



CHAIRMAN

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

January 31, 1994

The Honorable Mike Synar, Chairman
Subcommittee on Environment, Energy, and
Natural Resources
Committee on Government Operations
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

In my November 29, 1993 letter, I provided you an initial response to your November 10, 1993 request for a description of the Commission's actions addressing specific allegations raised in a report from the Native Americans for a Clean Environment (NACE) regarding a November 17, 1992 chemical release from the Sequoyah Fuels Corporation (SFC) facility. I am writing now to update the status of NRC's review of these issues and to forward the additional documents you requested.

NRC's Region IV staff and the Office of Investigations have reviewed the issues raised by NACE to ensure that all health and safety concerns were properly addressed and that any wrongdoing issues were identified. Particular attention was given to the 12 "instances of apparent wrongdoing" as characterized by Ms. Curran in her November 4, 1993 letter to the NRC. The NRC staff determined that 10 had been addressed and satisfactorily closed out during the NRC's Augmented Inspection Team (AIT) effort in November 1992 (see enclosed December 17, 1993 memorandum for Len Williamson from Dwight D. Chamberlain). The two remaining issues involved: (1) whether SFC had kept off-site officials up-to-date on current revisions of the Contingency Plan and whether SFC attempted to suppress evidence that the off-site officials (Sequoyah County Sheriff's Office) did not have the correct plan revision when the November 17, 1992 accident occurred at SFC; and (2) whether SFC fulfilled its commitment to train off-site health officials; specifically, whether annual training at the Sparks Regional Medical Center had not been conducted since 1986.

With respect to the first issue, the NRC requires that SFC coordinate its Contingency Plan with local off-site officials and that, during an emergency, SFC notify state and local officials. In addition to NRC's requirements, SFC has other responsibilities as a result of the Superfund Amendments and Reauthorization Act (SARA) Title III. SFC developed and coordinated a document separate from the NRC-required Contingency Plan, the Off-Site Emergency Management Plan, with the local off-site agencies. It is our understanding that the local emergency planning committee (LEPC) adopted SFC's Off-Site Emergency Management Plan as part of the overall LEPC (county-wide) emergency plan.

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CORRESPONDENCE PDR

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Based on available information, which is provided in the enclosures, SFC did provide local off-site agencies revisions to the Off-Site Emergency Management Plan, as required by SARA Title III. However, some local off-site agencies did not update their own copies of the plan with the SFC-supplied revisions. In an effort to correct this problem at the Sheriff's Department, SFC took action to retrieve the outdated plans and replace them with up-to-date copies. The NRC staff concluded that, although the County Sheriff may have had some out of date copies of the plan, SFC was not attempting to suppress this fact when it exchanged the outdated plan with an up-to-date one.

With regard to the second issue, the Region IV inspection staff conducted an inspection during the period November 29 - December 3, 1993. Preliminary findings from this inspection are that SFC had provided training to off-site medical personnel as required. The results of the inspection will be documented in NRC Inspection Report Number 40-8027/93-13, which is expected to be issued in late January 1994. A copy of the inspection report will be provided to you at that time.

The NRC staff concluded that there were no wrongdoing issues that needed to be addressed by the Office of Investigations. Pending the release of NRC Inspection Report 40-8027/93-13, the NRC staff considers the NACE allegations closed. However, NRC's Office of Inspector General is also conducting an investigation into the issues raised by NACE.

NACE's report described its concerns about the escalated enforcement action NRC took against SFC as a result of the November 17, 1992 event. Although NACE was concerned that the civil penalty was not substantial, NRC viewed SFC's violations as raising a very significant regulatory concern. As such, the violations were classified at a Severity Level II, the second highest severity level, and the civil penalty was escalated a total of 125 percent to \$18,000.

If you have any additional questions regarding this response, please feel free to contact me.

Sincerely,



Ivan Selin

Enclosures:
(See Attached List)

cc: Rep. J. Dennis Hastert

Enclosures:

1. Ltr-Hayes fm Curran, 09/22/93, with
Silent Sirens Report and 30 Attachments
2. Ltr-Williams, Martin, & Hayes fm Curran, 10/04/93
3. Note-Hayes fm Murphy, 10/05/93
4. Fax of ltr-Hayes fm Curran, 11/04/93
5. Ltr-Hayes fm Curran, 11/04/93
6. Memo-Hayes fm Milhoan, 11/17/93, with copy of drafts of ltrs
7. Memo-Milhoan fm Chamberlain, 11/17/93
8. Chronology of Events-Sequoyah Fuels Corp.
9. Chronology of OI Activity-Curran Ltr
10. Chronology of OI:HQ Activity-Curran Ltrs
11. Ltr-Williams, Hayes, & Martin fm Ellis, 12/03/93
12. Memo-Hayes fm Williamson, 12/17/93
13. Memo-Williamson fm Chamberlain, 12/17/93
14. Fax of ltr-Williams, Hayes & Martin fm Curran, 12/21/93
15. Note-Murphy fm Williamson, 12/30/93, with attached
Record of Conversation by Vasquez, 12/14/93
16. Record of Conversation by Vasquez, 1/06-07/94



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

February 16, 1994

NOTE FOR: Document Control Desk

FROM: Ann Tipton *ATT*
Correspondence & Records Branch

The enclosed document(s) are to be entered into the DCS. An advanced copy has been sent to the Public Document Room.

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

November 29, 1993

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The Honorable Mike Synar, Chairman
Subcommittee on Environment, Energy, and
Natural Resources
Committee on Government Operations
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

Your November 10, 1993 letter requested a chronology of events and an initial description of Commission activities that have been undertaken by the NRC with regard to a September 28, 1993 letter from Ms. Diane Curran, on behalf of the Native Americans for a Clean Environment, and also requested copies of all documents relating to the disposition of this matter. I am pleased to provide the enclosed chronologies from NRC's Region IV Division of Radiation Safety and Safeguards and Office of Investigations. The documentation you requested will be provided as soon as possible.

All of the allegations raised by Ms. Curran are under consideration to determine if there are any new issues that need to be addressed and to ensure that any issues she has raised, even if not new, have been satisfactorily closed out from a safety point of view. Additionally, the Office of Investigations will be reviewing these concerns in conjunction with the staff to determine if there are any wrongdoing issues that require investigation. The Commission will keep you apprised of any future actions regarding this matter. If you have any additional questions regarding this response, please feel free to contact me.

Sincerely,

Ivan Selin

Enclosures:

1. Ltr-Milhoan fm Chamberlain, 11/17/93
2. Chronology of Events-Sequoyah Fuels Corp.
3. Chronology of OI Activity-Curran Ltr
4. Chronology of OI: HQ Activity-Curran Ltrs

cc: Representative J. Dennis Hastert

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Originated by: D. Murphy, OI



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

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

NOV 17 1993

MEMORANDUM FOR: James L. Milhoan, Regional Administrator

FROM: Dwight D. Chamberlain, Acting Director
Division of Radiation Safety and Safeguards

SUBJECT: REGIONAL ACTIONS TAKEN AFTER RECEIPT OF COPIES OF
DIANE CURRAN LETTERS DATED SEPTEMBER 28, 1993, AND
NOVEMBER 4, 1993, REGARDING SEQUOYAH FUELS

Per your request during a meeting on November 8, 1993, this memorandum provides a summary of regional actions related to the captioned subject.

There were three letters from Diane Curran dated September 28, 1993. One of these was addressed to Ben B. Hayes, Director of OI, and the second to David C. Williams, NRC Inspector General. A third letter was addressed to John C. Martin, EPA Inspector General. The letters transmitted a NACE report, "Silent Sirens," dated September 28, 1993, relating to the chemical release event at Sequoyan Fuels Corporation (SFC) which occurred on November 17, 1993.

Copies of these letters and the report (minus appendices) were received in the Region IV office by fax from NMSS during the morning of September 30, 1993. It is believed that copies were immediately distributed to Joe Callan, DRSS Division Director, and members of the Augmented Inspection Team (AIT) that reviewed the subject SFC event. These team members were Bill Fisher, Linda Kasner, and Mike Vasquez. Others in the Region IV office no doubt also received copies that day, and the Region IV Regional Administrator was informed of the letters.

Joe Gilliland, Region IV Public Affairs Officer, recalls that he was faxed copies of the letters by a newspaper on September 29 and subsequently provided copies to several staff members including the Allegations Coordinator and DRSS and OI staff members.

On October 5, Joe Callan convened a teleconference of the AIT members to discuss the letters. During this meeting the various allegations raised in the report were reviewed to determine whether any new information was presented. This meeting concluded that, based on an initial review, the letters contained no new technical information regarding the event. Because the letters were directed to OI and the IG, the division determined that no immediate regional action should be taken other than to prepare to answer questions that would be posed by these two offices.

The letters were also discussed with a member of the Low Level Waste Management Branch, NMSS, during the week of October 4, 1993. The purpose of the discussion was to determine whether NMSS or the regional office should

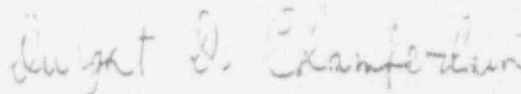
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respond. Mr. James Shepherd, the SFC project manager, informed Linda Kasner that NMSS had no assigned action and was not planning to prepare a response.

At the request of OI, this matter was discussed at a Region IV Allegation Review Panel (ARP) meeting on October 25, 1993. The ARP decided to rereview the matter on November 1, 1993. At the November 1 meeting it was discussed that the initial DRSS review did not identify any new technical issues and the review was continuing. The panel's decision was that no further action by Region IV staff was warranted at this time.

The ARP again met on November 8, 1993, to review another letter from Ms. Curran dated November 4, 1993. This letter was addressed to Ben B. Hayes, Director of OI. The panel discussed actions proposed by DRSS to develop a position/response for the points identified in the letter. These actions are on going and are expected to be completed by the end of November 1993. This was to be used for review with OI and for a possible response. It was again noted that this letter appeared to contain no technical information which had not been previously addressed by the AIT and followup inspections. The panel agreed with the proposed actions.

Attached is a chronology of events relating to the chemical release event which occurred at Sequoyan Fuels Corporation on November 17, 1992.



Dwight D. Chamberlain, Acting Director
Division of Radiation Safety and Safeguards

Attachment:
As stated

cc:
L. Williamson, OI

CHRONOLOGY OF EVENTS
RESULTING FROM THE CHEMICAL RELEASE AT
SEQUOYAH FUELS CORPORATION

- 11/17/92 Chemical release event occurs. AIT is dispatched to site. The team is led by W. L. Fisher, and members include G. M. Vasquez, L. L. Kasner, and C. H. Robinson (NMSS). The inspection is conducted November 17-21, 24, and 25, 1992, and public briefings are held on November 18 and 20. A public exit briefing is held November 25. (Inspection Report 92-30 is issued 12/18/92.)
- 11/18/92 A CAL is issued to SFC confirming that they will investigate the incident, brief NRC staff on the findings, and obtain NRC concurrence before restarting the plant.
- 11/23/92 SFC announces in a letter to the NRC that it will not resume UF6 production and will eventually cease DUF4 production.
- 12/3/92 SFC issues letter to the NRC outlining a corrective action plan.
- 12/8/92 Inspection 92-31 commences. This inspection, conducted December 8-11, 16-17, and 23, 1992, confirms that the licensee's corrective actions have been implemented and that they are effective. (Inspection Report 92-31 is issued 1/21/93.)
- 12/9/92 A public meeting is held at the SFC site during which the licensee's corrective action plan is discussed. NRC staff members from Region IV and NMSS are present.
- 12/11/92 Based on the results of the initial segment of Inspection 92-31, the licensee is notified that three outstanding issues need to be addressed before NRC will authorize restart of the DUF4 facility. These issues include -
1. resolving operational as well as hardware related deficiencies ("work arounds")
 2. providing assurance that DUF4 operators will comply with facility operating procedures
 3. describing the level of oversight planned by licensee management during the initial restart period.
- The licensee responds to these issues by letter dated 12/14/92. These issues are further reviewed by an NRC inspector on 12/16-17/92. At that time two outstanding issues remain to be completed. By letter dated 12/22/92, SFC provides a further response to the NRC.
- 12/11/92 NRC's medical consultants issue their report.

- 12/17/92 Commissioner Curtiss visits the site. NACE, media representatives, and the Region IV Regional Administrator are in attendance.
- 12/21/92 Licensee briefs the Commission during a public meeting regarding its future plans and financial assurance resources for decommissioning the facility.
- 12/23/92 An NRC inspector confirms that final corrective actions have been completed, and a CAL is issued authorizing restart of DUF4 production based on the findings of Inspection 92-31 and confirming continuation of the UF6 in standby mode indefinitely.
- 1/29/93 Inspection Report 92-32 issued. This inspection, conducted December 28-31, 1992, and January 3-6, 1993, identifies six apparent violations:
1. Failure to follow a procedural caution statement requiring a slide gate valve to a previously used digester to be closed if the digester to be placed in service is not the same as the one used to mix the most recent batch.
 2. Failure to ensure, in accordance with the facility contingency plan, that the control room was sealed to prevent entry of external contamination from the process area.
 3. Two examples of a failure to follow contingency plan requirements to don respiratory protection.
 4. Failure to follow contingency plan requirements to account for all personnel responding to an emergency.
 5. Failure to follow contingency plan requirements to sound the air horn signal to alert facility personnel to an emergency condition.
 6. Failure to promptly classify the event in accordance with the contingency plan.
- 2/10/93 SFC briefs the NRC staff in Rockville, Maryland, concerning future decommissioning plans and plans for completing DUF4 operations.
- 2/16/93 SFC letter to the NRC notifies of SFC decision to terminate activities involving licensed activities and attaches SFC's Preliminary Plan for Decommissioning.
- 3/2/93 Open enforcement conference held with licensee at the RIV office.
- 3/25/93 NRC issues NOV and Proposed Imposition of Civil Penalty - \$18,000. The NOV cites a single Severity Level II problem. (The base

civil penalty of \$8,000 was mitigated 50% as a result of the licensee's corrective actions. The penalty was escalated 75% due to poor past performance. The fact that SFC had knowledge of equipment problems that, if corrected, might have precluded the event, warranted an additional escalation of 100%.

- 4/26/93 SFC issues letter transmitting full payment of civil penalty.
- 6/11/93 NRC issues letter to SFC acknowledging payment and disagreeing with the SFC conclusion that no other credible scenario could have resulted in greater personnel injury.
- 6/28/93 NRC letter to SFC stating that the licensee's site will be included on the Site Decommissioning Management Plan (SDMP) list.
- 7/6/93 SFC ends production of DUF4.
- 7/23/93 SFC letter requests exemption from contingency (emergency) plan based on a reduced inventory of hazardous materials on site.
- 10/20/93 SFC letter requests withdrawal of request for exemption from contingency (emergency) plan.

Note. A total of 15 inspections have been performed at SFC since the event.

CHRONOLOGY OF OI ACTIVITY
REGARDING THE CURRAN LETTER

- 9/29/93 OI:RIV received letter dated 9/28/93 from RIV (Gave copy to Hayes in R:IV)
- 10/5/93 An informal conversation was held between Williamson (OI:RIV) and Vasquez regarding 11/17/92 event. Vasquez indicated that there were no wrongdoing issues identified as a result of an inspection on the 11/17/92 incident.
- 10/21/93 Discussed 9/28/93 letter with Murphy (OI:HQ). He was informed that OI:RIV had talked with Vasquez and no wrongdoing issues cited. Murphy said he would have Hayes call Curran. OI:RIV requested that information go to Allegation Review Panel (ARP).
- 10/21/93 OI:RIV scheduled before ARP for 10/25/93.
- 10/21/93 Discussed letter with Cain and Kazner (RIV) and they indicated that:
- (1) Event subject to six week AIT
 - (2) SFC closed for six weeks
 - (3) Several public meetings held
 - (4) Enforcement conference in March 1993
 - (5) Several violations cited
 - (6) Civil penalty issued - \$18,000
 - (7) SFC closed
- Cain/Kazner/Wise agreed to ARP
- 10/25/93 ARP held and no apparent wrongdoing issues were cited.
- 11/1/93 RIV RE-ARP-DRSS agreed to review 9/28/93 letter and determine if new safety issues exist.
- 11/5/93 RIV:DRSS requested that OI obtain copies of the attachments to Silent Sirens. RIV had the Silent Sirens report since 9/30/93, but did not note attachments.
- 11/8/93 OI:RIV and RIV staff meet to discuss 9/28/93 letter. Prepared response to Congressional inquiries.
- OI:RIV received 11/4/93 letter.
- RIV ARP-DRSS agreed to review specific issues in 11/4/93 letter and will advise OI of potential wrongdoing.
- 11/9/93 OI received attachments to Silent Sirens and gave them to RIV staff.
- DRSS preparing draft chronology and will respond to each allegation
- 11/12/93 OI:RIV received copy of letter to Chairman Selin from Congressman Synar. Copy provided to RIV:DRSS.

CHRONOLOGY OF OI:HQ ACTIVITY
REGARDING THE CURRAN LETTERS

- 9/29/93 Hayes in OI:RIV for Field Office Director's Meeting. Obtained copy of Curran letter dated September 28, 1993, from L. Williamson, OI:RIV Field Office Director.
- 10/5/93 Upon return to OI:HQ, Hayes received Curran's September 28, 1993, letter, along with Silent Sirens Report and attached documentation. These documents given to Murphy, OI:HQ Operations officer, for OI:RIV to be forwarded for review. After reviewing documents, Murphy recommends that the matter be referred to OI:RIV to be presented to an Allegation Review Panel (ARP).
- 10/7/93 Hayes agrees that the matter should be referred to RIV for presentation by OI:RIV to ARP.
- 10/21/93 Curran called OI:HQ for Hayes who was on Travel. Murphy returns call and determines that Curran wants to know status her allegations contained in September 28, 1993, letter. Murphy agreed to get information and have Hayes call her back.
- 10/21/93 Murphy discussed matter with Williamson who indicates that Curran letter was discussed with RIV staff and no wrongdoing issues were identified. Williamson indicated that matter would be presented to an OI:RIV/RIV ARP. Murphy informed Williamson that this information would be passed on to Hayes so he could call Curran.
- 10/21/93 Message left for Hayes to call Curran regarding her September 28, 1993, letter when he returns from travel.
- 10/20-29/93 Hayes on travel.
- 11/4/93 Hayes contacts Curran and indicates that no wrongdoing issues have been identified in original letter and asks for another letter outlining what she views as the wrongdoing matter.
- 11/4/93 Letter by Curran is faxed to OI:HQ outlining what Curran views as wrongdoing issues.
- 11/5/93 Williamson requests that OI:HQ send attachments to Silent Sirens Report to RIV. RIV had September 28, 1993, letter and copy of Silent Sirens Report since September 30, 1993, but did not have attachments to the report. These documents were immediately mailed to OI:RIV. OI:HQ was of the belief that this had already been accomplished.
- 11/9/93 Williamson notified OI:HQ that the documents that he requested had arrived and had been turned over to RIV for their review.
- 11/10/93 Williamson informed OI:HQ that the matter is currently being reviewed at RIV and the specific, and if any, wrongdoing allegations require investigation, they will be addressed in OI Case No. 4-93-048.

JOHN CONYERS, JR., MICHIGAN
CHAIRMAN

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Congress of the United States House of Representatives

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MAJORITY--(202) 225-6081
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November 10, 1993

The Honorable Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

As you know, as Chairman of the Subcommittee on Environment, Energy, and Natural Resources, I have had a longstanding interest in the Commission's regulation of the Sequoyah Fuels Corporation (SFC) uranium fuel plant in Gore, Oklahoma. In March 1986, the Subcommittee held an oversight hearing concerning the Commission's actions involving a January 1986 chemical release at the Gore plant and we have continued to closely monitor the activities of both the licensee and the Commission. Review of such activities is part of the Subcommittee's oversight responsibilities pursuant to Rules X and XI of the House of Representatives.

On September 28, 1993, I received a letter from Ms. Diane Curran on behalf of Native Americans for a Clean Environment (NACE) transmitting a report concerning the November 17, 1992 chemical release at the SFC facility. The report raised a number of very serious allegations related to the failure of the NRC, the EPA and the licensee to carry out regulatory actions involving this most recent event. The report also contends that the NRC and the licensee failed to implement corrective measures raised during both the Commission's review and this Subcommittee's investigation of the 1986 accident. According to Ms. Curran's letter, these allegations have been forwarded directly to Mr. Ben B. Hayes, Director of the NRC's Office of Investigations; Mr. David C. Williams, Inspector General for the Commission; and Mr. John C. Martin, Inspector General for the U.S. Environmental Protection Agency.

Please describe the actions which have been taken, and which are being taken, by the Commission, including those of the Office of Investigations and the Regional Office (Region IV), to address the specific allegations raised in the NACE report beginning with a chronology of all actions taken by the Office of Investigations and regional office personnel since the Commission's receipt of Ms. Curran's letter and the NACE report. Also provide copies of all

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memoranda, telephone records, telephone facsimile and other records related to the Commission's disposition of Ms. Curran's letter and accompanying report. I also request that Commission periodically advise the Subcommittee on the status of its activities in response to these allegations. The Subcommittee will contact Mr. Martin and Mr. Williams separately in this regard.

The initial description of Commission activities and chronology requested above should be provided to the Subcommittee no later than November 22, 1993. If you or your staff have any questions concerning this request, please have your staff contact David Berick of the Subcommittee staff at 202-225-6427.

Thank you for your continuing cooperation with the Subcommittee.

With best regards,

A handwritten signature in cursive script that reads "Mike".

MIKE SYNAR
Chairman
Subcommittee on Environment,
Energy, and Natural Resources

cc: Hon. J. Dennis Hastert
Ranking Minority Member