

40-8027

8 MAY 1994

May 12, 1994

9459-NA

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

70 MAY 1994

Mr. Lance Hughes, Director  
Native Americans for a Clean Environment  
P.O. Box 1671  
Tahlequah, OK 74465

Dear Lance:

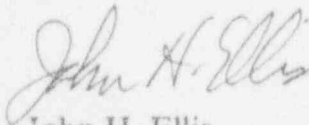
I understand from Mike Hebert that you have informally requested a copy of SFC's 1994 Financial Assurance Budget, dated March 4, 1994, which was submitted to EPA under terms of SFC's AOC. As you are probably aware, SFC requested that this budget report be treated as proprietary and confidential under the terms of 40 CFR Part 2, Subpart B.

After reviewing the budget report, SFC has concluded that it would be acceptable to provide a copy of this report directly to you, as the information contained in this report is similar to that contained in SFC's Preliminary Plan for Completion of Decommissioning. The 1994 Financial Assurance Budget Report is identified as Enclosure 1.

I have also included a copy of SFC's Financial Assurance Quarterly Report (1st quarter - 1994) which also was recently submitted as proprietary and confidential to EPA. This submittal includes a First Quarter Financial Statement which SFC maintains must remain proprietary and is therefore not included. Enclosure 2 is the quarterly report as was submitted to the EPA, excluding the pages constituting the financial statement. In the future, you will receive these reports directly when they are submitted to the EPA.

Should you have any questions on this information, please call me at (918) 489-3390.

Sincerely,



John H. Ellis  
President, SFC

Enclosures - 2

2

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PDR ADDCK 04008027  
C PDR

NLPJ

Distribution:

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Jim Shepherd ✓  
Office of Nuclear Material  
Safety & Safeguards, NMSS  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mike Hebert (6H-CX) - w/o enclosures  
RCRA Enforcement Branch  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Damon Wingfield, Chief  
Waste Management Service  
Department of Environmental Quality  
1000 N.E. 10th Street  
Oklahoma City, OK 73117-1299

March 4, 1994

RE: 9427-E

AIRBORNE EXPRESS

Mr. Mike Hebert (6H-CX)  
RCRA Enforcement Branch  
U. S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX. 75202-2733

RE: Sequoyah Fuels Corporation  
1994 Financial Assurance Budget  
Proprietary Information Enclosed  
RCRA § 3008(h) Administrative Order on Consent  
U. S. EPA Docket No. VI-005-(h)93-H  
EPA I. D. No. OKD051961183

Dear Mr. Hebert:

Enclosed are four (4) copies of the 1994 Financial Assurance Budget for Sequoyah Fuels Corporation which is required under Part XII.2 of the referenced Consent Order. The budget report is required to be submitted by January 31st of each year but was allowed an extension for 1994 until today's date to allow EPA's comments to be addressed concerning the budget report format.

Sequoyah Fuels requests that the referenced enclosed information be treated as proprietary information under the provisions of 40 C.F.R. Part 2, Subpart B. Pursuant to Section 2.206 of 40 C.F.R., SFC is requesting that EPA issue an advance determination that the enclosed information is entitled to confidential treatment.

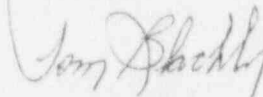
Should the EPA determine that these materials are not entitled to confidential treatment, SFC requests that the EPA return all copies of these materials to SFC in accordance with 40 C.F.R. § 2.206(d). In the alternative, should EPA determine that these materials are entitled to confidential treatment, please inform SFC of such in writing. It is SFC's understanding that because the information is deemed proprietary a copy will not be provided to the NRC by EPA as normally done under terms of the Consent Order.

SFC will send a letter to Damon Wingfield at the Oklahoma Department of Environmental Quality informing him of today's submittal. I will copy you on that letter.

SFC will be sending EPA a Financial Assurance Quarterly Report and Financial Statement following completion of the first quarter in 1994. This report and statement must be submitted to your office by April 30, 1994 according to the terms of the Consent Order.

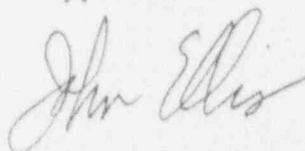
Please let me know if you have any questions regarding the attached submittal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Blachly".

Tom Blachly  
Project Coordinator

Approved:

A handwritten signature in cursive script, appearing to read "John Ellis".

John Ellis  
President


Enclosures

Affidavit of  
JOHN H. ELLIS


I, John H. Ellis, President of Sequoyah Fuels Corporation, do hereby affirm and state:

- 1) I am authorized to execute this affidavit on behalf of Sequoyah Fuels Corporation.
- 2) The affiant is an officer of the Licensee, Sequoyah Fuels Corporation, which is a wholly-owned subsidiary of Sequoyah Fuels International Corporation, which is a wholly-owned subsidiary of Sequoyah Holding Corporation.
- 3) This affidavit is submitted under the provisions of 40 CFR Part 2, Subpart B in order to withhold the enclosed information from disclosure or publication.
- 4) The subject information contains confidential information of a privately-held corporation which have been held in confidence by the owner and are customarily held in such confidence. These documents have been transmitted to the EPA in confidence, and are not available in public sources. Public disclosure would create substantial harm to the owner by providing detailed financial information to its other parties whose interest may be adverse to the owner.

SEQUOYAH FUELS CORPORATION

  
\_\_\_\_\_  
John H. Ellis  
President

SUBSCRIBED AND SWORN to before me this 4th day of March, 1994.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

December 1, 1996