

November 28, 2005

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-05-0200 - EFFORTS BY  
WESTERN NUCLEAR, INC., TO ACQUIRE OFF-SITE  
PROPERTIES IN CONJUNCTION WITH DECOMMISSIONING  
ITS URANIUM RECOVERY SITE AND THE NEED FOR  
INSTITUTIONAL CONTROLS

The Commission has approved the staff's recommendation to proceed with Option 2 and agrees that Western Nuclear Inc., (WNI) has made a good faith effort to acquire all of the offsite properties. Under Option 2, WNI would be required to make one final offer to purchase the property or real estate rights immediately before site transfer and, if unsuccessful, would include funds equivalent to the final offer in its long-term surveillance payment. In addition, with staff review and approval, WNI would relocate offsite monitoring wells, redefine the long-term care boundary to include all wells currently located offsite, or provide for institutional controls to provide Department of Energy access to the wells and enforce its restrictions.

In addition to the actions described in Option 2, the staff should immediately inform the owners of the remaining Red Mule property of the Commission's decision.

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR