

PDR-016



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

December 30, 1982

Mr. Daniel Hirsch, President  
Committee to Bridge the Gap  
1637 Butler  
Los Angeles, CA 90025

IN RESPONSE REFER  
TO FOIA-82-381

Dear Mr. Hirsch:

This is in further response to Dorothy Thompson's letter, dated August 10, 1982, requesting documents relating to the UCLA Lab and research reactors.

The documents listed on Appendix A are responsive to your request. Document 1 is enclosed in its entirety. Document 2 is also enclosed, but with certain portions deleted which do not fall within the scope of your request.

Portions of documents 1 through 11 of Appendix B contain information which identifies procedures for safeguarding licensed special nuclear material at a licensed facility or plant. These portions are considered commercial or financial (proprietary) information pursuant to 10 CFR 2.790(d) and are being withheld from public disclosure pursuant to Exemption (4) of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations. The remaining portions of documents 1 through 11 are provided with this response. Please note that document 8 also bears the following disclaimer, "The facts and figures in these documents are no longer timely or accurate. They should be considered only in a historical context."

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Robert H. Engelken, Regional Administrator, Region V.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11 any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Sincerely,

J. M. Felton, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

Appendix A

1. SECY-79-187C, "Impact of the Safeguards Upgrade Rule on Nonpower Reactor Licensees," December 19, 1979.
2. SECY-79-187B, "Impact of the Safeguards Upgrade Rule for Nonpower Reactor Licensees," July 13, 1979.

Appendix B

1. AEC Inspection Report, 50-111-16, January 14, 1971.
2. NRC Inspection Report, 50-142/75-03 and 70-223/75-01, May 20, 1975.
3. Letter to Regents of the University of California from R. H. Engelken, May 28, 1975, transmitting NRC Inspection Report, 50-142/7502, May 20, 1975.
4. Letter to Regents of the University of California from V. N. Rizzolo, August 13, 1976, transmitting NRC Inspection 50-142/76-01, July 29-30, 1976.
5. Letter to Regents of the University of California from LeRoy R. Norderhaug, October 19, 1977, transmitting NRC Inspection Report 50-142/77-02, September 21-22, 1977.
6. Letter to Regents of the University of California from L. R. Norderhaug, December 18, 1978, transmitting NRC Inspection Report 50-142/78-03, October 30-31, 1978.
7. Letter to L. R. Norderhaug, Region V, from Ivan Catton, January 18, 1979.
8. Letter to Robert W. Reid from I. Catton, August 29, 1979.
9. Letter to University of California from LeRoy R. Norderhaug, October 19, 1979, transmitting NRC Inspection Report 50-142/79-03, September 24-25, 1979.
10. Letter to the University of California from L. R. Norderhaug, February 25, 1980, transmitting NRC Inspection Report 70-223/80-01 and 50-142/80-01, February 11-12, 1980.
11. Letter to R. H. Engelken, Region V, from Neill C. Ostrander, May 29, 1980.

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August 10, 1982

Director, Office of Administration  
United States Nuclear  
Regulatory Commission  
Washington, D. C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-82-381

Rec'd 8-19-82

Re: Freedom of Information Act Request

Gentlepersons:

Under the provisions of the Freedom of Information Act, 5 U.S.C., Section 552 et seq., we are requesting access to and copying of each of the following records:

1. All reports of safeguards/security inspections of the UCLA Nuclear Energy Laboratory, 1959 through the present;

2. All correspondence, memos, or other written communications between NRC and UCLA, from 1970 to the present, regarding:

(a) The need to reduce SNM inventories;

(b) The applicability of 10 CFR 73.60 or 73.67 to the UCLA reactor facility;

(c) The irradiation level of irradiated fuel at the facility, particularly with regards compliance with the 100 Rem per hour at three feet standard of 10 CFR 73.67 and .60;

(d) Determinations whether UCLA has a formula quantity of SNM at the UCLA reactor; and

(e) Expressions of commitment by UCLA, and requests for such commitment by NRC, and related communications as to procedures for maintaining SNM at the UCLA reactor facility below the quantity or above the radiation level threshold for 10 73.67 or .60.

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FOR

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3. SECY 79-187, as described at pages 1 and 2 of SECY 81-376 of June 12, 1981;
4. Documents referred to on page 1 of SECY 81-376 where it states: "On July 24, 1979, the Commission approved a recommendation that nonpower reactor licensees be deferred from implementing . . ." through the sentence ending: ". . . for these facilities" on top of page 2;
5. Background documents prepared regarding SECY 79-187, SECY 81-376, and the recommendations approved July 24, 1979, referred to above. (We do not need the Los Alamos study referenced in SECY 81-376.)
6. At page 2 of Enclosure C of SECY 81-376, certain information about the UCLA Argonaut Reactor is summarized. We request all documents detailing said information, particularly with regard to irradiation level of core during normal and off-normal situations.
7. All documents detailing applicability of 10CFR 73.67 and .60 to research reactors;
8. All documents indicating whether research reactors must have security plans designed to minimize potential for radiological sabotage;
9. All documents providing the factual basis for the assertions in paragraphs 5 and 7 by James R. Miller of NRR in his April 8, 1981 Affidavit in the UCLA Reactor Relicensing case, attached to Staff Motion for Summary Disposition of April 13, 1981;
10. All documents relative to site visit and review described in January 12, 1981 letter from NRC's J. Miller to UCLA's Wegst, regarding applicable regulations;
11. NRC Circular 76-03;
12. All documents providing the factual basis for the assertions made by Donald M. Carlson of NMSS in the bottom paragraph on page 4 and the first sentence of Footnote 1 of his April 7, 1981 Affidavit, attached to the Staff Motion for Summary Disposition in the UCLA Reactor Relicensing case, Motion dated April 13, 1981;

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13. Copies of studies performed for the NRC Staff regarding sabotage potential of non-power reactors, as mentioned in sentence 2 of Footnote 1 of Donald Carlson's Affidavit;

14. All documents that demonstrate that research reactors are not required to have a physical security plan that provides measures to minimize potential for radiological sabotage;

15. Documents not provided in response to the above items that deal with physical security requirements for non-power reactors;

16. Copy of the transcript of the Meeting at Region III Office mentioned in the NRC Memo of October 19, 1979 to All Non-Power Reactor Licensees. (That meeting was said to discuss the impact of the proposed upgrade rule on certain non-power reactor licensees.)

17. Letters of October 30 and December 12, 1974 from UCLA to NRC regarding reductions in SNM inventory, as referred to in letters of November 18, 1974 and January 8, 1975 by George Lear, Operating Reactors Branch, NRC, to Hicks of UCLA;

18. J. J. Koelling, "Lower Enrichment Credit," Non-power Reactor Licensee Meeting, Ann Arbor, Michigan (September 1978); plus a listing of other papers delivered at that meeting. "Special Nuclear Material Self-Protection Criteria Investigation," by J. J. Koelling and E. W. Barts, of the Los Alamos Scientific Lab, dated December 3, 1980; reference 8 by Koelling on page 40, sub-parts 5 plus thereof;

19. All written communications between NRC and UCLA as to need to transfer irradiated fuel in storage in order to comply with the Upgrade Rule to 10 CFR 73, between 1977 and the date of shipment in Summer of 1980.

We request waiver of all fees for the above-requested documents. Our client is a public interest organization of extremely limited financial resources, admitted by the NRC's

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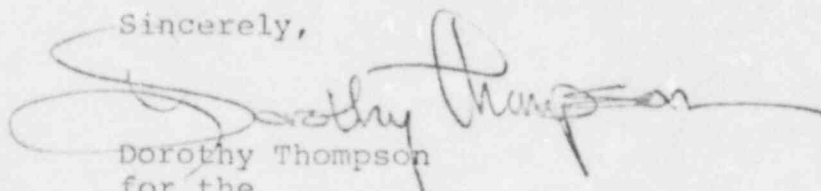
Atomic Safety and Licensing Board as an intervenor in the UCLA Reactor Relicensing Proceeding. The requested information is necessary for a full presentation of the applicable facts to the Board, so that it may make its decision on an adequate evidentiary basis. To limit our client's access to these documents by charging for them would be to reduce the Board's access to necessary facts for a proper decision. Further, the Board has directed our client to submit a Brief on the legal question of the applicability of 10 CFR 73.67 and .60 to the UCLA Reactor and of requirements for protection against sabotage. The above-requested documents are necessary for our client to fully comply with that Board directive.

If documents contain classified or proprietary information, we request that versions be released with that information excised, but that unprotected information be released intact.

Please call us prior to sending any information, so that we may ascertain what is available and what you propose to send, as well as a determination on the fee waiver. Do not hesitate to contact us if you need any assistance in clarifying any of these requests.

Your earliest attention to this request would be greatly appreciated.

Sincerely,



Dorothy Thompson  
for the  
Nuclear Law Center

DT:jp  
cc: Dan Hirsch