

# COMMITTEE TO BRIDGE THE GAP

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August 25, 1984

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

RE: UCLA Applications for License Amendments and Order  
Regarding Facility Dismantlement

Dear Secretary Chilk:

On June 14, 1984, Counsel for UCLA applied to the Atomic Safety and Licensing Board presiding over the renewal application for Facility License R-71 for permission to withdraw its application on condition that the reactor not operate again and that it be dismantled, decontaminated, and disposed of pursuant to an approved plan. University's Request to Withdraw Application. The Board is currently deliberating on whether to accept the withdrawal, and if so, what conditions (such as decommissioning requirements) should be imposed, pursuant to 10 CFR 2.107. Because Facility License R-71 expired in 1980 and has been kept alive only by virtue of the renewal application UCLA now wishes to withdraw, License R-71 would terminate upon withdrawal of the application, pursuant to 10 CFR 2.109, and subject to such 2.107 site redress conditions as the Board might attach thereto.

However, a lay official of UCLA has made certain parallel requests to Director Denton regarding the same shutdown and decommissioning matters. Two of the letters (notarization dates June 27 and July 26) constitute applications for amendments to expired License R-71, dealing with reactor shutdown and dismantlement matters. The third letter, also notarized July 26, is said to be a 10 CFR 50.82 application to dismantle the reactor and terminate the Facility License R-71. These reactor shutdown, dismantlement, and license termination matters thus duplicate the matters being considered by the Board pursuant to the request to withdraw the application upon certain shutdown and dismantlement 2.107 conditions.

CBG is thus faced with the possibility of having to represent its interests on the same matters regarding the same facility in several different forums and proceedings, despite the fact that, if the Board does accept withdrawal of the application and attaches dismantlement conditions thereto, the parallel requests made by UCLA would be made moot--i.e., there would no longer be a License R-71 to amend or terminate, it having expired automatically, by operation of law pursuant to 10 CFR 2.109, when the renewal application was withdrawn, and the decommissioning plan would have been incorporated into the withdrawal as a 2.107 binding condition.

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As the Board has not yet ruled on these matters, CBG is faced with having at this stage to preserve its rights should the Board (or appellate bodies, should CBG be forced to appeal) defer the withdrawal or assert that the site restoration matters must be resolved in separate proceedings, in which case CBG's interests must be represented in those separate proceedings.

THEREFORE, CBG requests that it be provided prompt notice (by mail to the 50-142 service list) when petitions for leave to intervene and for hearing may be formally filed on the proposed parallel license amendments and related 50.82 dismantlement/license termination application. CBG views these procedures as redundant and inapplicable when identical matters are currently before the Board dealing with license termination and dismantlement conditions associated with the University's renewal application withdrawal request, pursuant to 10 CFR 2.107 and 2.109; but to preserve its rights, CBG must be informed in a timely fashion as to be able to intervene in the proceedings involving the parallel actions should they not be mooted by Board action.

CBG therefore requests it be provided formal notice at the appropriate time, as required by 10 CFR 2.105, regarding these license amendments that have been requested, and formal notice at the appropriate time, as required by 10 CFR 50.82, regarding the 50.82 application.

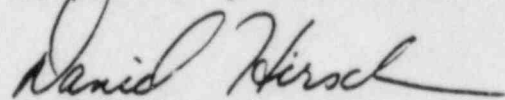
It is CBG's understanding that it cannot petition for leave to intervene and for hearing until the NRC gives formal notice of proposed action. If CBG's understanding is not correct, or if formal notice is not planned to be given (despite the requirements in the regulations and past practice, as in the Tuskegee case, e.g. 49 FR 24189), please consider this letter as a petition for leave to intervene and for hearing on these matters, in which case CBG will amend, as permitted by the rules, the petition by the appropriate time.

None of this should be necessary. The Board has now pending before it the identical matters. The Commission may wish to simplify things by simply consolidating the three parallel applications relating to Facility License R-71 with the renewal proceeding on the same license now considering the same dismantlement issues as 2.107 conditions on accepting the withdrawal of the application. Furthermore, the parties, if reasonable and desirous of avoiding long-continuing litigation and controversy in a case the Applicant has announced its intention to withdraw from, should be able to resolve the remaining matters among themselves. But if the Commission, Board, or parties do not moot the parallel requests to the withdrawal condition matters now pending before the Board, CBG must preserve its right to intervene and to hearing on those matters in any parallel proceeding that might occur.

(CBG does not here address matters related to its right to participation in the parallel proceedings, if any. These matters are being briefed, at the Board's request, in the existing proceeding. CBG's briefs of July 3, August 1, and the forthcoming brief of September 7 on these matters are included herein by reference, as is the original petition for leave to intervene which discusses CBG's basic interest and standing. CBG will address in detail those issues in any petition for leave to intervene it may file, if necessary, when given formal notice, or in any amended petition it may file if this letter is to be considered an initial petition for hearing and leave to intervene in those parallel proceedings.)

If the Board follows the standard practice regarding withdrawals and accepts the withdrawal of the application, effective immediately, with site restoration requirements attached as 2.107 conditions, then UCLA's parallel requests and this letter will be moot. CBG does not wish further litigation on a case where the Applicant has requested withdrawal of its application on condition it never operate the reactor again and dismantle, decontaminate and dispose of its constituent parts. But if withdrawal is deferred and dismantlement issues passed on to another proceeding, CBG insists on its rights to participate in that other proceeding.

Respectfully submitted,



Daniel Hirsch

President

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cc: 50-142 service list  
Director Denton