld in part or in whole with exemptions noted; and (D) records  
to be referred to the Commissioners, other NRC offices, submitters  
for proprietary review, and other Federal agencies.

Special instructions regarding FOIA search requirements are provided  
on the enclosure to this memorandum. If you have any questions,  
please telephone immediately the FOIA Branch contact identified  
below.

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PDR ADOCK 04008027  
C PDR

*Linda Robinson*  
Linda L. Robinson, Chief  
Freedom of Information and  
Privacy Acts Branch

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Enclosures: As stated  
CONTACT: Nina Toms, EXT. 28993  
cc: Carol Ann Reed

\*NOTE: The FOIA requires an agency to address only those records in  
existence at the time an agency receives the request; an agency is  
not required to create records to respond to a request.

Received in FC/NM  
PM of 6/23/86. ba

NATIONAL WATER CENTER

p.o. box 548  
eureka springs, arkansas 72632

FREEDOM OF INFORMATION  
ACT REQUEST

Richard E. Cunningham, Director  
Division of Fuel Cycle and Material Safety, NMSS  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FOIA-86-47  
Rec'd 6-24-86

Re: Sequoyah Fuels Corporation  
Proposed Restart of UF6 Production After January Accident

Dear Mr. Cunningham:

In the "Tentative Review Schedule for Phase III Authorization" -- the proposed restart plan for the Sequoyah Fuels Corporation facility after their accidental release of some 30,000 pounds of UF6 last January -- you have scheduled "Request Comments From EPA, OSHA, and State." (see your letter of May 23, 1986, to James Randolph, President of Sequoyah Fuels Corporation)

First, we request that you also solicit comments from those individuals and groups who are impacted by the restarting of the SFC facility, specifically those non-governmental organizations (NGOs) and individuals who have been recognized by the Nuclear Regulatory Commission as intervenors in matters related to that facility (see attached list). Further, we request that you solicit NRC Staff, EPA, OSHA, and State responses to those comments, entering all commentaries and responses in any draft and/or final reports related to NRC approval of the restart of the SFC facility.

We also request that those NGOs and individuals receive, in a timely fashion, copies of the following documents: (1) NRC's requests for comments from the EPA, OSHA and State on the proposed restart of the SFC facility; (2) responses by the EPA, OSHA, and State; and (3) responses by NRC Staff, EPA, OSHA, and State to the comments of the NGO's and individuals.

All of above requests for information are, by inference, made under the Freedom of Information Act.

Yours for clean water.

*Pat Costner*  
Pat Costner  
Staff Scientist

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the matter of:


Sequoyah Fuels Corporation  
(Sequoyah UF6 to UF4 Facility)  
Docket No. 40-8027-MLA  
ASLBP No. 85-513-03-ML

and

Sequoyah Fuels Corporation  
(Sequoyah Facility Comprehensive  
Solid Waste Disposal and Storage  
Plan)  
Docket No. 40-8027-MLA-2  
ASLBP No. 86-524-01-MLA-2

CERTIFICATE OF SERVICE

I hereby certify that copies of the enclosed documents filed by the National Water Center have been forwarded by first-class mail on this 15th day of June, 1986, as follows:

  
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Pat Costner  
Staff Scientist  
National Water Center

Administrative Judge  
John H. Frve, III  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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Docketing and Service Branch  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

**QUESTIONS:** Please inform the FOIA Branch staff of your responses to the following questions within five days of your receipt of an FOIA request:

1. Does your office have agency records subject to this request? If yes, will significant search time be required? NOTE: If expected search time exceeds two hours, do not begin search until first talking to the FOIA Branch contact.
2. Do you anticipate any significant problems in processing this request and responding in the allotted time? If so, inform the FOIA Branch contact immediately.
3. Is there any other office not listed above which might have records subject to this request? If so, inform the FOIA Branch contact immediately.

**FOIA SEARCH INSTRUCTIONS:** The following instructions are to be used in searching for records and processing FOIA requests:

Scope of Search

1. As a general rule, a search is adequate when all records are located which are familiar with the subject matter of the request can reasonably be expected to find a reasonable amount of time.
2. The staff does not have to look into every conceivable file for records subject to a request, but the staff likely to be familiar with the subject matter must be consulted, and those files likely to contain records must be reviewed.

Agency Records

3. A request applies only to records in existence on the date the request is received by NRC. "In existence" includes records in a computer data file. Even though a copy of the computer data file may be subject, no new programming is required to extract the data. However, if the information is retrievable by use of an existing printout program the subject information can be provided by printout. (Records created after a request is received by NRC may be made available as a matter of discretion with the staff, i.e., if the additional records are necessary to provide a complete picture of a situation or to avoid possible ambiguity).
4. If the requested information does not exist in record or computer format at the time a request is received, there is no obligation under the FOIA to create a record in order to be responsive to the request.
5. If records have been destroyed prior to the receipt of the request, there is no obligation under the FOIA to tell the requester what was destroyed, when it was destroyed, or why it was destroyed. Note, however, that no records may be destroyed after a request is received.
6. If a request also asks for all records created in connection with the processing of the request, it is not necessary to make these records available since the records were not in existence at the time the request was received. The FOIA imposes no obligation on staff offices to retain such records. (However, there may be a separate, later request, for these records).
7. If a request asks for records maintained at a person's residence, and a staff member has any question as to whether the records are personal records or agency records, a staff member should contact the FOIA Branch. (Normally records maintained at a person's residence are not "agency records").