

January 18, 2001

MEMORANDUM William D. Travers Executive Director for Operations  
 TO:  
 FROM: Annette L. Vietti-Cook, Secretary /RA/  
 SUBJECT: STAFF REQUIREMENTS - COMSECY-01-0001 - RESPONSE LETTER TO UTAH ON LAND OWNERSHIP ISSUE

The Commission has approved issuance of the letter and enclosure to Mr. Sinclair subject to the changes in the attachment.

Attachment: [Changes to the Letter in COMSECY-01-0001](#)

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

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SECY NOTE: COMSECY-01-0001, THE RELATED COMMISSIONER VOTES, AND THIS SRM WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS AFTER THE LETTER IS DISPATCHED.

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[ATTACHMENT](#)

## Changes to the Letter in COMSECY-01-0001

### Changes to the Letter

1. On page 1, 3<sup>rd</sup> paragraph, revise lines 1 and 2 to read ' ... considered and addressed **in the context** ~~on the merits~~ of Part 61 regulations (or equivalent Agreement State regulations) **so as** to provide ....'
2. On page 2, 1<sup>st</sup> full paragraph, revise lines 1 and 2 to read ' ... or rationale in detail, **the staff does not believe that NRC would grant a similar exemption request** ~~in light of the above~~ in the absence ....' Revise line 3 to read ' ... proposal is essentially **equivalent** ~~similar~~ to that which ....' In lines 4 and 5, delete everything after 'government ownership'.
3. On page 2, replace the 2<sup>nd</sup> full paragraph with the following: "We understand that proposed State legislation was designed for transfer of ownership of the site to the Federal or State Government at the end of the 100-year institutional control period. However it is also our understanding that this proposed legislation has been withdrawn and therefore, will not be addressed by the State Legislature until perhaps the Spring of 2002. We would consider it appropriate to await the passage of this legislation, and assurance of assumption of government ownership at the end of 100 years, before granting this exemption."

### Changes to the Enclosure to the Letter

1. On page 1, 1<sup>st</sup> sub-bullet under item 1.A., revise line 3 to read ' ... hazard wastes. **An individual intruder** ~~A working~~ exposure limit of 500 mrem/yr is the basis for ....'
2. On page 2, insert a new paragraph D. prior to the existing paragraph D. which states

In the context of reviewing assurance for financing and oversight of long-term stewardship, the December 2000 Resources for the Future report entitled, "Long-Term Stewardship of Contaminated Sites -- Trust Funds as Mechanisms for Financing and Oversight," concludes that State and private trust funds are more likely than a Federal stewardship trust fund to successfully assure financing and oversight of the long-term stewardship. While

Federal funds will be needed for work at Federal facilities, it is unclear whether Federal agencies currently have the legal ability to use Federal funds to finance State or private trusts, and Federal trust funds are more vulnerable to political or economic pressures. "On balance, the laws surrounding administration of private charitable trusts make them the preferred option for funding long-term stewardship, with State and local trust funds close behind."

3. On page 2, revise the existing paragraph D. to be E. and revise the leading sentence (prior to the bullets) to read '... in the last several years, **however, the announced findings are somewhat conflicting.**'
4. On page 3, the 2<sup>nd</sup> sub-paragraph under II.A. should be enclosed in single quotes and ended with a quotation mark.