

# COMMITTEE TO BRIDGE THE GAP

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DOCKETED  
USNRC

November 29, 1983

'83 DEC -2 A11:06

William H. Cormier, Esq.  
Office of the Administrative  
Vice Chancellor  
University of California  
Los Angeles, CA 90024

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

re: UCLA nuclear reactor, docket no. 50-142

Dear Mr. Cormier,

On November 18, CBG wrote to you requesting that you make available certain drawings and other visuals related to the UCLA reactor, as well as the complete calculation summarized in Mr. Ostrander's recently submitted testimony on neutron behavior. The visual material was intended to follow up on the Board's request of April 25 for such material, a request CBG feels was incompletely complied with. The Ostrander calculation, as opposed to its summary, related to CBG's letter of October 25, which made clear that any calculations on which you intended to rely should be included in full.

CBG's November 18 letter included as enclosures five documents requested by UCLA in a prior conference call, and responded as well to UCLA's inquiry about the BORAX video tape. CBG indicated its recollection that UCLA had reversed itself regarding the need for a copy because a transcript had been made, at UCLA's urging. But CBG indicated that if UCLA now wished a copy it should indicate so quickly because it would take some time to send the tape out for copying. CBG offered, in the meantime, to make available for UCLA's viewing CBG's copy.

(Several days later CBG learned that you had written to Mr. Bay on these matters. Since you once again failed to serve the full service list-- a matter we have repeatedly complained about-- the CBG office in Los Angeles never received a copy of your letter. However, the matter had already been addressed.)

CBG's November 18 letter and enclosures were hand-delivered to your office that day. Receipt of service by your office is enclosed.

On November 21, in a conference call with the Board and parties, you denied you had received our letter, but indicated you would respond as soon as you did receive it.

However, you did not respond. The letter had requested that at least the Ostrander calculation be provided prior to the Thanksgiving holiday. Not having heard from you, CBG left a message with

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your office that we would pick up the calculation at the NEL office at 1:30 P.M. on November 28, after the Thanksgiving recess.

The day we were to pick up the calculation, however, we received a phone message from you refusing to provide the aforementioned material. You indicated you had written to us to that effect, a letter which we were to receive, you said, by today. No such letter has arrived.

In addition, you have failed to return our phone calls to discuss this matter.

We can only conclude that you have decided to continue your philosophy of "litigation by delay."

The Board, in its April 25 letter to you, wrote:

"The Board has determined that the information it has received on the physical description of the Argonaut reactor at UCLA is inadequate for consideration of the inherent safety of the system. The Board therefore requests the Applicant and Staff, to the extent that it has available such material, to submit further material, principally graphics, to aid the Board in understanding the spatial relationship of the various systems which will be under consideration. Of particular importance are graphics of the cooling system, the core structure, the the shutdown system and any other graphics which will show their physical relationship."

The materials were to be provided by June 1. You essentially ignored the Board's request, providing almost none of the requested material. The Staff, in its response, provided drawings from the University of Florida.

We noted in our November 18 letter that you have in your possession far more detailed and accurate graphic material than has been provided to date; particularly the "89" series of technical drawings, and photographs, in addition to those identified at the July hearing.

You should have provided that material to the Board and parties months ago. Now you continue to refuse to provide those materials. One can only conclude that the Applicant is intentionally withholding information vital to the Board's determination of the matters at issue.

Likewise with the Ostrander calculation. That calculation should have been provided in June. You withheld it, then tried to sneak the conclusions in on voir dire and redirect, now again in "rebuttal," while withholding the calculation itself from scrutiny. One can only conclude that you fear their scrutiny.

Your phone message yesterday refusing to provide the materials said something to the effect that you would not provide them until the BORAX tape matter was "resolved." That matter has been resolved, ever since you received our response ten days ago, saying that we

would make available for your viewing the videotape and that if you wanted a copy you should let us know quickly so that arrangements for its being sent out for copying could be made. Ten days have passed with no response from you, and now you refuse to provide material totally unrelated to the videotape, until the tape issue is "resolved."

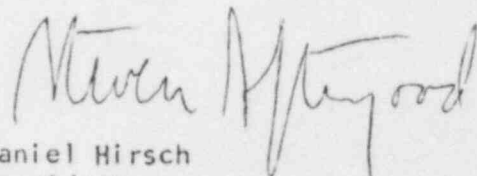
You have managed to drag this proceeding out three years with these kinds of harrassing delays. There comes a point where such behavior can no longer be either tolerated nor rewarded, as it is when your facility continues to operate as long as your dilatory tactics succeed.

Mr. Aftergood will be at the NEL on Thursday December 1 at 1:00 P.M. to pick up the Ostrander calculation. He will be at NEL the following Wednesday, December 7, at 1:00 P.M. to review all drawings, photographs, and other visuals related to the Board's April 25 request, and to indicate those of which we will want copies.

Furthermore, the xeroxed micrographs included in the back of your "rebuttal" testimony on CBG's fission product release model are illegible and worthless. Clear glossies of these micrographs shall be provided to CBG by December 7.

If you choose to continue to withhold these materials, let us know immediately and we will arrange for an immediate conference call with the Board to resolve this and related issues. Otherwise we will expect the materials to be provided on the dates identified above.

Sincerely,

  
for Daniel Hirsch  
President  
CBG

encl: receipt of service by Mr. Cormier's office of CBG's 11/18 material

cc w/encl: service list

hand-delivered to Mr. Cormier 11/29/83

express mailed to Board and Staff 11/29/83

Receipt of service of November 18, 1983, letter to Mr. William Cormier  
from the Committee to Bridge the Gap, with enclosures.

for William Cormier

dated: November 18, 1983

*Doris Armstrong*  
*for William H. Cormier*