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OFFICE OF THE CHANCELLOR
LOS ANGELES, CALIFORNIA 90024

OFFICE OF REGISTRATION
DUCKETT
September 7, 1984

John H. Frye, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Emmeth A. Luebke
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Glenn O. Bright
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
(UCLA Research Reactor)
Docket No. 50-142 *OL*
(Proposed Renewal of Facility License)

Dear Administrative Judges:

Enclosed for your information are copies of a recent exchange of correspondence between CBG representative Steven Aftergood and UCLA School of Engineering Dean George Turin. Mr. Aftergood wrote requesting a meeting relating to the decommissioning of the reactor. Dean Turin wrote in response declining the invitation to meet.

Sincerely,
William H. Cormier
William H. Cormier
Representing UCLA

Enclosures

cc: Service list

8409130128 840907
PDR ADOCK 05000142
PDR

DS03

COMMITTEE TO BRIDGE THE GAP

1637 BUTLER AVENUE #203
LOS ANGELES, CALIFORNIA 90025
(213) 478-0829

August 29, 1984

Dean George Turin
School of Engineering and Applied Sciences
University of California
405 Hilgard Avenue
Los Angeles, CA 90024

Dear Dean Turin:

We request an opportunity to discuss with you, at your earliest convenience but before September 7, certain matters necessary to put the UCLA reactor controversy finally to rest and to avoid many more years of litigation, of no usefulness to either party.

The June 14 announcement by Chancellor Young on your behalf that the UCLA reactor relicensing application was being withdrawn and that the reactor would be dismantled and disposed of would, if adhered to, end five years of public controversy and litigation.

However, recent actions by other UCLA personnel raise questions as to whether the June 14 decisions by you and the Chancellor remain in force. We request in-person clarification from you as to which position pertains:

- o The June 14 requests to the NRC, and announcement to the Regents, that the renewal application be withdrawn, the proceeding terminated, and the facility dismantled, decontaminated and disposed of, or
- o Subsequent actions by UCLA counsel requesting long-term deferral of the withdrawal of the application, until decommissioning is completed, coupled with Dr. Wegst's request that decommissioning completion be indefinitely deferred, explicitly in fact retaining the option of never completing decommissioning.

Obviously, if the application is withdrawn and the facility is decommissioned, as announced by you and Chancellor Young on June 14, then the case is over. It is equally obvious that if withdrawal of the application is deferred until the completion of decommissioning, and if decommissioning completion is indefinitely deferred, with no binding commitment to even complete it at all, then the issue remains a live one. I am sure you will understand that as long as the application is not effectively withdrawn, we will insist on the evidentiary hearings and related proceedings on that application continuing.

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OFFICE OF DOCKETING & SEARCH

Equally troubling is the status of the reactor's license and weapons-grade fuel. The June 14 decision to withdraw the renewal application would automatically terminate the facility's license, which expired in 1980 and remained in force only by virtue of the renewal application you now wish to withdraw. However, Dr. Wegst has asked the NRC to perpetuate indefinitely (many, many years) the facility license. This amounts to an attempt to obtain through application withdrawal what the University could not obtain from the application itself-- long-term extension of the expired license.

Likewise with regards UCLA's binding commitment to remove the weapons-grade uranium from campus "as soon as reasonably practicable." On June 14, Mr. Cormier, in addition to requesting application withdrawal, requested that the security hearings scheduled for the following week be suspended on grounds that the decision to withdraw the application and decommission the facility mooted the controversy over security. The Board granted the request, on condition that the weapons-grade fuel, subject of the security controversy, be removed "as soon as possible, before the Olympics if possible," to which Mr. Cormier formally stipulated on behalf of the University (see Board Order of June 18). The University declined to abide by the stipulation and the Board subsequently modified the Order to remove the reference to the Olympics, but affirmed the Order to remove the fuel as soon as reasonably practicable. In a June 25 letter to Assemblyman Gray Davis (who has had, as you are aware, a significant concern about the presence of weapons-grade material on campus), Vice Chancellor Schaefer pledged that the University would "expeditiously" carry out the Board's Order regarding prompt removal of the fuel, although the off-shipment assertedly could not be done until shortly after the Olympics.

However, on July 20, Mr. Cormier told the Board that UCLA would not commit to removing the highly enriched uranium even by next year and opposed setting any date by which fuel removal must be completed.

As long as weapons-grade uranium remains on campus, with the security problems that raises, and as long as the University refuses to commit to off-shipping by any reasonable date, we will feel compelled to take legal action, and action in other forums, to get that fuel removed and to improve security in the interim. (In particular, if the fuel is to remain on campus for any significant period after the Olympics we would have to insist that the security measures that had been put in place at the insistence of Assemblymen Davis and Roos, such as barricades and guards, be kept in place as long as the fuel remains on site.)

If your June 14 decisions and actions still pertain, then we can all get on to other pursuits. If the subsequent actions by Messrs. Cormier and Wegst pertain, and withdrawal of the application is indefinitely deferred, then the proceeding and public controversy remain as before, and we all have ahead of us many more years of needless litigation and public concern.

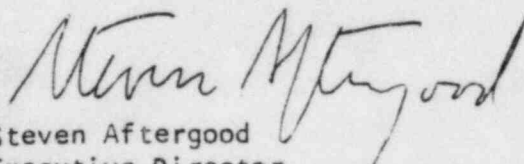
We believe continued litigation and controversy can be avoided simply by adherence to the decisions and actions you and Chancellor Young undertook on June 14 in your announcements to the Regents and the NRC, and that this can best be resolved quietly, without fanfare, in direct discussions between ourselves and you. Discussions between attorneys have proven fruitless. If the matter is left to attorneys alone, we think many more years of controversy lie ahead and no one will benefit.

It would be regrettable if this opportunity to put the matter to rest, once and for all, is lost. We look forward to hearing from you at your earliest convenience to set up an opportunity to resolve these matters. We believe it important that this meeting occur prior to September 7, when the Board has directed additional pleadings be filed as to the proposed withdrawal of the application, and the subsequent proposal to indefinitely defer withdrawal of the application. After September 7, positions may well be set in stone and resolution may require that the UCLA reactor remain a matter of controversy in the NRC, the courts, the Legislature, and the press.

Let us meet soon and attempt to resolve the matter simply. I suggest we consider asking a third party to help facilitate the discussions-- perhaps Assemblyman Davis, Regent Sheinbaum, or the Reverend Fink, Chair of the University Religious Conference.

I look forward to your early response.

Yours sincerely,



Steven Aftergood
Executive Director
Committee to Bridge the Gap

cc: Chancellor Young
Vice Chancellor Schaefer
Vice Chancellor Hubson
President Gardner
Office of General Counsel
William Cormier
Regent Wada
Regent Sheinbaum
Assemblyman Davis
Rev. H. Mike Fink

DOCKETED
USING
*84 SEP 12 AIOOFFICE OF THE DEAN
SCHOOL OF ENGINEERING AND APPLIED SCIENCE
LOS ANGELES, CALIFORNIA 90024
DOCKETED
BRANCH

September 4, 1984

1984 SEP -6 AM 11:27

Mr. Steven Aftergood
Committee to Bridge the Gap
1637 Butler Ave., #203
Los Angeles, Calif. 90025

Dear Mr. Aftergood:

I am responding to your August 29, 1984 letter requesting a meeting seeking clarification from me concerning UCLA's plans to decommission its research reactor. Apparently, you claim some inconsistency in UCLA's position based on certain statements made to the Nuclear Regulatory Commission during the course of the proceedings. However, your letter misrepresents our statements to the NRC. There is no inconsistency in the UCLA position and, consequently, I do not believe that my meeting with you would be useful.

As Chancellor Young announced in his June 14, 1984 letter to the NRC, we are withdrawing our application to renew the license of the UCLA research reactor and have initiated steps to decommission the reactor. The reactor has been rendered permanently inoperable and is being dismantled. UCLA has committed to shipping its nuclear fuel as soon as reasonably practicable consistent with applicable regulations and with its security, public health and safety obligations. For your information, UCLA has already returned its unirradiated fuel to the Department of Energy. Plans are being made to return the irradiated fuel to the DOE. Because of the complexities involved in shipping irradiated fuel, including the required approvals of several government agencies and the detailed arrangements that must be made to obtain and use a suitable shipping cask, UCLA objected to shipping its fuel by January 1, 1985, which is the date CBG sought to have the Licensing Board impose as a condition of withdrawal. UCLA is not in a position to determine when the remaining fuel can be shipped. However, I assure you we have no desire to retain the fuel longer than is necessary.

Once the fuel and the metallic components of the reactor core have been removed, the UCLA staff will conduct a detailed radiation survey to identify sources of residual radiation. The survey will be used to evaluate options related to further dismantlement of the facility. In accordance with NRC regulations and practice, the "decommissioning" will be completed at that time in the future when the NRC issues a termination order based on its determination that any residual radiation has decayed to such low levels that the facility can be returned to unrestricted use. Dr. Walter Wegst, Director of the Office of Research and Occupational Safety at UCLA, described our

Mr. Steven Aftergood

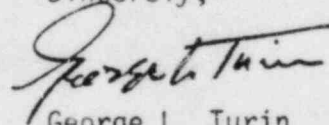
September 4, 1984

decommissioning plans in his July 26, 1984 letter to the Commission. That letter also constituted our application to terminate the UCLA reactor operating license. Nothing in Dr. Wegst's letter to the Commission suggests that UCLA is considering "never completing decommissioning." The actions that are being taken by the UCLA staff conform to the procedures prescribed by the NRC for the termination of licenses.

Your assertion that UCLA counsel requested "long-term deferral of the withdrawal of the application" also misrepresents the facts. On June 14, 1984, UCLA formally requested that the Licensing Board approve the withdrawal of the license renewal application. In responding to our request, the NRC Staff advised that the Licensing Board should conditionally grant the request for withdrawal of the license renewal application, requiring that UCLA should apply to terminate its license and comply with the termination procedures, the withdrawal becoming effective at the time the termination order issues. The NRC Staff explained that UCLA must retain a valid license until the completion of the termination process. In reply the University's attorneys indicated concurrence with the NRC Staff's analysis of the applicable requirements. On no occasion has the University requested long-term deferral of the withdrawal of the application. The University would prefer that the withdrawal be made effective immediately; however, the relevant NRC procedures provide otherwise. The fact that a license (but not an operating license) must remain in effect until a termination order is issued is a matter of little consequence.

CBG is well aware of the representations made in the University's letters and pleadings and I am surprised that you have so misconstrued our position in this matter. Be advised that Dr. Wegst is the UCLA official designated to represent UCLA to the NRC in matters pertaining to the reactor. Moreover, so long as the University is involved in proceedings before the Commission's adjudicatory boards the legal position of the University will be presented by the University's attorneys. I trust that I have provided any additional clarification of our position as may be needed. In any event, no purpose can be served by a meeting at this time. In view of our application to terminate the license, we regard all substantive issues as moot and fully expect that the licensing board will soon terminate the adjudicatory proceedings.

Sincerely,



George L. Turin
Dean

cc: President David P. Gardner
Chancellor Charles E. Young
Regent Yori Wada
Regent Stanley K. Sheinbaum
Assemblyman Gray Davis
Reverend H. Mike Fink