

ATTACHMENT D

NUCLEAR LAW CENTER
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9/3/81

Attorneys for Intervenor
COMMITTEE TO BRIDGE THE GAP

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

In the Matter of

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

(UCLA Research Reactor)

Docket No. 50-142

(Proposed Renewal of Facility
License No. R-71)

INTERVENOR'S FORMAL REQUEST, AS PER
10 CFR 2.741(a)(2), TO BE PERMITTED
ENTRY UPON APPLICANT'S PROPERTY FOR
PURPOSES OF INSPECTION, MEASURING,
PHOTOGRAPHING, AND TESTING

PROFOUNDING PARTY: COMMITTEE TO BRIDGE THE GAP

RESPONDING PARTY: REGENTS OF THE UNIVERSITY OF CALIFORNIA

Intervenor, the Committee to Bridge the Gap, hereby formally requests that Applicant, the Regents of the University of California, permit representatives of and investigators for Intervenor to enter upon certain land and other property, designated herein, for the purpose of inspection and measuring, photographing, and testing the property and certain designated objects and operations thereon, pursuant to 10 CFR 2.741(a)(2).

The property, objects, and processes to be inspected relate to the following matters in controversy: Contentions I.3.c.(v), VI, VII, X.2.a,b,c,g, XII.1,2,3,4, XV.1,2,3, XVI, and XIX. These contentions go generally to the adequacy of Applicant's safety features and site characteristics in limiting release of and exposure to radioactivity in unrestricted areas, both during normal operation and in case of accident. Intervenor therefore requests opportunity to inspect, measure, photograph and otherwise observe the physical and mechanical features which would affect spread

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of radioactive releases.

In order to provide reasonable estimates of dispersion factors, air volume determinations must be made; to determine possible pathways of release to public areas, physical layout must be examined, as well as size of all openings between rooms (such as openings beneath doors, airvents that may not completely close, and other escape paths for contaminated air). To determine effect of heating, ventilation, and airconditioning systems upon dispersion patterns requires an examination of such systems, their capacity, ducting, means of shutdown, interaction, and mechanical characteristics. Estimates of doses from liquid effluents requires inspection of pathways of release of such effluents. Effects of piping (incoming and outgoing water, natural gas and compressed air) must be factored in to estimate dispersion rate-driving force.

Intervenor hereby requests permission for the purposes above to inspect the following property:

1. The Math Sciences Building and Boelter Hall, including but not limited to all rooms and other areas, including crawl spaces, containing or housing objects and equipment listed below.
2. The Nuclear Energy Laboratory, including but not limited to rooms 1000, 1000A, 1000B, 1003, 1004, 1005, 1567, 1561, 1549, 1541, 1540, the area between 1561 and 1549, and rooms 2000A, 2000B, 2000, 2001, 2567B, 2567A, 2567, 2567C, and 2549, and the room between 2000B and 2001, the area between 2567C and 2549, plus all hallways, corridors, stairwells, and doorways leading thereto and therefrom, and the inside and outside of the NEL perimeter.¹
3. The third floor "void area" and machine room, including but not limited to the airconditioning system, water demineralizer, any any possible openings between reactor room and 3rd floor area.
4. the 8th floor stack area, including air conditioning system, exhaust stack, exhaust fan.
5. the exhaust stack in its entire length, where accessible, including but not limited to the "dog house".

Intervenor hereby requests permission to inspect the following objects, equipment and processes in the areas listed above:

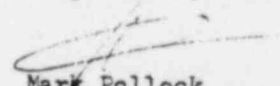
1. The heating, ventilation, and airconditioning systems, and the components thereto, including, but not limited to, air ducts, ventilation intakes and exhausts, fan systems, cooling and heating apparatuses, control mechanisms, dampers, emergency ventilation response mechanisms tied to air systems, and all openings whereby contaminated effluents may escape.
2. All potential effluent pathways from the reactor room to unrestricted areas, including, but not limited to, all airvents, leak spaces under doors, and other openings
3. All potential effluent pathways from NEL areas into which effluents from the reactor could leak and through which they could be released to public areas.
4. All air filtration systems, and control mechanisms for confinement of effluent.
5. Piping; also Argon dilution airflow system.

Intervenor hereby requests that such inspection, measuring, testing, and photographing be conducted under the following conditions:

1. The reactor not be operating.
2. The ventilation systems be operating.
3. The inspection begin with areas within NEL, followed by the perimeter areas immediately surrounding NEL, ending with the rest of Math Sciences and Boelter Halls.
4. That Intervenor's investigators be provided access to, and permitted to refer to, the building drawings previously offered by Applicant, in order to compare the drawings with what they observe visually.
5. That the members of Applicant's staff provided to provide access to the locked areas be familiar with the ventilation/airflow systems so as to be able to locate those areas and objects requested for inspection.
6. That Intervenor's investigators be permitted to test potential airspaces between NEL and unrestricted areas (e.g. opening between 3rd floor fenced lunch area and the Boelter wall) by dropping a small object on a string through such space, measuring distance traveled and listening for audible sign of where object is stopped, then removing object by withdrawing string.

Intervenor suggests as date of said inspection October 5, 6, or 7, 1981, from 2:00 to 5:00 p.m., and that it be provided a minimum of 3 days prior notice as to date of inspection, preferably by phone. Should Applicant object to any part of this inspection request, please state each objection separately and specifically and provide inspection as to the unobjected parts. Intervenor stands willing to meet and confer as to any part of this request which may be unclear or any objection which may be resolved absent the necessity of requesting Board action.

Respectfully submitted,


Mark Pollock
Attorney for Intervenor
COMMITTEE TO BRIDGE THE GAP

Dated: September 3, 1981

COMMITTEE TO BRIDGE THE GAP

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

ATTACHMENT E

March 12, 1982

Ms. Christine Helwick
Office of the General Counsel
590 University Hall
2200 University Avenue
Berkeley, California 94720

In the Matter of
The Regents of the University of California
(UCLA Research Reactor)
Docket No. 50-142
(Proposed Renewal of Facility License)

RE: STIPULATION AS TO RELEASE OF PHOTOGRAPHS

Dear Ms. Helwick:

Enclosed please find a copy of the Interim Stipulation As To Release of Photographs as discussed in our last discovery conference. We have reviewed the draft stipulation you drew up and have made some minor language modifications to bring the temporary stipulations into closer agreement with our understanding of the tentative agreements reached at the discovery conference.

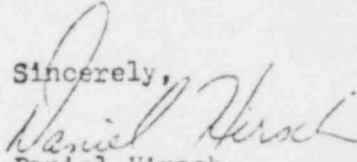
Please sign where indicated and return to me. We will then sign and arrange to have it filed in this proceeding, expediting the release of the negatives.

We would also appreciate you indicating when (or whether) you intend to move the ASLB for protective orders as to the two sets of photographs (those you have indicated complete objection to and those you have indicated conditional objections to release thereof).

Please note that our records indicate the total number of photographs in question are 217; those subject to the enclosed temporary stipulation are 196.

Please feel free contact me at the above phone number if you have any questions.

Sincerely,


Daniel Hirsch
President

Enc.

cc: service list

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

(UCLA Research Reactor)

Docket No. 50-142
(Proposed Renewal
of Facility License
Number R-71)

INTERIM STIPULATION AS TO RELEASE OF PHOTOGRAPHS

On November 17, 1981, during a testing and inspection tour of the UCLA Nuclear Energy Laboratory (NEL) facility by the Committee to Bridge the Gap (CBG), the University permitted CBG representatives to take approximately 217 photographs of the laboratory facility and its equipment only on conditions that the University would take custody of the undeveloped film at the conclusion of the inspection and that the matter of release of any or all of the undeveloped photographs would be subject to further agreement of the parties. CBG has at all pertinent times preserved its objections to these conditions. Upon conclusion of the tour, CBG delivered to the University all film exposed during the tour. Applicant subsequently developed the film, preserving the negatives in the order in which the photographs were taken.

On February 9, 1982, Applicant and CBG met and conferred as to the disposition of the photographs. Agreement could not be reached as to the nature of conditions, if any, to be imposed upon release or use of said photographs. Motions to the Board to resolve the dispute are therefore necessary.

Applicant and CBG have, however, been able to agree as to interim conditions which will apply to the release of said photographs until the Board rules on Applicant's objections to production and Intervenor's counter motions. Applicant and CBG have agreed to stipulate as follows:

1. The University agrees to release to CBG the color negatives for all but twenty-one (21) of the 217 photographs taken by CBG on November 17, 1981. The University objects to release and further identification of the twenty-one (21) photographs based on claims of security and relevancy grounds and those twenty-one (21) photographs are in no way part of the subject matter of this stipulation.

2. CBG agrees that the negatives of the 196 photographs which the University agrees to release and any prints made from those negatives, or any duplicates, reproductions, or copies of the prints or negatives (hereinafter the "photographs") will be used only by CBG, its officers, attorneys, and technical consultants, in the preparation of evidence for the hearing in the above-captioned proceeding, or in any motions or pleadings incident thereto, and that CBG will exercise control over each and every one of the photographs sufficient to insure that the

photographs are not viewed, examined, copied in any way, possessed nor otherwise used by any governmental agency other than the NRC, any representatives of any of the various news media, or any other persons not a party to the proceedings. CBG acknowledges that CBG's sole purpose in acquiring the photographs is to be able to fully present its case as an intervenor in the above-captioned proceeding.

3. CBG agrees to return to the University each and every such photograph (which includes all negatives, prints, duplicates and reproductions) in its possession or control within seven (7) days after a final determination of this matter.

4. CBG agrees that in the event that it uses any or all of the photographs in support of any of its written pleadings or testimony in this proceeding, none of the photographs to be used will be submitted as part of such written pleadings or testimony but instead all such photographs will be submitted in the separately captioned document denominated "Photographic Exhibits Submitted in Support of . . . (title of pleading)," or some equivalent description, which document will be referred to as the exhibits document." Each "exhibits document" will be served only on the parties to the proceeding and the ASLB; as to all other persons or entities, CBG agrees to exercise the control over the photographs contained in each such "exhibits document" required by paragraph 2 above until the University has had ten (10) days to determine whether to apply to exclude those photographs from public disclosure. The ten (10) day waiting period shall also apply to service of any "exhibits document" on the Chief of the Docketing and Service Section of the NRC. In the event the University

does make application to exclude from public disclosure photographs contained in an "exhibits document" within the ten (10) day period, CBG will continue to exercise the control required by paragraph 2 above until such application is finally determined by the ASLB and CBG agrees to exercise the same control thereafter consistent with the determination of the ASLB.

5. Applicant agrees that in executing this interim stipulation CBG has not waived any rights it may have to apply to the ASLB, the NRC, or a court of competent jurisdiction, to have said photographs released to CBG without any or all of the conditions contained herein. Applicant further agrees that in executing this stipulation, CBG has not waived any rights it may have to public disclosure in the event the University seeks an exemption or order which would prevent public disclosure of any or all of the photographs. CBG and the University agree to abide by each lawful term of this stipulation unless and until the ASLB or other jurisdictional body modifies or rescinds the term, in which case CBG and the University will continue to abide by all remaining terms and will abide by the modified or rescinded term as modified or rescinded.

6. Applicant and CBG agree that the conditions in this stipulation are temporary conditions, in effect until the Atomic Safety and Licensing Board has ruled on Applicant's objections to unconditional release of the photographs, and CBG's response to said objections.

7. Applicant agrees to move the ASLB, within twenty (20) days of both parties signing this stipulation, for a protective order making permanent the conditions in this interim stipulation. CBG agrees to respond to Applicant's Motion for a Protective Order within twenty (20) days of service of said Motion. Both parties agree to abide by the conditions of this stipulation until the Board rules on said motions and responses.

8. Applicant agrees to release to CBG, within five (5) days of execution of this stipulation and subject to the conditions herein, the photographs in question.

9. Both CBG and the University understand that in the event that any term of this stipulation is breached by one of the parties, application may be made by the other party to the ASLB for appropriate orders or sanctions.

ACKNOWLEDGED AND ACCEPTED:

COMMITTEE TO BRIDGE THE GAP

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

Daniel Hirsch, President

Date

Christine Helwick, Counsel
for Applicant

Date

Dorothy Thompson, Attorney

Date

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

(UCLA Research Reactor)

Docket No. 50-142

(Proposed Renewal of
Facility License)

DECLARATION OF SERVICE

I hereby declare that copies of the attached: INTERVENOR'S RESPONSE TO
APPLICANT'S MOTION FOR A PROTECTIVE ORDER; AND INTERVENOR'S MOTION TO
COMPEL

in the above-captioned proceeding have been served on the following by
deposit in the United States mail, first class, postage prepaid, addressed
as indicated, on this date: April 8, 1982.

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

Dr. Emmeth A. Luebke
Administrative Judge
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

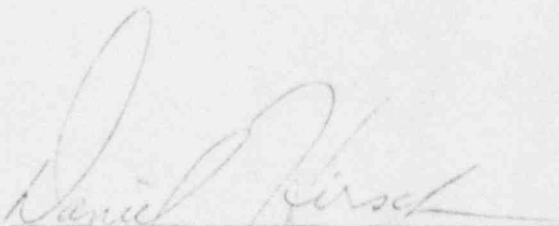
Chief, Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

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

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


Daniel Hirsch
President
COMMITTEE TO BRIDGE THE GAP