

From: Myron Fliegel
To: Maria Schwartz
Date: 11/9/01 11:51AM
Subject: Atlas trustee issues

Maria:

I just spoke to Loren Morton (Utah DEQ). Utah has some suggestions regarding the issues posed by PWC that we will be discussing on Tues at 1:00 pm.

records - Loren said that Utah is willing to take old Atlas records. I told Loren that the main concern is old employee records and that if Utah takes them it will have to respond to continual requests verifying employment at Atlas. Loren will check again to see if his management is ok with that.

PWC Accounts Receivable

2001 Title X \$ - Utah AG is suggesting that the trust close ASAP and that Utah and NRC instruct DOE to pay the remaining \$ from this year's Title X claim directly to the beneficiaries; 50% to each. Does OGC think we can do that?

demolition claim - Utah is opposed to letting the trustee pursue that and I agree. I assume that we can direct the trustee not to pursue the claim, and still not run afoul of any laws by not trying to recover \$ for the U.S., by determining that the costs to pursue and the likelihood of winning are not worth the risk. Is that correct?

I also made a suggestion that I would like a legal opinion on - Loren is also checking with Utah AG. Can we direct PWC to try to sell the trust's 50% interest in the case back to Atlas Corp? We could propose a minimum \$ amount that we would accept. If Atlas does not buy the interest, can we then close the trust and write to Atlas stating that if it pursues the claim and wins, the 50% due to the trust must be sent Utah and NRC as beneficiaries?

Utah would like to discuss these issues with us after our meeting. Are you available for a telcon on Weds and if so, what times are you available? If not Weds, when are you available on Thurs?

Mike

CC: Gary Janosko; Melvyn Leach

Pt. 20 records - NRC

personnel records - Utah

technical / operational - DOE/GJO

business records - Atlas

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