

ACCESSION #: 9307080149

June 28, 1993

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: SECY-93-136 - UPDATE ON THE RESOLUTION OF  
THE UTAH LAND OWNERSHIP ISSUE

This is to advise you that the Commission (with all Commissioners agreeing) has approved the course of action recommended by the staff. The draft letter to the State of Utah should be modified to reflect that the Commission decided this matter and a copy of the SECY paper and this memorandum should be enclosed.

If, as the Commission understands the case to be, the trust fund applies only to the non-mixed low-level wastes, in describing the situation in Utah in the future, the staff should make this distinction clear, since separate funding arrangements have been made for the mixed waste portions of the site. The letter to the State should suggest that it consider whether it should require some level of trust fund to support the potential activities contained in the deed covenants after the license is terminated. The plans indicate that the entire remaining trust would be returned to the licensee when the licensee has met the requirements for license termination. Such funding would be a reasonable additional level of compensation for government ownership that, while not necessary, would be prudent.

In addition, the staff should prepare and publish an advanced notice of proposed rulemaking which would seek public input on the advisability of proceeding with rulemaking to reflect the Commission decision in this case in a generic manner in 10 CFR Part 61. In the ANPR the staff should iterate the basis for the original requirement for government land ownership and ask for public comments on whether it should continue to be required in light of the Utah decision while noting that such ownership is not required for hazardous material disposal sites and sanitary land fills. The advantages and disadvantages of codifying the options for alternatives to government ownership should be fully developed in conjunction with the notice. The staff should carefully consider all input in providing a recommendation to the Commission on a proposed rule.

(EDO)

(SECY SUSPENSE: 3/94)

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cc: The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
Commissioner de Planque  
OGC

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