

COMMITTEE TO BRIDGE THE GAP  
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October 24, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of  
  
THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA  
  
(UCLA Research Reactor)

Docket 50-142 SP  
Proposed Issuance of Orders  
Authorizing Disposition of  
Component Parts and Termination  
of Facility License R-71

PETITION FOR HEARING AND LEAVE TO INTERVENE

On September 24, 1984, the Nuclear Regulatory Commission published in the Federal Register a Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License for the recently closed UCLA reactor. 49 FR 37484. The Commission Notice indicated that by October 24, 1984, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. The Committee to Bridge the Gap (CBG), intervenor in the ongoing UCLA proceeding, so files.

CBG notes, however, that the matters contemplated in the September 24 notice of proposed action--determination of the nature and schedule of dismantlement and disposal operations for the UCLA reactor as conditions for termination of the facility license--are currently being litigated in the ongoing proceeding to which CBG is already a party as proposed 10 CFR 2.107 conditions to be attached to acceptance of UCLA's June 14, 1984, motion in that proceeding for withdrawal of its renewal application. Pursuant to the timely renewal provisions of 10 CFR 2.109, facility license R-71 would terminate upon withdrawal of the renewal application.

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CBG also notes that the detailed dismantlement and disposal plan to be considered in any proposed action has yet to be filed by UCLA; all that exists is a 2 page letter indicating a detailed plan will be forthcoming at some later time.

CBG therefore requests that action on this petition for leave to intervene be deferred until: (1) UCLA submits the detailed dismantlement/disposal plan that would be subject of such a proceeding, and (2) the parallel matters currently being litigated in the existing UCLA proceeding to which CBG is already a party are resolved. Without the actual plan, there is nothing to litigate; if the proposed dismantlement/disposal conditions are accepted in the ongoing proceeding as 2.107 withdrawal conditions (and site restoration conditions are standard 2.107 withdrawal conditions), and the renewal application is formally withdrawn, Facility License R-71 would have terminated automatically, by operation of law, pursuant to 10 CFR 2.109, making any 50.82 dismantlement/termination proceeding moot.

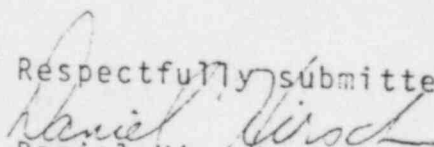
Should it be determined in the ongoing proceeding that a separate proceeding will be necessary, this petition for leave to intervene in that separate proceeding would then become operative. Until such time, however, it seems not to be a prudential use of agency resources to institute two parallel, redundant proceedings on the same matter, particularly when the Applicant has not yet put forward the plan at issue.

CBG hereby incorporates by reference into this petition for hearing and leave to intervene its arguments about standing and interest contained in its original Petition for Leave to Intervene in the UCLA reactor matter, dated May 22, 1980, and granted by the Atomic Safety and Licensing Board in its Order of October 2, 1980. Should a separate dismantlement/termination proceeding be instituted, CBG will supplement this Petition at least fifteen (15) days prior to the first prehearing conference, as provided for in the regulations and in the September 24, 1984, Notice of Proposed Action.

Conclusion

CBG petitions for leave to intervene and for hearing in any proceeding on dismantlement/termination matters related to the UCLA reactor. As these matters are currently being litigated in an ongoing proceeding to which CBG is already a party, as proposed 10 CFR 2.107 withdrawal conditons, and since UCLA has not yet submitted the detailed dismantlement/disposal plan at issue, CBG requests action on this petition be deferred until those matters are resolved.

Respectfully submitted,

  
Daniel Hirsch  
President

dated at Santa Cruz, CA  
this 24th day of October, 1984

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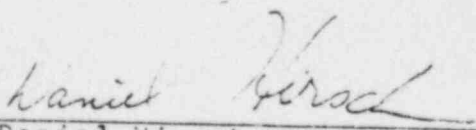
Declaration of Service

I hereby declare that copies of CBG Petition for Hearing and Leave to Intervene 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: October 24, 1984.

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

Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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Daniel Hirsch