



UNITED STATES
NUCLEAR REGULATORY COMMISSION
 OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION IV
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December 17, 1993

MEMORANDUM FOR: Ben B. Hayes, Director
 Office of Investigations

FROM: E. L. Williamson, Director ^{EAW}
 Office of Investigations Field Office, Region IV

SUBJECT: SEQUOYAH FUELS CORPORATION: ALLEGED DELIBERATE FAILURE TO
 RESPOND TO OFFSITE RELEASE (CASE NO. 4-93-048)

This refers to subject evaluation and the November 4, 1993, letter from Ms. Diane Curran, Attorney and Counsel to Native American for a Clean Environment (NACE), listing 12 issues of alleged wrongdoing associated with the November 17, 1992, release of nitrogen dioxide at Sequoyah Fuels Corporation (SFC), Gore, Oklahoma. This letter is provided as an enclosure.

These 12 issues were brought before the Region IV allegation review panel on November 8, 1993, and OI requested the staff review these 12 allegations in detail and determine if there were any outstanding health and safety issues. The staff was also asked to review these allegations in light of any regulatory violations and potential wrongdoing issues.

The staff provided their analyses of the allegation contained in the November 4, 1993, letter and related that 10 of these allegations had been addressed during the Augmented Inspection Team (AIT) at SFC and subsequent public and NRC management meetings with SFC officials. The staff did not identify any new or outstanding health and safety issues nor did they identify any issues they considered to be apparent wrongdoing issues. This analysis is provided as an enclosure.

During a discussion of the staff's technical analysis of the allegations raised in Ms. Curran's letter, two issues were determined to have not been reviewed during the AIT review. One of these concerns dealt with action by SFC in March 1993, with regard to keeping offsite officials up-to-date with current revisions of the Contingency Plan and whether SFC attempted to suppress evidence that the offsite officials [Sequoyah County Sheriff's Office] did not have the correct revision to the plan when the accident occurred. The staff said there were no regulatory requirements to provide offsite officials with revised contingency plans or offsite emergency management plans. In addition, there is no requirement or commitment on the part of the licensee to provide this updated information and their failure to do this would not be considered wrongdoing on the part of the licensee. Subsequent discussion by the RIV staff with SFC officials indicated these plans were revised and updated on an annual basis.

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The second allegation, that was not reviewed during the AIT, was the concern that SFC had not fulfilled its commitment to train offsite health officials, specifically that annual training at Sparks Regional Medical Center had not been conducted since 1986. There is a requirement specified in the contingency plan that offsite medical personnel will be provided annual refresher training. The RIV inspection staff recently reviewed this allegation during an on-site inspection conducted November 29 - December 3, 1993. This inspection effort verified that annual training has been provided to offsite medical personnel on an annual basis and the results of this inspection will be provided in NRC Inspection Report #40-8027/93-13. These issues have been reviewed in light of the fact that the facility has ceased production operations and is in the process of decommissioning activities.

These allegations were discussed again before the Allegation Review Panel on December 13, 1993, and it was determined the staff would brief the Regional Administrator and provide their final analysis to OI:RIV for inclusion in our response to you.

There was also a review on December 14, 1993, conducted by OI:RIV, of a letter dated December 3, 1993, from John H. Ellis, President, SFC, addressing the September 28, 1993, letter from Curran. This is provided as an enclosure. Ellis addresses the issues raised in Curran's letter and takes exception to all of the allegations inferences made by Curran with regard to violation of NRC regulations and alleged impropriety by both SFC and NRC personnel in responding to the November 17, 1992, release at SFC. This response specifically addresses the alleged wrongdoing issues, supra, and other concerns which have previously been identified and addressed by the RIV staff. Based on the results of the AIT, a subsequent inspection and the recent RIV analysis of Ms. Curran's allegation, there does not appear to be any wrongdoing issues that need further review.

Enclosures:
As stated