

ROBERT M. MYERS
City Attorney
SARAH J. SHIRLEY
Deputy City Attorney
1685 Main Street, Room 310
Santa Monica, California 90401
(213) 393-9975 ext. 321

Attorneys for
CITY OF SANTA MONICA

DOCKETED
UNRC

'82 MAY 10 AM 11:14



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 50-142
)	
THE REGENTS OF THE UNIVERSITY)	(Proposed Renewal of
OF CALIFORNIA)	License No. R-71)
)	
(UCLA Research Reactor))	
)	

NOTICE OF INTENT TO PARTICIPATE AS AN
INTERESTED MUNICIPALITY PURSUANT TO 10 CFR 2.715(c)

COMES NOW the City of Santa Monica, California, by and through its City Attorney, Robert M. Myers, acting at the direction of the City Council of the City of Santa Monica, and hereby serves notice upon the Atomic Safety and Licensing Board and all Parties herein of its intent to participate pursuant to Section 2.715(c) of the Rules and Regulations of the United States Nuclear Regulatory Commission as an Interested Municipality in the above-captioned proceedings.

DS03
s
1/1

I

NATURE OF PARTICIPATION

Participation by the City of Santa Monica (hereinafter

"City) as an Interested Municipality herein is pursuant to and authorized by 10 CFR 2.715(c), which provides as follows:

"The presiding officer will afford representatives of an interested State, county, municipality, and/or agencies thereof, a reasonable opportunity to participate and to introduce evidence, interrogate witnesses and advise the Commission without requiring the representative to take a position with respect to the issue. Such participants may also file proposed findings and exceptions pursuant to Sections 2.754 and 2.762 and petitions for review by the Commission pursuant to Section 2.786. The presiding officer may require such representative to indicate with reasonable specificity, in advance of the hearing, the subject matters on which he desires to participate."

The City intends to exercise its right to participate in these proceedings, to introduce evidence, to cross-examine witnesses, to advise the Commission and to exercise any and all other rights afforded interested governmental agencies. Furthermore, the City intends to participate in future discovery, especially insofar as same relates to the UCLA emergency and security plans. With respect to past discovery, however, the City fully understands that it "takes this proceeding as it finds it."

It should be noted that the City does not seek to participate in these proceedings pursuant to the provisions of 10 C.F.R. § 2.714, which set forth the procedure for intervening as a full party, and which mandate that petitioners for party status satisfy such requirements as timely filing of the petition for leave to intervene. No such requirement is made of those governmental agencies participating pursuant to 10 C.F.R. § 715(c).

II

BACKGROUND

On October 6, 1981, a citizen of the City of Santa Monica brought to the attention of the City Council of the City of Santa Monica the fact that the University of California had applied to the Commission for the relicensing of its nuclear reactor at nearby UCLA, and expressed his concern about possible adverse effects upon residents of the City should that license be granted. Although notice of the filing of the application had been served by the University upon the City of Los Angeles, no such notification had been provided the City of Santa Monica, which first learned of the pending application on the above-mentioned date.

After hearing testimony from numerous concerned citizens, the City Council directed City Attorney Robert M. Myers to prepare a resolution on the matter for consideration by the Council. On November 3, 1981, a second public hearing was held concerning the relicensing, and the proposed resolution was brought before the City Council for consideration. After a lengthy hearing, the Council duly adopted Resolution 6388, a copy of which is attached hereto as Exhibit "A".

The Resolution, which sets forth the concerns and interests of the City of Santa Monica and its residents with respect to the proposed relicensing, urged the Regents of the University of California to withdraw the application for relicensing of the UCLA nuclear reactor. In the event the Regents declined to withdraw their application, the Resolution directed the Santa Monica City Attorney to participate in the

proceedings pending before the Commission by entering a limited appearance on behalf of the City. By letter dated November 23, 1981, the City Attorney forwarded copies of Resolution 6388 to each and every member of the University of California Board of Regents.

Donald Reidhaar, General Counsel for the University of California Board of Regents, responded by letter dated December 29, 1981, wherein he stated that "the University does intend to pursue its relicensing application with the Nuclear Regulatory Commission." Inasmuch as copies of the Resolution had been sent to all members of the Board of Regents, the City afforded the individual members thereof a reasonable time within which to respond to the Resolution. No response has been received to date. Thus, the City must assume that the statement of Mr. Reidhaar quoted hereinabove represents the official response of the University Regents, and it is now evident that the application for relicensing will not be withdrawn by the University Regents. Accordingly, as directed by the City Council in Resolution 6388, the City Attorney notices the Commission, the Board of Regents and all parties of its intent to avail itself of its rights under 10 CFR 2.715(c) to participate in a limited fashion in these proceedings as an Interested Municipality.

III

INTEREST OF THE CITY

Resolution 6388 details the interests and concerns of the City of Santa Monica with respect to the relicensing of the

UCLA reactor. Among the concerns and interests are the following:

1. The proximity of the UCLA nuclear reactor to the City of Los Angeles - Santa Monica boundary, a distance of approximately three miles, poses a serious threat to the health and safety of the City and its citizens should any accident or natural disaster, such as fire or earthquake, occur affecting said reactor.

2. Drinking water for the City of Santa Monica is supplied by underground wells, some of which are located downstream from the UCLA reactor. All water from the wells is collected and treated approximately three miles from the reactor at the City's Arcadia Treatment Plant, 1228 South Bundy, West Los Angeles, where it is exposed to the open air while held for treatment. There exists a very real danger of contamination of the City's water supply resulting from radioactive emissions should an accident or natural disaster occur affecting said reactor.

The City respectfully submits that its interests herein, as described hereinabove and more fully in Resolution 6388, are peculiar to the City of Santa Monica and are different from those of any other party to this proceeding. Participation by the City is necessary to insure the adequate protection and representation of those interests.

IV

SUBJECT MATTER TO BE ADDRESSED

The City of Santa Monica intends to address those matters which have already been placed in controversy by Intervenor Committee to Bridge the Gap, particularly questions regarding the adequacy of the UCLA emergency and security plans. The City also reserves its right to take a position on all issues in contention at the present time, and on those which develop hereinafter in the course of these proceedings. As recognized previously, however, the City understands that, as an Interested Municipality, it takes these proceedings as it finds them, and its participation will therefore neither serve to broaden the matters at issue herein nor to delay these proceedings.

V

MISCELLANEOUS MATTERS

The City hereby requests that it immediately be placed on the service list, so that it receives copies of all orders, notifications, pleadings and documents hereafter filed by or with the Board, the Staff and/or the Applicant. By separate request, the City will ask the various parties to provide it with copies of certain documents heretofore filed, including the Application, the Safety Evaluation Report (SER), the Environmental Impact Appraisal (EIA) and the three studies performed by Staff's consultants.

VI

CONCLUSION

As fully set forth hereinabove, the City of Santa Monica submits that it has demonstrated its interest in the instant proceedings, and that is entitled to participate herein in a limited fashion as an Interested Municipality pursuant to the provisions of 10 CFR 2.715(c). The City respectfully requests that the Board accept for filing this Notice of Intent to so participate.

DATED:

Respectfully submitted,

ROBERT M. MYERS
City Attorney
SARAH J. SHIRLEY
Deputy City Attorney
1685 Main Street, Room 310
Santa Monica, California 90401
(213) 393-9975 ext. 321

By *Sarah Shirley*
SARAH J. SHIRLEY
Deputy City Attorney

Attorneys for City of
Santa Monica

RESOLUTION NUMBER 6388

(City Council Series)

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SANTA MONICA IN OPPOSITION
TO THE RELICENSING OF THE
UCLA NUCLEAR REACTOR

WHEREAS, in 1959 a nuclear reactor was built at the campus of the University of California at Los Angeles (UCLA); and

WHEREAS, UCLA has filed an application with the Nuclear Regulatory Commission to relicense the reactor to the year 2000; and

WHEREAS, the reactor was built by AMF, a company that built only two other reactors and shortly thereafter went out of the reactor business; and

WHEREAS, the reactor is located at Boelter Hall in an ordinary, non-airtight room; and

WHEREAS, the reactor was originally constructed for research and education; and

WHEREAS, the reactor is seldom used for the purpose for which it was constructed but is used primarily by private industry for uranium ore assaying and the coloring of commercial jewelry; and

WHEREAS, the reactor presents a serious threat to the

health and safety of the UCLA community and surrounding communities because the reactor is old and difficult to repair, is from time to time operated by unlicensed operators, has been found by the Nuclear Regulatory Commission to be in violation of federal law on a number of occasions, is not protected by adequate security, is not surrounded by a safety buffer zone, has no containment structure, and is releasing excessive concentrations of radioactive gas into the atmosphere on a daily basis; and

WHEREAS, the reactor, unlike many modern reactors, uses bomb-grade uranium and poses a threat to nuclear weapons proliferation should the material be diverted or stolen; and

WHEREAS, an accident at the reactor could pose a significant hazard to residents of the City of Santa Monica by sending radioactive plume throughout the area or by contaminating groundwater supplies; and

WHEREAS, a large number of residents of the City of Santa Monica work or study at UCLA and risk being exposed to the excessive concentrations of radioactive gas; and

WHEREAS, the Nuclear Regulatory Commission has indicated that the reactor fails to meet federal guidelines in 37 different ways by failing to provide an emergency plan should there be difficulties with the reactor; and

WHEREAS, the costs of operating the reactor and the benefits gained from its operation do not outweigh the risks from the continued operation of the reactor; and

WHEREAS, no public purpose is served by the taxpayers of the State of California paying for the operation of a reactor that is used primarily by private commercial businesses; and

WHEREAS, the operation of the reactor is costly at a time when concerns about fiscal prudence by public institutions is a major concern of citizens; and

WHEREAS, the Regents of the University of California should not spend taxpayer dollars and should not risk the health and safety of students and surrounding communities by seeking the relicensing of the reactor,

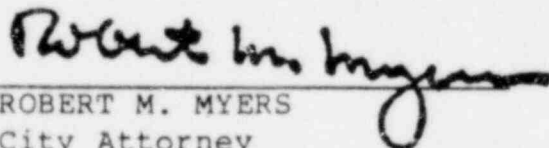
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Santa Monica urges the Regents of the University of California to withdraw the application for relicensing of the UCLA reactor currently pending before the Nuclear Regulatory Commission.

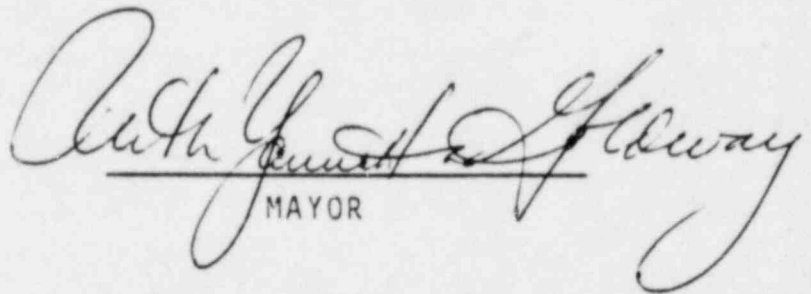
SECTION 2. In the event the Regents of the University of California decline to withdraw the application, the City Attorney is directed to participate in the proceedings currently pending before the Nuclear Regulatory Commission by entering a limited appearance on behalf of the City of Santa Monica in opposition to the relicensing of the reactor. In addition, the City Attorney is directed to file in those proceedings such other papers, including an amicus curiae brief, that he deems appropriate.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:


ROBERT M. MYERS
City Attorney

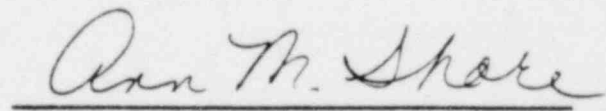
ADOPTED AND APPROVED THIS 3rd DAY
OF November, 1981.


MAYOR

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION
NO. 6388 WAS DULY ADOPTED BY THE CITY COUNCIL OF THE
CITY OF SANTA MONICA AT A REGULAR MEETING THEREOF HELD ON
November 3, 1981 BY THE FOLLOWING COUNCIL VOTE:

AYES:	COUNCILMEMBERS:	Conn, Edwards, Press, Zane Mayor Yannatta Goldway
NOES:	COUNCILMEMBERS:	Jennings
ABSENT:	COUNCILMEMBERS:	Reed
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:


CITY CLERK

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

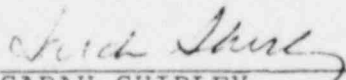
DECLARATION OF SERVICE

I hereby declare that copies of the attached:

NOTICE OF INTENT TO PARTICIPATE AS AN INTERESTED

MUNICIPALITY PURSUANT TO 10 CFR 2.715(c)

in the above-captioned proceeding have been served upon
the service list attached hereto as Exhibit A by deposit in
the United States mail, first class, postage prepaid,
addressed as indicated, on this the 6th day of May, 1982.



SARAH SHIRLEY
Deputy City Attorney

EXHIBIT "A"
SERVICE LIST

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

Dr. Oscar H. Paris
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Ms. Colleen Woodhead

Christine Helwick
Glenn R. Woods
Office of General Counsel
590 University Hall
2200 University Avenue
Berkeley, CA 94720

COMMITTEE TO BRIDGE THE GAP
1637 Butler Avenue #203
Los Angeles, CA 90025

Nuclear Law Center
c/o Dorothy Thompson
6300 Wilshire #1200
Los Angeles, CA 90048

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

Chief, Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

William H. Cormier
Office of Administrative Vice
Chancellor
University of California
405 Hilgard Avenue
Los Angeles, California 90024

Mr. John Bay
3755 Divisadero #203
San Francisco, CA 94123

Daniel Hirsch
Box 1186
Ben Lomond, CA 95005