



SOLUTIENT TECHNOLOGIES, LLC  
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March 27, 2003  
File: Evergreen

Mr. Dave Collins  
USNRC-Region II  
61 Forsythe Street NW  
Suite 23T85  
Atlanta, GA 30303-8931

Mr. Dan Hill  
Chief, Radiological Health Program  
Office of Environmental Health Services  
815 Quarrier Street, Suite 418  
Charleston, WV 25301-2616

**Subject:** Bankruptcy of Evergreen Mining (Horizon Natural Resources Company, ET AL.,)  
Case 02-14261 Eastern District of Kentucky, Ashland Division

Dear Mr. Collins and Mr. Hill;

Solutient Technologies (Solutient) provided services for the subject company under Reciprocal Recognition of its Ohio 3219 license type. The final project report has been submitted to Mr. Dan Hill of the West Virginia Department of Natural Resources.

The only remaining item is the actual disposal of the waste and the delivery of the Certificate of Disposal to Evergreen Mining to document the acceptance and disposal of the waste.

When our invoice had not been paid by late January, Solutient made a series of calls to determine payment status. Solutient was informed on February 6, 2003 they had filed for bankruptcy on November 13, 2002. Prior to this notification, Solutient had no knowledge of their status.

As the Radiation Safety Officer (RSO) for Solutient, I have reviewed the regulations and the guidance provided in NUREG 1556, Vol. 15 and believe it is prudent to make a formal notification of this event. While Solutient does not possess the material as defined in the NRC regulations, we did manage it and arrange for the disposal of the radioactive waste. Until Solutient has been paid and delivers the final documents to the client, I consider this an open item.

Solutient has had limited discussion with Mr. Ronald Gold, Esq. of Frost Brown Todd LLC. It appears that Mr. Gold is representing Evergreen in this matter. Based on our discussions with Mr. Gold, he does not envision a timely resolution to allow Solutient to properly dispose of his client's radioactive waste and provide the necessary closure documents. Mr. Gold can be reached at (513)-651-6156.

Solutient strives for full compliance with its radioactive materials licenses and constructive relationships with its regulatory community. If we can be of any assistance, please contact me at (330)-497-5905. If possible, Solutient would like to be informed on the status of this matter.

Sincerely,

  
Stephen V. Prewett, PhD  
Radiation Safety Officer