

Rec'd 1-22-97

ENVIROCARE

OF UTAH, INC.

THE SAFE ALTERNATIVE

January 15, 1997

Harold LeFevre
Nuclear Regulatory Commission
TWFN, Rm 2C22, M/C 7J9
11545 Rockville Pike
Rockville, MD 208522738

Dear Mr. LeFevre:

Over the past three weeks there have been numerous news articles about the announcement of the extortion of Envirocare's president. For the most part, the articles have fairly reflected the facts but there have been numerous inaccurate reports that Envirocare feels are important to clarify. A lot of the reports have been sensationalized by the press and some have been maliciously generated by our competitors.

Envirocare believes that Mr. Semnani was a victim and not a perpetrator of inappropriate acts in this matter. Nevertheless, Envirocare is taking measures to ensure that such actions will not occur in the future. These measures will help ensure the business integrity and honesty of Envirocare's employees and corporate officers.

The Salt Lake City media has investigated and reported on Envirocare's business integrity as a result of the Larry Anderson affair. Attached are copies of news articles in this regard. Media reports reveal that Mr. Semnani and Envirocare are good corporate citizens, that they acted ethically and with business integrity, and that the Larry Anderson affair is an isolated incident.

Based upon an internal investigation that is being conducted at Envirocare's request, it appears that payments made to Mr. Anderson were made personally by Mr. Semnani and not by the corporation and that such payments ceased in 1994. Envirocare's license from Utah's Division of Radiation Control was issued properly and in compliance with all applicable laws and regulations. Further, Envirocare has been operating in compliance with its license and applicable laws and regulations. There is no indication whatsoever that Envirocare has received or is receiving favorable treatment by the state of Utah or any of its regulators.

The most important fact you need to know is that our operation continues to be fully supported by the state of Utah and the federal regulatory agencies, as indicated in the accompanying letters. We hold a range of licenses -- for disposal of Naturally Occurring Radioactive Material, low-level radioactive waste, uranium and thorium mill tailings, mixed low-level radioactive and hazardous waste and mixed waste treatment. Each of these licenses and amendments to these licenses went through the proper regulatory channels and extensive review.

You may have heard rumor and innuendo from our competition about what happened. The facts of the case are outlined in Larry Anderson's own filing, in which Anderson himself concedes he approached Khosrow Semnani for money while Anderson was still working the state of Utah.

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Let's examine the myths and facts of the case:

Myth: Envirocare's licenses and amendments did not go through the appropriate review process and were not subject to public notice and comment requirements.

Fact: Envirocare's licenses have always complied with applicable legal requirements. Innumerable audits and staff reviews by state and federal agencies have shown that Envirocare has met, and continues to meet, applicable state and federal laws and regulations regarding licensing, design, and operation, including complying with public notice and comment requirements.

Myth: A 1992 Audit by the Legislative Auditor General found something wrong with Envirocare's operation and with our relationship with the State.

Fact: The Legislative Auditor General spent fourteen months investigating every conceivable aspect of the State's regulation of Envirocare, our licensing, design, operation, and relationships. As reported in the press at the time, the Audit cleared Envirocare of any wrongdoing and added that the operation of the facility did not threaten public health or the environment.

Myth: Larry Anderson gave Envirocare special treatment in the licensing process and he was lax in the enforcement of state rules involving Envirocare.

Fact: With the exhaustive oversight of Envirocare from many different state and federal agencies and agency staff, it is nothing short of absurd to suggest that at any time, one man, even if he wanted to, could covertly grant dispensations other than that required by the regulatory process. Such an idea is an affront to regulated industry, particularly in the environmental area. It is also an affront to the other honest and hardworking employees of the Department of Environmental Quality to assume that one bad apple could affect the quality and the integrity of the Envirocare licenses and permits. The record clearly shows that other state employees, with demonstrated integrity, within the Division of Water Quality and the Division of Solid and Hazardous Waste actually performed the license review. More than ten other individuals in DEQ actually did the work. At least seven of those did not even work in the same Division as Mr. Anderson. These individuals continue to be held in the highest regard by their peers, supervisors, and colleagues.

Our current information is that steps were taken within the Department of Environmental Quality to insure that appropriate procedures would be followed in regulating Envirocare, and to insure that Mr. Anderson would not be able to be improperly lenient in regulating Envirocare.

Myth: Envirocare did not go through the necessary site selection process.

Fact: The site was selected by the Department of Energy for disposal of radioactive Vitro mill tailings after an exhaustive site selection process that took several years prior to Envirocare's inception.

Myth: Envirocare has greatly expanded the amount of radioactivity that can be disposed at our facility.

Fact: The radioactivity levels in the waste we have taken are about 5% of what we could have taken under our licenses. We have disposed of about 275 Curies (a radioactivity measure) to date. While the range of isotopes we can take has expanded and is proposed for additional expansion (mostly since Anderson's departure) by a few dozen (not "literally hundreds," as has been reported in some press), it has been with necessary approvals from the State of Utah and the Northwest Interstate Compact. In comparison, the Hanford, Washington, facility has disposed of more than 2,000,000 Curies and the Barnwell, South Carolina, facility has disposed of more than 8,000,000 Curies during the same time period.

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Myth: Envirocare gets special consideration regarding payment of fees compared to other similarly situated facilities.

Fact: Envirocare pays about \$4000 per Curie disposed to the state, and about \$15,000 per Curie disposed to Tooele County, for a total of about \$19,000 per Curie. In comparison, disposal facilities in Hanford, Washington, and Earnwell, South Carolina, pay about \$200 per Curie in fees. In 1996 Envirocare paid more than \$3.9 million in fees to Tooele County.

Myth: Envirocare goes behind the scenes to undermine potential competitors.

Fact: Envirocare went through an exhaustive and rigorous licensing process for all of our licenses. It is only fair that potential competitors are required to comply with the same strict standards imposed on Envirocare. If it appears that a potential competitor will not be held to the same strict standard, Envirocare takes appropriate legal and ethical means, including formal requests for party status in administrative and legal proceedings, to insure that there is a level playing field so that competition will be fair.

Myth: Larry Anderson improperly assisted in securing land for Envirocare's facility.

Fact: The land transfer was properly handled under the auspices of the State Land and Forestry Board, with no involvement from Mr. Anderson. This matter was reviewed in the 1992 Legislative Audit.

Myth: Larry Anderson improperly secured a favorable deal for Envirocare to purchase a used railcar rollover.

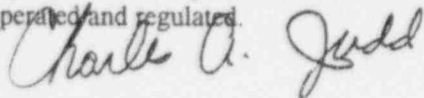
Fact: The Department of Environmental Quality wanted to sell the railcar rollover, and passed the information along to the Utah Division of Surplus Property (DSP). The transaction was handled properly with the DSP, including payment from Envirocare that was delivered by mail.

Myth: Envirocare and Mr. Semnani are "heavy" campaign contributors, which results in undue political influence for the Company.

Fact: Envirocare and Mr. Semnani make legitimate campaign contributions within legal and ethical bounds. There are dozens of registered PACs, corporations and individuals in Utah who contributed more than Envirocare and Mr. Semnani.

Envirocare -- The Safe Alternative

Envirocare is an important part of the solution to one of the biggest environmental problems in the country today -- radioactive contaminated sites across the nation need to be remediated, and the low-level radioactive waste from those sites needs to be safely managed at an environmentally suitable site away from human populations. We operate a facility that uses superior technology. We pay fees and taxes amounting to millions of dollars to the State of Utah and Tooele County, and we employ 110 workers and many subcontractors. Their incomes have a substantial multiplying effect in the local economy. We wish to thank our employees and all who have supported us during these unfortunate circumstances. We extend our thanks and admiration to the many fair and honest government employees involved in the regulation of our operations. The citizens of Utah may be assured that Envirocare is safely and properly operated and regulated.



Charles A. Judd
Executive Vice-President
Envirocare of Utah, Inc.

Recd 1-22-97

ENVIROCARE OF UTAH, INC.
THE SAFE ALTERNATIVE

January 15, 1997

Joseph J. Holonich
Chief
US Nuclear Regulatory Commission
Mailstop T7J9
Washington, DC 205550001

Dear Mr. Holonich:

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Envirocare believes that Mr. Semnani was a victim and not a perpetrator of inappropriate acts in this matter. Nevertheless, Envirocare is taking measures to ensure that such actions will not occur in the future. These measures will help ensure the business integrity and honesty of Envirocare's employees and corporate officers.

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January 15, 1997

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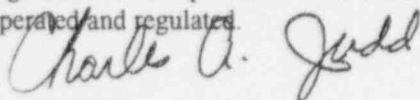
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Envirocare: The Safe Alternative

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Charles A. Judd
Executive Vice-President
Envirocare of Utah, Inc.

January 15, 1997

**Envirocare Notes Current Support
For Its Licensing and Operations**

Envirocare notes the statements of support for our licensing and operations from the following organizations:

Department of Energy:

"DOE's Environmental Management division . . . said it plans to continue shipping low-level and mixed wastes to Envirocare of Utah, Inc., despite an admission by the company's owner that he secretly paid the state's former top nuclear regulator \$600,000 over a six-year period. . . . A statement issued by the department said that nothing in the allegations involving Envirocare owner Khosrow Semnani would call into question the continued safety of the Utah site as a viable waste disposal option. Moreover, it said, Utah's Dept. of Environmental Quality has continued to express its support for the Envirocare site's current operational safety.

"The state has not identified any action to us that would require any change to departmental operations involving Envirocare,' the EM statement said. 'Envirocare is licensed by both the Nuclear Regulatory Commission and the state. In addition to DOE's own audit, we are confident that safety is assured by these independent regulatory authorities.'" Inside Energy, January 13, 1997, page 11.

United States Environmental Protection Agency, Region II

"Thank you for providing information related to recent events concerning Envirocare and otherwise assuring the [EPA] that operations at the Utah facility have not been affected.

As you are aware, the federal government has a long-term contract with Envirocare for the disposal of a variety of radiologically contaminated materials . . . it is very important to this EPA office and the successful cleanup of a number of Superfund sites in this area. In particular, radium contaminated soil from hundreds of residential and public properties in several New Jersey communities is being excavated and transported to Envirocare for disposal. This work has been progressing in a highly successful manner and it is essential that it continue without interruption." Letter from John S. Frisco, Superfund Remedy Manager, Emergency and Remedial Response Division, to Charles Judd, Envirocare Executive Vice President, January 9, 1997.

Department of the Army

On January 14, 1997, the Department of the Army, Armament and Chemical Acquisition and Logistics Activity, notified Envirocare that it is authorized to proceed with accepting the mixed waste from Aberdeen Proving Grounds 26th Street Disposal Site, Edgewood, Maryland.

State of Utah Department of Environmental Quality

"Envirocare currently has a radioactive materials license from the Division of Radiation Control and is authorized to receive waste under the conditions of that license." Letter from Dianne R. Nielson, Executive Director, Utah Department of Environmental Quality, to Charles A. Judd, Envirocare Executive Vice President, January 7, 1997.

"I'll passionately defend the technical reviews were done properly." Dane Finerfrock, State of Utah Division of Radiation Control, as quoted in the Deseret News, January 12, 1997.

Tooele County Commission

"We want to emphasize that Envirocare has been and continues to be a responsible corporate citizen in our county."

"We know that there are those out there, who for SELF SERVING reasons will do their very best to turn this incident into a safety or environmental issue, which it is not."

"We want to see this matter resolved quickly, but it needs to be decided by a court of law or by some other appropriate method. It absolutely should not be decided by the news media or even more importantly by the competitors of Envirocare." Tooele County Commission Public Statement, January 10, 1997.

Sycamore Valley Environmental Awareness Group

"The siting criteria for the EnviroCare disposal facility in Utah applied NRC and DOE recommendations for 'safe disposal' by isolation from potential contamination to ground and surface waters, and isolation from the public."

I sincerely hope that the entire matter receives accurate media attention and appropriate investigation. If I can be of assistance to you in this matter, please do not hesitate to contact me." Letter from Diana Salisbury, Sycamore Valley Environmental Awareness Group, to Envirocare, dated January 8, 1997.



ENVIROCARE
SHEPHERD, UT

Save Wills Creek Environmental Organization

"Envirocare of Utah at this time is the ONLY facility in America which can handle large volume low concentration wastes such as ours. . . . Simply put, short of leaving the wastes where they sit, there is no place to place our wastes if this facility is closed down. So, yes we do have a vested interest in seeing the facility stay open." Letter from Sherwood Bauman, Save Wills Creek, to Tom Cochran and John Adams, NRDC, dated January 13, 1997.

Inside Energy/with Federal Lands -- January 13, 1997

DOE SAYS PAYMENTS SCANDAL WON'T STOP ITS WASTE SHIPMENTS TO UTAH

DOE's Environmental Management division last week said it plans to continue shipping low-level and mixed wastes to Envirocare of Utah, Inc. despite an admission by the company's owner that he secretly paid the state's former top nuclear regulatory \$600,000 over a six-year period.

Envirocare, the only commercial facility in the nation that is licensed to dispose of mixed waste -- material that contains both hazardous and radioactive constituents -- has received 2 million cubic feet of mixed and low-level wastes from DOE sites through the end of 1996, a DOE spokeswoman said. A statement issued by the department said that nothing in the allegations involving Envirocare owner Khosrow Semnani would call into question the continued safety of the Utah site as a viable waste disposal option. Moreover, it said, Utah's Dept. of Environmental Quality has continued to express its support for the Envirocare site's current overall operational safety.

"The state has not identified any action to us that would require any change to departmental operations involving Envirocare," the EM statement said. "Envirocare is licensed by both the Nuclear Regulatory Commission and the state. In addition to DOE's own audit, we are confident that safety is assured by these independent regulatory authorities."

In a public statement issued Jan. 2, and in interviews with the *Salt Lake Tribune*, Semnani acknowledged that he had paid Larry Anderson, the retired director of the Utah Bureau of Radiation Control, about \$600,000 between 1987 and 1993. The arrangement came to light after Anderson filed a lawsuit last October in a Utah court charging that Semnani had breached a verbal contract he had made with him by halting the payments. Anderson left the state agency in 1993.

Anderson's civil suit seeks more than \$5 million in "unpaid compensation" from Semnani. Envirocare Executive Vice President Charles Judd, who said he spoke for Semnani, maintained that all the payments which included a condominium owned by Semnani at a Utah ski resort, as well as gold coins and \$100 bills, came from Semnani's personal asset, not Envirocare's. Semnani is the sole owner of Envirocare.

Semnani said in his statement that he made the payments, despite knowing that the requests violated the law, "because of concerns that Mr. Anderson otherwise would not provide a fair and objective review of his licensing application." He insisted that no special work or regulatory relief was requested or provided by Anderson during the licensing process, and that no contract ever existed for services to be provided by Anderson.

In short, Judd said, Semnani maintains he was the victim of "extortion," and is confident that "he will not be in legal trouble" for the episode.

The *Tribune*, however, reported last week that it has obtained a 1990 internal state document expressing concern that Anderson was not being objective in his dealings with Envirocare. The document indicated that state officials were concerned, among other things,

about Anderson's efforts to ensure that Semnani could purchase the state-owned land for the disposal facility, the paper said.

Judd said Semnani approached the state attorney general's office soon after Anderson's lawsuit was filed. The attorney general has launched an investigation of the payments under the state's ethics laws, which prohibit regulatory officials from accepting payments from those they regulate. Semnani said he and Envirocare will cooperate in the probe.

When the press failed to notice the lawsuit, Judd said, Semnani approached the *Tribune* late last month with the story.

Asked why Semnani had failed to contact authorities when payments were first made, Judd said he was "scared" that Anderson, who was in a position to delay or block his license application, would do so if he did not pay him. Years later, he said, Semnani concluded that the situation has "got[ten] out of hand," and that stopping the payoffs was "painful but the right thing to do."

According to Judd, DOE and the Environmental Protection Agency together account for as much as 70% of the waste disposed at the Utah site.

Regardless of the outcome of the state investigation, public uproar over the scandal might affect Envirocare's application with the state to renew its license. The renewal request, filed last January, is pending before regulators, and in the meantime the company continues to operate under terms of its existing license. In a Jan. 7 letter to Judd, Dianne Nielson, the executive director of the Utah Dept. of Environmental Quality, confirmed Envirocare's continued authorization to receive waste. She said the state's review of the five-year license renewal is continuing, and that her department's division of radiation control continues to inspect and monitor the site.

The scandal also could impact Envirocare's proposal to establish a second disposal facility in Andrews County, Texas, where another business, Waste Control Specialists LLC, Pasadena, Texas, has also proposed to build a low-level and mixed waste disposal facility targeted for DOE wastes (*JE/FL*, 6 Jan. 8). The competition between the two firms is evident from Judd's assertion that WCS has had a private investigator working in Utah "for months" looking into Envirocare's operations.

Asked about the private investigator, John Kyle, an attorney for WCS, said "we're simply conducting the due diligence we need to enter into a new business." Kyle called Envirocare's purchase of the West Texas site last September a "curious set of circumstances" in view of the fact that it came just a few days after WCS first unveiled its own plans during a conference on low-level waste -- *David Kramer*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

RECEIVED JAN 13 1997

January 9, 1997

Charles A. Judd
Executive Vice President
Envirocare of Utah
46 West Broadway, Suite 240
Salt Lake City, Utah 84101

Dear Mr. Judd:

Thank you for providing information related to recent events concerning Envirocare and otherwise assuring the Environmental Protection Agency (EPA) that operations at the Utah facility have not been affected.

As you are aware, the federal government has a long-term contract with Envirocare for the disposal of a variety of radiologically contaminated materials. Although this contract is being utilized by other EPA regional offices, the Department of Energy and various agencies within the Department of Defense, it is very important to this EPA office and the successful cleanup of a number of Superfund sites in this area. In particular, radium contaminated soil from hundreds of residential and public properties in several New Jersey communities is being excavated and transported to Envirocare for disposal. This work has been progressing in a highly successful manner and it is essential that it continue without interruption.

In closing, thank you again for the information and please continue to keep me advised of any significant issues involving the Envirocare facility.

Sincerely yours,

John S. Frisco

John S. Frisco
Superfund Remedy Manager
Emergency and Remedial Response Division



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF THE EXECUTIVE DIRECTOR

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

Brent C. Bradford
Deputy Director

168 North 1950 West
P.O. Box 144810
Salt Lake City, Utah 84114-4810
(801) 536-4400 Voice
(801) 536-0061 Fax
(801) 536-4414 T.D.D.

January 7, 1997

Charles A. Judd
Executive Vice President
Envirocare of Utah Inc.
46 West Broadway
Suite 240
Salt Lake City, UT 84101

Dear Mr. Judd:

The purpose of this correspondence is to provide a current statement relating to the status of Envirocare of Utah.

Envirocare currently has a radioactive materials license from the Division of Radiation Control and is authorized to receive waste under the conditions of that license. Pursuant to State rules, the license is undergoing review for a five-year renewal. A license renewal application was submitted to the Division of Radiation Control on January 29, 1996 by Envirocare. The Division of Radiation Control continues to inspect and monitor the Envirocare site.

Any questions regarding the license or operations can be directed to Bill Sinclair or Dane Finerfrock of the Division of Radiation Control at 801-536-4250.

Best regards,

Dianne R. Nielson, Ph.D.
Executive Director

cc: Bill Sinclair, UDEQ/DRC





TOOELE COUNTY COMMISSION

Tooele County Courthouse, 47 South Main, Tooele, Utah 84074

Phone: (801) 882-9150

We believe that because of the recent comments made in Salt Lake City Newspaper Articles and on the local television stations it is appropriate that we make the following statement.

We feel that our foremost responsibility is to insure the safety of the people we represent. We also need to provide to the best of our ability, the best services for the lowest taxes for all of our citizens.

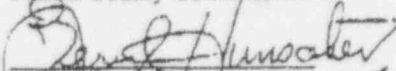
We want to emphasize that Envirocare has been and continues to be a responsible corporate citizen in our county. Envirocare provides jobs, purchases materials and services, pays property taxes and also pays millions of dollars in mitigation fees to Tooele County.

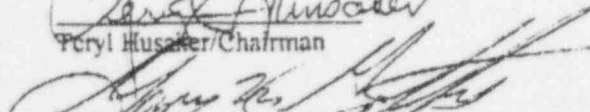
We know that there are those out there, who for SELF SERVING reasons, will do their very best to turn this incident into a safety or environmental issue, which it is not. Anyone who has a question regarding these issues should contact Tooele County Health Department, Utah State Department of Environmental Quality, The Utah Division of Radiation Control or the Utah Board of Radiation Control. It is the responsibilities of these agencies to regulate, oversee and insure that any license issued for this type of operation is completely complied with.

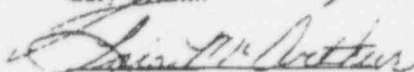
We want any customer of Envirocare to know that this incident has not adversely affected the operation of the facility. All customers using the Envirocare facility now and those whose plans call for its use in the future, need to feel the confidence in Envirocare that we do along with all of the regulatory agencies mentioned above. The very license talked about gives that guarantee of confidence.

We want to see this matter resolved quickly, but it needs to be decided by a court of law or by some other appropriate method. It absolutely should not be decided by the news media or even more importantly by the competitors of Envirocare.

Tooele County Commissioners


Teryl Hunsaker/Chairman


Gary Griffith


Lois McArthur

Commissioners: Teryl Hunsaker, Chairman; Gary M. Griffith, Lois E. McArthur.
Administrative Assistant: Cheryl Adams

"The Best of Both Worlds"

EnviroCare
46 W. Broadway
Suite 240
Salt Lake City, Utah 84101

January 8, 1997

To Whom It May Concern:

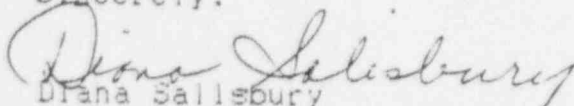
It has recently come to my attention that your company is presently involved in a situation regarding payment to state officials in order to obtain permits to operate your low-level radioactive waste disposal facility in Utah. As a citizen directly affected by policies and availability of operating disposal facilities, both presently and in the future, I find the situation unfortunate and somewhat perplexing. It is my understanding that EnviroCare was operating its facility within permit limits and should have received the necessary permits from the appropriate state agencies and agents. It would seem that once payment was requested, your company was placed in a no-win situation. Payments for permits, though actually unnecessary and inappropriate, appears to have been a practical requirement regardless of the merit of your company's record of compliance.

If my understanding of the practical effect of the situation is reasonably correct, one current alternative for low-level radioactive waste disposal may not be available until the situation is resolved. It would seem that on-site disposal and reprocessing would receive more consideration from appropriate state and federal agencies, including DOE and NRC, by process of elimination of EnviroCare as a viable disposal site.

The siting criteria for the EnviroCare disposal facility in Utah applied NRC and DOE recommendations for "safe disposal" by isolation from potential contamination to ground and surface waters, and isolation from the public. It is my understanding that EnviroCare's disposal facility is located in a region which receives approximate two inches of rainfall annually and has virtually no general population living within a fifteen mile radius.

I sincerely hope that the entire matter receives accurate media attention and appropriate investigation. If I can be of assistance to you in this matter, please do not hesitate to contact me. Representatives of your company have consistently treated me with courtesy and provided accurate and detailed information regarding the operation of your facility. I have appreciated the professional and open attitude expressed to me in these discussions. Requests for information from citizens do not always receive the same candor from private corporations. If my experience over the past years has been somewhat typical.

Sincerely,


Diana Salisbury

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To: Tom Cochran & John Adams
NRDC
Washington and New York Offices

Reas: NRDC's recent (last Wed. January 8th, 1997.) petition with the NRC calling for the revocation of Envirocare's license.

Dear NRDC:

First, I feel that I should come right out up front and state that I and my organization have to some degree a vested interest in seeing Envirocare stay open, as thousands of communities across America do. You see, we have 600,000 TONS of Low Level Radioactive Waste's sitting in a wetland which drains into our communities drinking water supply. Additionally, other radioactive wastes which left the facility were used as road and construction fill so that many of our homes have been contaminated with said wastes.

Envirocare of Utah at this time is the ONLY facility in America which can handle large volume low concentration wastes such as ours. As an example, I would point out that during their period of operation, Envirocare has accepted but 275 curries of wastes while Barnwell has accepted in excess of 7.8 million curries and Richland over 2.4 million curries during their periods of operation. Simply put, short of leaving the wastes where they sit, there is no place to place our wastes if this facility is closed down. So, yes we do have a vested interest in seeing the facility stay open.

We usually feel that NRDC is a friend of the grassroots environmental community, and that what's best for us, affected citizens and their communities is always first and foremost at the top of the page when NRDC takes a position. For this reason, we have always felt that NRDC and our communities were always on the same game page on issues if not in complete agreement.

However, in this case, we feel that NRDC's position would do more harm than good, and would hope to point out some of the situations that could arise just here in Ohio should Envirocare's doors be closed forever to receiving wastes. Let us state clearly, that we are NOT condoning either Mr. Semnani's nor John Anderson's behaviors. We can empathize with the position that Mr. Semnani found himself in, but still feel that a complete and thorough investigation into the issues needs to be under taken.

If and when said investigation shows us that Mr. Semnani should not be in possession of a license, we would be willing to stand behind the NRDC and in fact endorse a position that he divest himself of any and all interests in Envirocare. We however, cannot endorse a position of closing this facility as we feel doing so would cause many more problems than

it solves, and would see hundreds of thousands if not millions of innocent Americans needlessly placed in harms way.

1. The closing of Envirocare would eliminate the only option now available in America for large volume low concentration wastes. This situation would make it very easy for the NRC and the DOE to approve dangerous insitu disposal at various facilities including most of those within the MPN (Military Production Network) and various SDMP sites here in Ohio and across America.

2. Envirocare has a safe operating record, and there have been no breaches of the liners (cells) in place at their storage facility. Additionally, the location in a desert and completely away from civilization is a much better choice for storage than various facilities currently being proposed. Their average of less than two inches of rain makes the location much more suitable than our wetlands, not to mention South Eastern Ohio's yearly rainfall figures. It also makes more sense to support leaving an open facility there (as it would still require perpetual care for some time into the future) than to risk supporting the opening of a new facility that might be a much more undesirable choice in the long range view of things. Would suggest looking at the site currently proposed out in California as an example of poor site selection.

3. By taking an absolute position of closure and license revocation, your defacto endorsing the NRC and DOE's preferred position of creating thousands of baby storage facilities via insitu disposal, with none of these facilities providing the level of safeguards that can be found at Envirocare in Utah. (Our site for instance would receive nothing more than a flawed cap and chainlink fencing with some signs posted. Not a lot of protection for waste's which will sit there for 14 million plus years.

4. By closing said facility, we allow organizations such as the Midwest Compact and the Ohio LLRW Authority Board to fast track their plans to site disposal facilities within our state's border. The problem with this, is that the Midwest Compact and the Ohio LLRW Authority Board are running a ruse as said facility will not be accepting any decommissioning waste's, but instead is being designed and targeted to serve only active generators.

We would ask you to do a couple of things.

1. Withdraw your petition which was filed with the NRC, and rethink your position on this issue...Closing Envirocare (from our perspective) would not be in the best long term interest of the environmental community, nor in the best interest of communities currently living with these wastes. (example-in our community, the Strawsburg family had to move out of their home when it was learned they had thirty tons of Radioactive wastes underneath the foundation of their family room where the families two little children routinely played.)

2. Set aside the instant issue (the extortion scandal), and study Envirocare's operation and safety record. Perhaps even consider visiting the site and taking a look at their operation and its location. Find out if they as a corporation and as an environmental cleanup company are willing to work with NRDC in addressing your concerns. Instead of shooting first and asking questions later, approach the issue and your organizations

position from one of informed confidence after familiarizing yourselves with the entire picture instead of one small piece of the puzzle.

Once you've done these things, and the investigation (currently underway) is completed, then would be the time (from our perspective) to take a position in regards to what should be done. If it appears that the best course of action would be to work towards removing Mr. Semnani, or asking that he divest himself of controlling interests, then that is a position that Save Wills Creek could understand and more than likely endorse. We thank you for your time, and do hope that you'll rethink and redefine your position on this issue of grave importance to our community and its children.

Respectfully Submitted

Sherwood (forest) Bauman
Chairperson