

PARR BROWN
GEE & LOVELESS

FOIA/PA REQUEST

Case No.: 2011-0342
Date Rec'd: 9-8-11
Specialist: Donna
Related Case: _____

CHEYLYNN HAYMAN
Attorney at Law
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August 30, 2011

Ms. Donna L. Sealing
FOIA/Privacy Officer
U.S. Nuclear Regulatory Commission
Mail Stop: T5-F09
Washington, DC 20555-0001

Re: Freedom of Information Act Request Regarding NRC Investigations and
Activities Re: Envirocare of Utah, Inc.

Dear Ms. Sealing:

This firm represents EnergySolutions, Inc., f/k/a Envirocare of Utah, Inc. ("Envirocare") with respect to the matters that follow. I have been informed by your office that you are the custodian of records for the United States Nuclear Regulatory Commission ("NRC"), and this letter is directed to you in that capacity.

Relators Roger Lemmon, Jolene Lemmon, Patrick Cole, and Kyle Gunderson (collectively, "Relators") have brought a *qui tam* action against Envirocare alleging improper waste disposal at Envirocare's facilities between June 2000 and June 2001, in purported violation of Envirocare's federal government contracts (the "Lawsuit"). It is our understanding that the NRC initiated an investigation into the Relators' allegations in or about early 2004 ("NRC Investigation").

We believe that certain individuals at the NRC may have been involved in the NRC Investigation and/or have knowledge about the Lawsuit and/or NRC Investigation. Such individuals include but are not limited to: Elmo Collins, Charles Cain, and Harry Freeman. In addition, we believe that the NRC may have had communications with the Utah Division of Radiation Control ("DRC") about the Lawsuit or NRC Investigation, including but not limited to communications with the following individuals: Bill Sinclair, Dane Finerfrock, Raymond Nelson, and Woodrow Campbell. The NRC, DRC, and any individuals associated therewith are collectively referred to herein as "Other Involved Entities."



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Pursuant to the Freedom of Information Act, 5 U.S.C. 552, *et seq.* ("FOIA"), Envirocare hereby requests inspection and/or electronic and/or hard copies of the following records:

Any and all records, including complaints, investigative files, reports, memoranda, notes, interviews, inspection reports, letters, emails, correspondence, or other similar records that relate in any way to the Lawsuit, the NRC Investigation, Relators, Other Involved Entities, legal counsel for any of the parties to the Lawsuit or Other Involved Entities,¹ and/or any third parties or governmental representatives associated with any of the foregoing.

Pursuant to 5 U.S.C. 552(a)(6)(A)(i), Envirocare requests that you respond within twenty (20) business days following receipt of this request. Of course, we would greatly appreciate any quicker response.

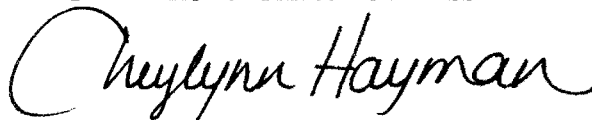
Based upon the volume of records responsive to this request, and the potential duplication costs of those records, Envirocare may elect to inspect these records rather than receiving electronic and/or hard copies. To avoid unnecessary efforts on both our parts, I would appreciate a call from your office after you have determined the volume of records and any associated duplication costs. We will then make an election regarding our means of inspection.

I can be reached directly by telephone at (801) 257-7933 or via email at chayman@parrbrown.com.

Thank you for your consideration of this request, and I look forward to hearing from you.

Sincerely,

PARR BROWN GEE & LOVELESS



Cheylynn Hayman

¹ Such counsel include Jeffrey W. Appel, James S. Jardine, Rick L. Rose, and the law firm of Ray Quinney & Nebeker; Richard D. Burbidge, Jefferson W. Gross, and the law firm of Burbidge Mitchell & Gross; Jeffrey D. Eisenberg, Jeffrey R. Oritt, and the law firm of Eisenberg & Gilchrist; and J. Stephen Russell. Such counsel also include U.S. Attorneys Jared C. Bennett and Eric A. Overby.