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8 UNITED STATES OF AMERICA
9 NUCLEAR REGULATORY COMMISSION
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11 BEFORE THE COMMISSION

11 In the Matter of)
12) Docket No. 50-²⁴²152
13 THE REGENTS OF THE) (Proposed Renewal
14 UNIVERSITY OF CALIFORNIA) of Facility License
15 (UCLA Research Reactor)) Number R-71)
16 _____)

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18 AFFIDAVIT OF DOROTHY THOMPSON
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21 STATE OF CALIFORNIA)
22) ss.
23 COUNTY OF LOS ANGELES)

24 I, DOROTHY THOMPSON, being duly sworn, depose and
25 state as follows:
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27 1. I am an attorney at law duly licensed to practice
28 in the State of California. I am a member of the Nuclear Law
Center, a non-profit California corporation, providing legal
assistance to the Committee to Bridge the Gap (CBG),
Intervenor in the relicensing proceedings regarding the UCLA

1 Research Reactor.

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3 2. A few days prior to January 26, 1982, I received
4 a call from Daniel Hirsch, whom I know to be the president of
5 CBG, who stated that he had just learned that newly appointed
6 NRC Commissioner Thomas Roberts would be taking a tour of the
7 UCLA Reactor facility on January 29, 1982 and requested that
8 I attend as a representative of CBG. Mr. Hirsch stated that
9 he had been informed the tour was to begin promptly at 9:30
10 a.m. on January 29.

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12 3. On January 29, 1982 at 8:50 a.m., I arrived at the site
13 of the Nuclear Energy Lab and met with a gentleman who introduced
14 himself to me as Neil Ostrander, Manager of the Lab.
15 Mr. Ostrander and I were conversing at his desk when, at
16 approximately 9:00 a.m. Mr. William Cormier whom I knew to
17 be the attorney for the applicant (UCLA) came into the office.
18 He asked Mr. Ostrander if he was going upstairs, to which
19 Mr. Ostrander replied in the negative. Mr. Cormier then
20 stated that he had another matter to look after and would
21 return later for the tour. Mr. Cormier then left
22 Mr. Ostrander's office.

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24 4. After talking with Mr. Ostrander for a short
25 period of time, Mr. Hirsch arrived and I went outside and
26 talked with him and Amory Lovins, a physicist who was to
27 join our party. We remained waiting outside of the NEL
28 in anticipation of the tour beginning at 9:30.

1 5. At approximately 10:00 a.m., Mr. Cormier and
2 a woman, whom he introduced to me as Jessica Lavery,
3 staff attorney for Commissioner Roberts, came out of the
4 NEL, apparently having entered through a rear door, and
5 informed us that Commissioner Roberts was inside the Lab
6 and that the tour was ready to begin. By this time, we had
7 learned from two separate observers, Andrew Basiago, a
8 reporter for the UCLA Daily Bruin, and Steve Aftergood,
9 a member of CBG, that they had observed a meeting taking place
10 in Dean O'Neill's office between a person whom they believed
11 to be Commissioner Roberts, Mr. Cormier, Ms. Lavery, and
12 other University officials. Mr. Hirsch inquired as to
13 whether such a meeting had taken place and Mr. Cormier
14 responded no that it had not. After Mr. Hirsch stated
15 that we had received information to the contrary, Mr. Cormier
16 then admitted that Commissioner Roberts and his party had
17 met with University officials in Dean O'Neill's office, but
18 that it was merely a "greeting" and not a meeting and that
19 it had lasted only ten minutes.

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21 6. We inquired of Ms. Lavery as to whether
22 such a meeting had taken place and she responded that
23 Commissioner Roberts had to catch a plane and that if we were
24 not prepared to commence the tour immediately, that we would
25 not be permitted to attend on the tour at all. Ms. Lavery
26 refused to state whether a meeting had previously taken place
27 upstairs in Dean O'Neill's office. I informed both
28 Mr. Cormier and Ms. Lavery that the intervenor strongly objected

1 to the meeting which had occurred in Dean O'Neill's office and
2 that intervenor was preserving its objections, without waiver
3 to be raised at the appropriate time before the Commission.
4 Mr. Cormier acknowledged our objections, but stated that
5 they were not prepared to discuss the objections at that
6 time.

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8 7. I was then requested, along with other representatives
9 of CBG, to register as a visitor to the NEL. Mr. Cormier and
10 Ms. Lavery then instructed the representatives of Bridge
11 the Gap that we were there solely as observers and would not be
12 permitted to make any comments to Commissioner Roberts during
13 the tour. Both Mr. Hirsch and I vehemently objected to these
14 "ground rules" being dictated by the attorneys for the
15 University and the Commission. Despite our objections,
16 Mr. Cormier stated that no matters in contention would be
17 raised, that Commissioner Roberts merely wanted to view the
18 Reactor and further, that he had a plane to catch in a very
19 short time and the tour would have to be expedited, and,
20 further, that if we did not accede to the "ground rules" that
21 we would be precluded from attending the tour at all.
22 Again, we preserved our objections for the record and
23 entered the Laboratory.

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25 8. Commissioner Roberts was already in the
26 Laboratory, talking with several persons from NEL,
27 including Ivan Catton, NEL Director. During the tour,
28 Commissioner Roberts was constantly surrounded on all sides


1 by either University representatives or his own party and
2 none of the representatives from Bridge the Gap was able at
3 any time to walk alongside the Commissioner or to get into
4 a position where a conversation could be had with the
5 Commissioner, although the University representatives
6 constantly conversed with him. During periods when the group
7 was stopped to view a particular piece of equipment or listen
8 to comments from the Reactor personnel, who were conducting
9 the tour, Mr. Cormier constantly intervened and responded to
10 any questions that CBG representatives attempted to direct
11 to Commissioner Roberts. Commissioner Roberts did not say
12 anything during the tour to CBG representatives.

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14 9. At the end of the tour, Mr. Cormier and Ms. Laverty
15 informed the CBG party that Commissioner Roberts wanted to see
16 the security area and that none of the CBG representatives
17 would be permitted to attend that part of the tour. Again,
18 Mr. Hirsch and I vehemently objected, however we were escorted
19 to the exit to the Laboratory and informed that we did not have
20 the "proper security clearances." At no time prior to the
21 commencement of the tour, had CBG representatives been informed
22 that any such security clearances would be necessary in order
23 to participate in the entire tour. Following our exit,
24 Commissioner Roberts and the University personnel and his
25 staff conducted the so-called "security" part of the tour
26 without any representatives of CBG being present.

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10. It was assumed that Commissioner Roberts and/or his staff would file the reports required by 10CFR 2.780(c) summarizing the contents of the ex parte communications which took place between the Commissioner, his staff, and the University representatives on January 26, 1982. However, affiant is informed and believes and based thereon states that no such reports have been filed by either the Commissioner, his staff, or the University representatives.

Executed this 2nd day of March 1982 at Los Angeles,
California.


Dorothy Thompson

Sworn and subscribed to before me this 2nd day of March 1982.

Elizabeth A. Hunt
Notary Public

