

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

September 28, 1984

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Daniel Hirsch
Box 1186
Ben Lomond, CA 95005OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHIn the Matter of
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
(UCLA Research Reactor)
Docket No. 50-142 DL
(Proposed Renewal of Facility License)

Dear Mr. Hirsch:

This letter responds to your letter of September 12, 1984 in which you incorrectly summarized some aspects of our September 6 telephone conversation. You called to ask Mr. Gray to clarify the Staff's position on UCLA's request to withdraw the application for license renewal and to ask that we consider the possibility of informal discussions among the parties to negotiate conditions of withdrawal of the application for renewal of the license for the UCLA reactor.

You correctly stated that Staff's only concern about the withdrawal of the license renewal application was the necessity of retaining the validity of the license to possess the UCLA reactor until it is dismantled. However, you incorrectly stated that

. . . the Staff had determined that a reactor license was not needed once the metallic components were disposed of (a reactor no longer existing at that point), and that the remaining contamination (e.g., the concrete) can continue to be decommissioned under a separate Part 40 by-product license.

My recollection of our conversation is that we were hypothetically discussing the steps necessary to dismantle and finally terminate the Part 50 license for possession of the reactor and that we agreed that if all metallic components of the reactor were removed, it probably could no longer be considered a reactor since only graphite stringers and concrete blocks would remain. However, this was only a general, academic discussion and in no way represented any Staff position. Upon inquiry of Staff, I have discovered that no such specific definition has been necessary in other termination proceedings, and the only definition available is that in 10 CFR § 50.2(b) and (k). In addition, Staff has not determined, nor did I state, that continuing decommissioning could proceed under a Part 40 license. We discussed the possibility, raised in Dr. Walter Wegst's letter of July 26, 1984, that UCLA might wish to seal the concrete biological shield in place rather than to dispose of such a

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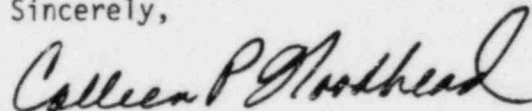
large amount of material at present. It was in reference to this option expressed by Dr. Wegst that the need for a Part 40 by-product license was mentioned during our conversation. However, since UCLA has not informed the Commission of the final decision in this regard, it could not be the Staff's position that a Part 40 license is necessary.

You asked if I had any objection to inclusion of dismantlement and fuel shipment dates in the Board's order concerning UCLA's request to withdraw the application. I stated I had no objection per se, but that only UCLA could provide those dates and that I had no knowledge of what dates might be reasonable and reliable. I stated I would be pleased to discuss this matter with you and Mr. Cormier and you stated you would arrange a conference call among the three of us, which you have not done to date. Once again, I must emphasize that only UCLA can provide the specific information necessary to accurately predict and agree upon the completion dates for dismantlement and for offsite fuel shipment. It was in this context that I stated I had no objection to negotiation of completion dates, since they would necessarily have to be proposed by UCLA.

You also incorrectly state in your letter that I agreed to contact Mr. Robert Burnett, Director of Safeguards Division, NMSS and other members of the Staff to gather information about completion dates. On the contrary, you stated that Mr. Burnett had advised you he would expedite offsite fuel shipment by the Department of Energy. You asked that I contact Mr. Burnett to inquire about this matter. I did so inquire and discovered that you were mistaken. As to other Staff, I have inquired as to their knowledge of completion dates, and have been informed they have no information about this.

Finally, I would urge you to arrange the conference call among the three parties which you proposed on September 6, to pursue the possibility of negotiating conditions of withdrawal. I encourage such discussions in the hope of arriving at conditions and the termination of this proceeding without the need for further litigation.

Sincerely,



Colleen P. Woodhead
Counsel for NRC Staff

cc: Service list