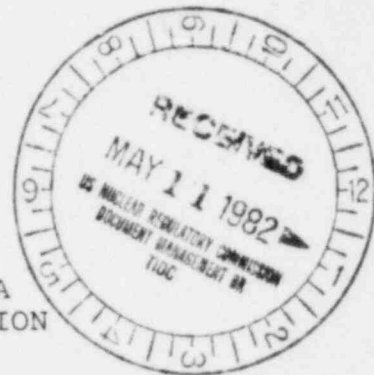


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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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)  
May 3, 1982

MEMORANDUM CONCERNING ADDITIONAL DISCOVERY MATTERS

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Attorneys for Applicant

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA

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1           In its memorandum and order of April 16, 1982, the  
2 Board requested that the parties advise the Board of any  
3 additional discovery matters not mentioned in the Board's  
4 memorandum. In response, THE REGENTS OF THE UNIVERSITY OF  
5 CALIFORNIA (University) advises the Board and Parties as follows.

6  
7 A. Additional Matter Related to Contention XX

8           The position of the University with respect to  
9 Contention XX has been that no factual basis exists for CBG's  
10 security contention and the contention should be dismissed  
11 summarily without the need to pursue discovery of security  
12 information. University previously objected to responding to  
13 any questions relating to security matters. In addition, in its  
14 interrogatories University declined to submit any questions to  
15 CBG relating to the allegations contained in CBG's security  
16 contention.

17  
18           The Board has indicated that it intends to authorize  
19 discovery of security information provided that CBG complies with  
20 the requirements for the discovery of security information  
21 established in the Diablo Canyon proceeding. Accordingly,  
22 University requests that the Board set a date for University to  
23 submit its interrogatories related solely to CBG's security  
24 contention.

25  
26 B. Additional Matter Related to Supplementation of CBG Responses

27           1. University submits that CBG has not fulfilled its  
28 obligations with respect to University's previously submitted

1 discovery requests. CBG has not supplemented any of its responses  
2 to University's interrogatories although certain of its responses  
3 suggested that supplementation would be forthcoming. University  
4 requests that the Board direct CBG to supplement its responses at  
5 this time or state that it has no supplementary information  
6 relevant to University's interrogatories. Specific items are  
7 discussed below.

8  
9           2. University has served two sets of interrogatories  
10 on CBG in documents dated April 20th and September 22nd, 1981.  
11 Certain of these questions sought clarifications of various CBG  
12 contentions. The remaining questions sought to identify the  
13 factual and documentary bases supporting its allegations. Most of  
14 University's second set of questions were mere restatements of  
15 several of its first set of questions accompanied with an instruc-  
16 tion requesting that CBG update its earlier responses with after-  
17 acquired information. CBG responded to University's interrogatories  
18 in documents dated May 20th and November 9th, 1981, but has  
19 provided no supplementation of its responses.

20  
21           3. In numerous instances CBG's responses have been  
22 unsatisfactory in failing to identify the factual and documentary  
23 support for its contentions. In general, in the two years that  
24 have passed since CBG first presented its claims, CBG has not  
25 identified one study, report, analysis, survey, calculation or  
26 statement of opinion by any qualified expert or consultant.  
27 University recognizes that CBG need not proceed with its case on  
28 the basis of affirmative evidence. However, CBG has made several

1 statements that it does intend to present such affirmative  
2 evidence and that it has engaged a number of "experts" for this  
3 purpose. As an example, on page 13 of its November 9th responses  
4 CBG states:

5 "What Intervenor is in the process of attempting to  
6 do -- and it should be reiterated that it remains  
7 Intervenor's position that it is Applicant's burden  
8 to conduct such a thorough analysis, not Intervenor's --  
9 is to determine a number of credible serious accident  
10 scenarios for this facility, and attempt to determine  
11 the range of fission produce (sic) release possible,  
12 from there consequential doses to the public in  
13 unrestricted areas.

14 \* \* \*

15 ". . . Intervenor . . . does not intend to focus on  
16 only one major accident, because its current analysis  
17 indicates roughly a dozen accident or hazard scenarios,  
18 each of which would produce unacceptable consequences  
19 and each of which is credible."

20 University is entitled to be informed at this time concerning the  
21 contents of any such analyses that have been conducted and the  
22 identity and qualifications of the individuals responsible for  
23 the analysis.

24 4. As another example, on page 14 of the November 9th  
25 responses, CBG states:

26 "Intervenor suspects it will call Dr. Plotkin as a  
27 witness in the UCLA proceeding, but has made no  
28 determination as to which contention(s) nor made a  
29 firm decision on the matter. For his part, Dr. Plotkin  
30 has indicated tentative agreement to testify, pending  
31 determination of date of hearing and certain other un-  
32 certainties not yet resolved. When a firm decision is  
33 made, this answer will be supplemented as per 10 CFR  
34 2.740 (e) (1)."

35 Evidently, CBG has not been entirely candid in its  
36 response. Dr. Plotkin gave sworn testimony on September 21, 1981,

1 in the San Onofre proceeding that he had done a study at UCLA that:

2 ". . . calculated the effects of an earthquake on UCLA's  
3 nuclear reactor and the crumbling of the building, what  
4 kind of an earthquake is required to cause the UCLA's  
5 Boelter Hall, the section above the reactor, to fail,  
6 and then what effect that would have on the reactor  
7 itself and then, of course, the surrounding community."  
8 (See excerpts noted on transcript pages, Attachment "A"  
9 hereof.)

10 Dr. Plotkin also testified that Mr. Hirsch had seen the study.

11 The "conclusions" of that study were apparently tentative, but  
12 nine months have passed since that testimony was given.

13 Dr. Plotkin was under oath so University assumes his statements  
14 were truthful; yet, in its November 9th responses, and to date,  
15 CBG has never indicated that any such study had been performed  
16 or was in progress. Moreover, University notes that Dr. Plotkin  
17 has accompanied Mr. Hirsch on each tour and inspection of the  
18 UCLA facility which University has provided and certainly appears  
19 to be involved in the presentation of CBG's case. In question  
20 number 27 of University's follow-up interrogatories dated  
21 September 22, 1981, University requested the identification of  
22 all experts and consultants, including the substance of the  
23 testimony to be offered. University is entitled to know the  
24 substance of any earthquake analysis conducted by Dr. Plotkin.

25 5. In requesting that CBG be directed to supplement  
26 its previously submitted responses, University is only asking that  
27 CBG be open and candid about the documentary support it intends  
28 to submit of its case. If CBG intends to introduce technical  
studies or evaluation relevant to any of the issues contested in  
this proceeding it ought to be required to submit that information

1 at this time for the consideration of the other parties. In the  
2 event that CBG seeks to introduce such information for the first  
3 time in response to motions for summary disposition or at any  
4 hearing, the parties will be forced to request additional time  
5 to consider and reply to the new information, thereby delaying  
6 the proceedings unnecessarily.

7  
8 University respectfully requests that the Board direct  
9 CBG to supplement its responses at this time by identifying any  
10 studies or analyses of experts or consultants it intends to use  
11 in the proceedings, or otherwise state that it does not intend to  
12 offer any such studies or analyses.

13  
14 Dated: May 3, 1982.

15  
16 DONALD L. REIDHAAR  
17 GLENN R. WOODS  
18 CHRISTINE HELWICK

19 By W H Cormier  
20 William H. Cormier  
21 UCLA Representative

22 THE REGENTS OF THE UNIVERSITY  
23 OF CALIFORNIA  
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28

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
3

4 -----X  
5 In the Matter of: :  
6 SOUTHERN CALIFORNIA EDISON COMPANY, et al. : Docket Nos.  
7 (San Onofre Nuclear Generating Station, : 50-361 OL  
8 Units 2 and 3) : 50-362 OL  
9 -----X

10 Orange County Ballroom 2  
11 Marriott Hotel  
12 700 W. Convention Way  
13 Anaheim, California

14 Monday,  
15 September 21, 1981

16 Evidentiary hearing in the above-entitled  
17 matter was resumed, pursuant to adjournment, at 9:08 a.m.

18 BEFORE:

19 JAMES L. KELLEY, Chairman  
20 Atomic Safety and Licensing Board

21 DR. CADET H. HAND, JR., Member

22 MRS. ELIZABETH B. JOHNSON, Member  
23  
24  
25

C O N T E N T SWITNESSESDIRECTCROSSREDIRECTRECROSSVOIR  
DIRESheldon Plotkin

By Ms. Gallagher

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By Mr. Pigott

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9475, 948

By Mr. Hoefling

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Irving Lyon

By Ms. Gallagher

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EXHIBITSIntervenor'sIDENTIFIEDIN EVIDENCE

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2 1 A Not precisely. But it is of the order of several  
2 miles.

3 Q Several miles from Pacoima Dam?

4 A No. I think the section of freeway that -- I  
5 think these high accelerations almost had to be near the  
6 center of the earthquake. I didn't relate things in that  
7 way. I'm just trying to -- I checked enough and have done  
8 enough earthquake work to know that what we did was reasonable.

9 Q What earthquake work have you done?

10 A Calculated the effects of an earthquake on UCLA's  
11 nuclear reactor and the crumbling of the building, what kind  
12 of an earthquake is required to cause the UCLA's Boelter Hall,  
13 the section above the reactor, to fail, and then what effect  
14 that would have on the reactor itself and then, of course,  
15 the surrounding community.

16 Q Anything other than that particular study?

17 A There may have been other work in the past.  
18 That's all I remember at the moment.

19 Q What was it that was damaged in the San Fernando  
20 earthquake that you make reference to?

21 A The freeway was destroyed at one section.

22 Q The flat freeway or was it an overpass or what?  
23 Do you know?

24 A A little of both, as I recall. Well, that's  
25 not the only thing, come to think of it. There's the

Q You mentioned you have done a study at UCLA with respect to effects of earthquake. Who did that study?

A I did.

Q What was the purpose of the study?

A It is going to be used eventually -- be refined considerably between what it is now and the NRC hearings on the relicensing of UCLA's nuclear reactor.

Q What is the point of the study?

A The point of the study is to show the reactor is very vulnerable to earthquake damage.

Q And what are the findings of your study to date?

A They haven't been concluded, but in general it shows that the radioactive material inside the reactor is going to be released to the surrounding population.

Q Has anybody reviewed that study?

A Not yet.

Q Has it been published? It has not been published?

A No, sir.

Q Has it been released to anybody?

A No, sir.

Q Has anybody seen it other than you?

A Yes.

Q Who?

A A few people. Mr. Dan Hirsch, Mr. Tom Emnias.

Q Are these people in your L.A. Federation of

k2  
1 Scientists?

2 A Yes, sir.

3 Q Other than that study, have you done any study  
4 in the area of earthquake damages?

5 A Not that I can recall at the moment.

6 Q I believe you mentioned spontaneous evacuation  
7 as a factor to be considered. How did you consider that in  
8 coming to your conclusions?

9 A I added that -- I took the number of people to  
10 be evacuated -- this 89,350, of which -- some of which are  
11 from Dana Point. But Dana Point is not going to be evacuated  
12 on I-5, according to the plan that we thought was best.  
13 People from Dana Point would be evacuated up Pacific Coast  
14 Highway. But on the other hand there will be people that  
15 will be voluntarily evacuating that will go out on I-5, and  
16 we thought that a reasonable -- just reasonable engineering  
17 judgment would be that those numbers would be about the same,  
18 so that in our 28 hours and 14 hours, we considered a popula-  
19 tion evacuation -- a number of people being evacuated as  
20 being 9,350. Now, if that number is a little more or a little  
21 less than -- that will change the time proportionately. It  
22 is a linear relationship

23 Q I guess I wasn't clear. In one of these exhibits,  
24 the one -- your exhibit number 5, page seven, which, if you  
25 recall, was put into testimony for the limited purpose of

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

4 In the Matter of )

5 THE REGENTS OF THE UNIVERSITY )  
6 OF CALIFORNIA )

7 (UCLA Research Reactor) )

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

8 CERTIFICATE OF SERVICE

9 I hereby certify that copies of the attached:  
10 MEMORANDUM CONCERNING ADDITIONAL DISCOVERY MATTERS

11 in the above-captioned proceeding have been served on the  
12 following by deposit in the United States mail, first class,  
13 postage prepaid, addressed as indicated, on this date: May 3,  
1982.

14 John H. Frie, III, Chairman  
15 Administrative Judge  
16 ATOMIC SAFETY AND LICENSING BOARD  
17 U.S. Nuclear Regulatory Commission  
18 Washington, D.C. 20555

17 Dr. Emmeth A. Luebke  
18 Administrative Judge  
19 ATOMIC SAFETY AND LICENSING BOARD  
20 U.S. Nuclear Regulatory Commission  
21 Washington, D.C. 20555

20 Dr. Oscar H. Paris  
21 Administrative Judge  
22 ATOMIC SAFETY AND LICENSING BOARD  
23 U.S. Nuclear Regulatory Commission  
24 Washington, D.C. 20555

23 Counsel for the NRC Staff  
24 OFFICE OF THE EXECUTIVE LEGAL DIRECTOR  
25 U.S. Nuclear Regulatory Commission  
26 Washington, D.C. 20555

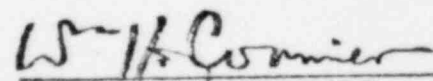
26 Chief, Docketing and Service Section  
27 OFFICE OF THE SECRETARY  
28 U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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WILLIAM H. CORMIER  
UCLA Representative

THE REGENTS OF THE UNIVERSITY