

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

John H Frye, III, Chairman  
Glenn O. Bright  
Emmeth A. Luebke

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In the Matter of  
THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA  
(UCLA Research Reactor)

Docket No. 50-142 0L  
(Proposed Renewal of  
Facility License)  
June 25, 1984

MEMORANDUM

On Friday, June 22, 1984, we issued a telegraphic Memorandum and Order which vacated our June 18, 1984, Memorandum and Order, suspended all further proceedings pending action on UCLA's motion to withdraw its license renewal application, directed UCLA to ship the reactor fuel currently onsite to a suitable recipient as soon as reasonably practicable consistent with its obligations as a licensee, and directed UCLA to ensure that water could not be introduced into the reactor core so long as fuel is present in the core. The purpose of this Memorandum is to explain in more detail the reasoning underlying our Friday action. The explanation begins with our Monday, June 18, Memorandum and Order.

The Monday, June 18, Memorandum and Order recited an oral stipulation which we understood to have been agreed to by UCLA, CBG, and Staff in a conference call in which the Board chairman participated on Friday, June 15. This stipulation was prompted by UCLA's request to

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withdraw its license renewal application and its motion to suspend proceedings based on that request, both filed on June 14, 1984. That stipulation may be summarized as providing for the suspension of further proceedings, the shipment of fuel offsite as soon as possible, if possible prior to the Olympic Games, and the use of all parties' best efforts to accomplish that goal.

During the week of June 18, communications from CBG and UCLA indicated that that stipulation did not exist. Late Thursday, June 21, the Board received copies of an exchange of correspondence between counsel for UCLA and CBG which indicated the difficulty. The Board had also, by that time, received inquiries from the press which indicated that the dispute between UCLA and CBG was now in the public domain.

The correspondence revealed UCLA's unwillingness to stipulate to seek to ship the reactor fuel before the Olympic Games. In his letter of June 19, responding to CBG counsel's letter of June 18, UCLA's counsel states:

"In particular, your reference to removal of fuel prior 'to the beginning of the Olympic Games' is inappropriate and unacceptable to the University. That language creates an expectation that cannot be realized. You should be aware that the period of security concern for the Olympic Games begins on July 7, 1984 and not at the time the Games 'begin', July 28, 1984."

While we are unfamiliar with the details of UCLA's security concerns for the Olympic Games, we regard the idea of handling fuel during the period of those concerns as an exceptionally poor one. During such handling, the fuel would be exposed and consequently would present a much more readily accessible target to any group bent on

terrorism. While contained in the reactor it is surrounded by a massive concrete biological shield and may only be reached by removal of certain concrete blocks weighing up to ten tons each. Further, the security provisions for storage of the fresh fuel have been approved by the Staff. (Application, Appendix III, § 5.0.) Thus we view UCLA's concern over the proposition of shipping fuel prior to the Olympic Games as a reasonable one.

Moreover, we have some question whether this subject is an appropriate one for this proceeding. UCLA is still a Commission licensee. As such, it must comply with the Commission's regulations in order to properly protect the public health and safety and the common defense and security. Security of its fuel and facility is a large part of that responsibility. We, as a licensing board, are not in a position to direct UCLA in carrying out these responsibilities on a day-to-day basis, particularly in the context of heightened security concerns during the period of the Olympic Games.

UCLA has shown no desire to retain the fuel any longer than necessary under the circumstances. Those circumstances necessarily require a consideration of the risks involved in moving fuel now as opposed to the risks involved in allowing the fuel to remain temporarily on site for later shipment. We are confident, based on prior representations, that UCLA is in contact with appropriate authorities concerned with security during the Games and has taken their views into account in making its decision.

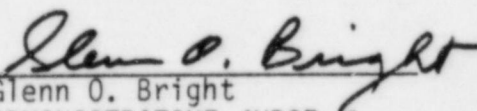
This is not to say that, presented with specific factual information, the Staff, this Board, or the Commission lack the authority to enter an Order requiring shipment of the fuel. We believe that authority exists. However, all CBG has presented to this Board are generalized concerns regarding the presence of fuel onsite during the Olympic Games. This is hardly a basis to require UCLA to take steps which in themselves might pose a greater threat to security than the status quo.

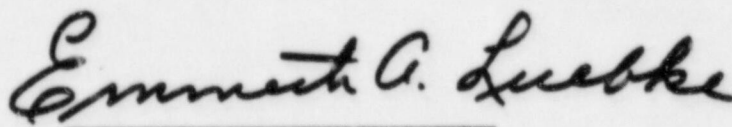
In view of all the above, when it became apparent that no stipulation existed between CBG and UCLA, we were compelled to vacate our earlier Memorandum and Order which was based on the assumption that such a stipulation existed. In so doing, we made clear that further proceedings on UCLA's license renewal application were suspended pending action on its motion to withdraw the application, and that UCLA must make the decision with respect to the timing of the shipment of the fuel offsite consistent with its obligations as a licensee. Further, we added a prudent condition that, so long as fuel remains in the reactor, it must not be possible to run the reactor. We thus directed that UCLA take steps to ensure that water cannot be introduced into the core because the reactor cannot operate in the absence of a water moderator. UCLA has informed our law clerk, and we expect it to confirm this

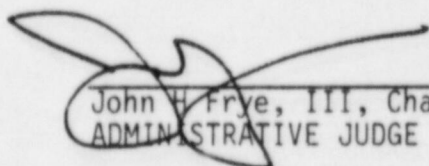


representation in writing, that it has already taken other steps to ensure that the reactor cannot be operated.

THE ATOMIC SAFETY AND  
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ADMINISTRATIVE JUDGE

  
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ADMINISTRATIVE JUDGE

Bethesda, Maryland

June 25, 1984