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Committee to Bridge the Gap
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April 6, 1984 APR 10 11:25

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

Glenn O. Bright
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Dear Administrative Judges:

In your March 22, 1984 Memorandum and Order you indicated that the Order did not fully respond to several issues raised by CBG's letter of March 14, 1984, and that CBG could file motions in regard to such issues and new developments as it sees fit. One of these issues was CBG's assertion that now that the reactor is shut down, the law and considerations of public policy require that this proceeding become a restart proceeding with UCLA's license being suspended until such time as compliance with the regulatory standards set forth in 10 CFR 50.40 have been fully demonstrated. CBG finds no reason to file a separate motion in this regard for the reason that suspension of the license is precisely the relief being sought, on the same legal and policy bases, in CBG's pending Motion for Curtailment (III).

We should also point out that latest development related to the reactor shutdown, Mr. Cormier's letter of March 30, 1984, does not mitigate CBG's concerns and, in fact, serves

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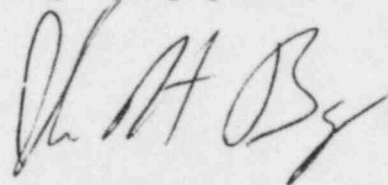
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Messrs. Frye, Bright and Luebke
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to strengthen CBG's position that the license should be suspended until the University has met its burden. This relicensing proceeding has now continued for over four years with Applicant and Staff taking a "nonchalant" and "cavalier" attitude toward the proceedings. This Licensing Board in its March 22, 1984 Order has bent over backwards to give Applicant and Staff additional opportunities to supplement the record, particularly with regard to the shutdown mechanism and Wigner energy.

Now, Applicant informs us that the shutdown of the reactor and subsequent opening of the core will not provide opportunities to gather significant information regarding shutdown and Wigner in this phase of the hearings because the core will not be opened for at least six months and possibly much longer. However, the University also tells us that if the Board moves forward and seeks to complete the record with Mr. Ostrander's shutdown testimony and Dr. Pearlman's Wigner calculations, at such time as the core is opened, it will take actual Wigner measurements and will "redefine" the pathways for the water. Thus, the Applicant is setting up either another six to twelve months delay in the safety hearings or will later argue that any safety rulings are erroneous by virtue of new information. While CBG applauds efforts to gather reliable data on and improve the safety of this reactor, for the Board to allow Applicant to take this attitude and approach toward the instant evidentiary proceedings, while it still retains a license for possession and use of special nuclear material, is absolutely contrary to statute, regulation and public policy.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'J H Bay', written in a cursive style.

John H. Bay
Attorney for Intervenor
Committee to Bridge
the Gap

JHB:bh

cc: Service List