

Rel - in PDL (50) 7

July 15, 1991

The Honorable David L. Boren  
United States Senator  
409 S. Boston, Suite 1820  
Tulsa, Oklahoma 74103

Dear Senator Boren:

This is in response to your letter dated June 27, 1991, to the Director, Congressional Affairs of the Nuclear Regulatory Commission (NRC). Your letter indicated your desire that NRC give consideration to an April 22, 1991, letter from Kenneth Berlin of the law firm of Winthrop, Stimson, Putnam & Roberts to Robert D. Martin, Regional Administrator of Region IV, requesting a meeting to discuss an Office of Investigations' report on Sequoyah Fuels Corporation, an NRC licensee, before it is finalized.

Mr. Martin responded by letter to Mr. Berlin on April 25, 1991, and a copy of that response is enclosed. As Mr. Martin's letter indicated, it would not be consistent with NRC policy for the staff to meet with licensee representatives to discuss draft inspection or investigation reports. However, once such reports are issued in final form, the agency follows its normal procedure as stated in Mr. Martin's letter.

I trust this letter is responsive to your request.

Sincerely,

Original Signed By:  
James M. Taylor

James M. Taylor  
Executive Director  
for Operations

Enclosure:  
As stated

Distribution:

J. Sniezek, DEDR	EDO 6713
H. Thompson, DEES	EDO r/f
J. Blaha, AO	SECY 91-0624
B. Hayes, OI	JTaylor
R. Bernero, NMSS	RDMartin, RIV
J. Lieberman, OE	
R. Martin, RA:RIV	

Revised in EDO Office 7/11/91

AI:91-355  
EDO CONTROL #0006713

RIV:RC  
WLBrown:cms  
7/ /91

RA  
RDMartin  
7/ /91

EDM  
JMT ylor  
7/ /91

GPA/CA  
7/ /91

D/C

9107240356 910715  
CF ADDCK 05000327  
CF

APR 25 1991

Kenneth Berlin, Esq.  
Winthrop, Stimson, Putnam & Roberts  
1133 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Dear Mr. Berlin:

This is in response to your letter dated April 22, 1991, on behalf of your client, Sequoyah Fuels Corporation, in which you requested a meeting, apparently not to present any new material information, but just "to discuss the OI report before it is finalized, and before any summary of the report is released." You indicated a willingness to make such a meeting part of an enforcement conference.

It would not be consistent with NRC policy for the staff to meet with licensee representatives to discuss draft inspection or investigation reports. However, once such reports are issued in final form and if the staff has learned of the existence of one or more potential violations for which a civil penalty or other escalated enforcement action may be warranted, the staff will normally hold an enforcement conference with licensee representatives prior to taking enforcement action.

The purpose of an enforcement conference is to (1) discuss the violations, their significance and causes, and the licensee's corrective actions, (2) determine whether there are any aggravating or mitigating circumstances, and (3) obtain information which will help determine the appropriate enforcement action.

When needed to protect the public health and safety or common defense and security, escalated enforcement action, such as the issuance of an immediately effective order modifying suspending, or revoking a license, will be taken prior to an enforcement conference. In such cases, an enforcement conference may be held after the escalated enforcement action is taken.

If an enforcement conference should be appropriate with regards to the matters presently under inspection and investigation at the Sequoyah Fuels facility, your client will be given reasonable notice. We will be happy to discuss all related matters of an appropriate nature at that time.

Sincerely, ORIGINAL SIGNED BY  
ROBERT D. MARTIN

Robert D. Martin  
Regional Administrator

cc: R. Graves, SFC



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

**ACTION**

FROM:

DUE: 07/15/91

EDO CONTROL: 0006713  
DOC DT: 06/27/91  
FINAL REPLY:

Sen. David L. Boren

TO:

OCA

FOR SIGNATURE OF:

\*\* GRN \*\*

CRC NO: 91-0624

Executive Director

DESC:

ROUTING:

ENCLOSES LETTER FROM KENNETH BERLIN RE  
SEQUOYAH FUELS CORP.

Taylor  
Sniezek  
Thompson  
Blaha  
Hayes, OI  
Bernero, NMSS  
Lieberman, OE

DATE: 07/03/91

ASSIGNED TO:

CONTACT:

RIV

RMartin

SPECIAL INSTRUCTIONS OR REMARKS:

REPLY TO TULSA, OKLAHOMA OFFICE.  
RETURN INCOMING WITH REPLY.



DAVID BOREN

OKLAHOMA

OFFICE BUILDING  
WASHINGTON, DC 20510

821 NORTH ROBINSON  
OKLAHOMA CITY, OK 73102

440 SOUTH HOUSTON  
TULSA, OK 74127

MUNICIPAL BUILDING  
BARTMERE, OK 74008

# United States Senate

WASHINGTON, DC 20510-3601

CHAIRMAN  
SELECT COMMITTEE ON INTELLIGENCE  
MEMBER COMMITTEE ON FINANCE  
CHAIRMAN SUBCOMMITTEE ON  
ENERGY AND FUTURE ENERGY TECHNOLOGY  
MEMBER COMMITTEE ON AGRICULTURE  
NUTRITION AND FORESTRY  
CHAIRMAN SUBCOMMITTEE ON  
AGRICULTURAL CREDIT  
MEMBER COMMITTEE ON SMALL BUSINESS

June 27, 1991

Mr. John C. Bradburne, Jr.  
Director, Congressional Affairs  
Nuclear Regulatory Commission  
One White Flint North Building  
11555 Rockville Pike  
Rockville, MD 20852

Dear Mr. Bradburne:

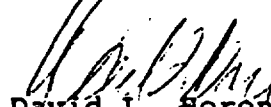
Enclosed you will find a copy of correspondence I have received from Kenneth Berlin.

Because of my desire to be responsive to all inquiries and communications, I will appreciate your consideration of this material along with return of the enclosed. Please direct your response to my office at 409 S. Boston, Suite 1820, Tulsa, Oklahoma, 74103.

Thank you for your assistance in this matter.

With best regards,

Sincerely,



David L. Boren  
United States Senator

DLB/mc

Enclosure

9107240358 910715  
CF ADOCK 05000327  
CF

WINTHROP, STIMSON, PUTNAM & ROBERTS

1133 CONNECTICUT AVENUE, N. W.  
WASHINGTON, DC 20036  
TELEPHONE 202-775-9800  
TELEFAX WINSTIM DC 316229  
TELEFAX: 202-833-8491

MAIN OFFICE  
ONE BATTERY PARK PLAZA, NEW YORK, NY 10004-1480  
TELEPHONE: 212-858-1000 TELEFAX: 212-858-1500  
TELEFAX: 212-858-1500

WRITERS DIRECT DIAL 202-775-

April 22, 1991

GERALD D MORBAN, JR  
RAYMOND S CALAMARO  
PETER F GOLD  
KENNETH BERLIN  
CHRISTOPHER R. WALL  
JOHN E. GILLICK  
RESIDENT PARTNERS

ROBERT REED GRAY  
LOUIS H. KURRELMAYER  
IRA S. SHAPIRO  
THOMAS V. VANEKIS  
DONALD A. CARR  
JEFFREY M. LANG  
AILEEN MEYER  
RESIDENT COUNSEL

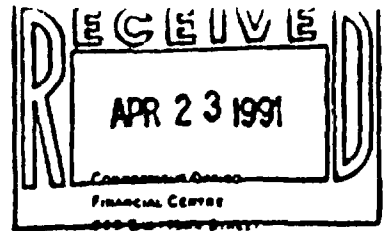
Mr. Robert D. Martin  
Administrator, Region IV  
Nuclear Regulatory Commission  
611 Ryan Plaza, Suite 1000  
Arlington, TX 76011

Dear Mr. Martin:

As you know, our firm represents Sequoyah Fuels Corporation in its efforts to respond to the inspection and investigation activities of the Nuclear Regulatory Commission arising out of the SX excavation in August 1990.

We anticipate that within the next few weeks the report of the Office of Investigations (OI) will be completed. From previous discussions with representatives of Region IV, it has been our understanding that after the OI report was completed, an enforcement conference would be scheduled to discuss the issues arising from the inspection and investigation reports.

We wanted to formally request the opportunity to meet with you and other appropriate officials of the NRC to discuss the OI report before it is finalized, and before



Post Office Box 6780  
Stamford, CT 06904-6780  
TELEPHONE 203-348-2300  
TELEFAX 203-985-8228

FLORIDA OFFICE  
185 NORTH AVENUE  
PALM BEACH, FL 33480  
TELEPHONE 407-855-7297  
TELEFAX 407-833-8728

LONDON OFFICE  
2 THROBORTON AVENUE  
LONDON EC2N 2AP ENGLAND  
TELEPHONE 01-4471-828-8931  
TELEFAX 01-4471-638-0443

BRUSSELS OFFICE  
RUE DU SACRIFICE 42  
B-1040 BRUSSELS, BELGIUM  
TELEPHONE 01-222-230-1292  
TELEFAX 01-222-230-8288

TOKYO OFFICE  
KITO TERRACONOR BUILDING, 8TH FLOOR  
17-2, NISHI-SHINBASHI 2-CHOME, MINATO-KU  
TOKYO 106, JAPAN  
TELEPHONE 011-813-3437-8740  
TELEFAX 011-813-3437-8281

*Ref: 40-8027*  
*Ex: SUB-1010*

9105070148 910422  
PDF AD001 04008027  
C FIR

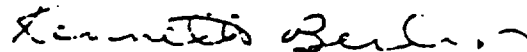
01 052

*FE-5C*  
*1/0*

any summary of the report is released. We would certainly have no objections if that meeting occurred as part of an enforcement conference, dealing with all appropriate issues arising from the NRC's inspection and investigation activities. However, we would certainly welcome the chance to meet with you and review the issues raised in the OI report separately and before an enforcement conference if that were appropriate.

I look forward to speaking with you about this request.

Sincerely,



Kenneth Berlin

cc: Reau Graves, Sequoyah Fuels Corporation  
A. Bill Beach, NRC, Region IV  
Don Driskill, Office of Investigations, NRC