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March 4, 1997

VIA FACSIMILE (301) 415-2162 AND U.S. MAIL

Hugh L. Thompson, Jr.
NRC Acting Executive Director for Operations
Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Re: NRDC's Request for Review of Director and Staff Decisions Denying
NRDC 10 C.F.R. § 2.206 Petition Regarding Envirocare of Utah, Inc.

Dear Mr. Thompson:

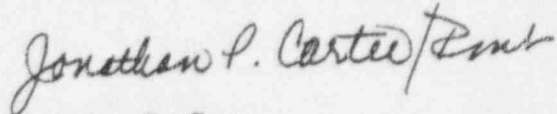
I am writing on behalf of Envirocare of Utah, Inc. in regard to the above captioned matter. The NRDC's request for review asserts legal arguments that Larry Anderson violated ethics and conflicts provisions of the NRC's regulations. The NRDC has not set forth facts to substantiate any allegations of health and safety violations or environmental problems at Envirocare's facility. The matters raised by the NRDC in its request are not appropriate matters that are the subject of a 10 C.F.R. §2.206 petition. Thus, the NRC's decision should stand as no facts or evidence have been offered by the NRDC on pertinent issues.

As the NRC pointed out in its decision, this matter is the subject of a criminal investigation. That investigation is being conducted by the United States Attorney for the District of Utah. The United States Attorney's Office and its criminal prosecutors and investigators have a better ability than the NRC to assess and make determinations as to any violations of law by Mr. Anderson. Moreover, Mr. Anderson has not been employed by the State of Utah for over three years, and the State of Utah has determined that there are no significant issues with past licensing actions involving Envirocare. (See my letter to Jack

Goldberg dated February 3, 1997.) Even assuming that the NRDC's allegations of misconduct against Larry Anderson are correct, there is nothing in the NRC's regulations or the law that indicates withdrawal of Utah's State Agreement Program with the NRC or the withdrawal of Envirocare's licenses is an appropriate remedy. Accordingly, the issues raised by the NRDC's request for review are better addressed by the criminal investigation.

Based upon the foregoing, it is inappropriate for the NRC to further address this matter, and the NRDC's request for review should be denied.

Very truly yours,

A handwritten signature in cursive script that reads "Jonathan P. Carter". To the right of the signature, there is a vertical line followed by the letters "Pmb".

Jonathan P. Carter

Enclosure

JPC:rmb