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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
THE REGENTS OF THE UNIVERSITY)
OF CALIFORNIA)
)
(UCLA RESEARCH REACTOR))

Docket No. 50-142
(Proposed Renewal of Facility
License Number R-71)
May 3, 1982

MEMORANDUM CONCERNING ADDITIONAL DISCOVERY MATTERS

DONALD L. REIDHAAR
GLENN R. WOODS
CHRISTINE HELWICK
590 University Hall
2200 University Avenue
Berkeley, California 94720
Telephone: (415) 642-2822

Attorneys for Applicant

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

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1 In its memorandum and order of April 16, 1982, the
2 Board requested that the parties advise the Board of any
3 additional discovery matters not mentioned in the Board's
4 memorandum. In response, THE REGENTS OF THE UNIVERSITY OF
5 CALIFORNIA (University) advises the Board and Parties as follows.

6
7 A. Additional Matter Related to Contention XX

8 The position of the University with respect to
9 Contention XX has been that no factual basis exists for CBG's
10 security contention and the contention should be dismissed
11 summarily without the need to pursue discovery of security
12 information. University previously objected to responding to
13 any questions relating to security matters. In addition, in its
14 interrogatories University declined to submit any questions to
15 CBG relating to the allegations contained in CBG's security
16 contention.

17
18 The Board has indicated that it intends to authorize
19 discovery of security information provided that CBG complies with
20 the requirements for the discovery of security information
21 established in the Diablo Canyon proceeding. Accordingly,
22 University requests that the Board set a date for University to
23 submit its interrogatories related solely to CBG's security
24 contention.

25
26 B. Additional Matter Related to Supplementation of CBG Responses

27 1. University submits that CBG has not fulfilled its
28 obligations with respect to University's previously submitted

1 discovery requests. CBG has not supplemented any of its responses
2 to University's interrogatories although certain of its responses
3 suggested that supplementation would be forthcoming. University
4 requests that the Board direct CBG to supplement its responses at
5 this time or state that it has no supplementary information
6 relevant to University's interrogatories. Specific items are
7 discussed below.

8
9 2. University has served two sets of interrogatories
10 on CBG in documents dated April 20th and September 22nd, 1981.
11 Certain of these questions sought clarifications of various CBG
12 contentions. The remaining questions sought to identify the
13 factual and documentary bases supporting its allegations. Most of
14 University's second set of questions were mere restatements of
15 several of its first set of questions accompanied with an instruc-
16 tion requesting that CBG update its earlier responses with after-
17 acquired information. CBG responded to University's interrogatories
18 in documents dated May 20th and November 9th, 1981, but has
19 provided no supplementation of its responses.

20
21 3. In numerous instances CBG's responses have been
22 unsatisfactory in failing to identify the factual and documentary
23 support for its contentions. In general, in the two years that
24 have passed since CBG first presented its claims, CBG has not
25 identified one study, report, analysis, survey, calculation or
26 statement of opinion by any qualified expert or consultant.
27 University recognizes that CBG need not proceed with its case on
28 the basis of affirmative evidence. However, CBG has made several

1 statements that it does intend to present such affirmative
2 evidence and that it has engaged a number of "experts" for this
3 purpose. As an example, on page 13 of its November 9th responses
4 CBG states:

5 "What Intervenor is in the process of attempting to
6 do -- and it should be reiterated that it remains
7 Intervenor's position that it is Applicant's burden
8 to conduct such a thorough analysis, not Intervenor's --
9 is to determine a number of credible serious accident
10 scenarios for this facility, and attempt to determine
11 the range of fission produce (sic) release possible,
12 from there consequential doses to the public in
13 unrestricted areas.

14 * * *

15 ". . . Intervenor . . . does not intend to focus on
16 only one major accident, because its current analysis
17 indicates roughly a dozen accident or hazard scenarios,
18 each of which would produce unacceptable consequences
19 and each of which is credible."

20 University is entitled to be informed at this time concerning the
21 contents of any such analyses that have been conducted and the
22 identity and qualifications of the individuals responsible for
23 the analysis.

24 4. As another example, on page 14 of the November 9th
25 responses, CBG states:

26 "Intervenor suspects it will call Dr. Plotkin as a
27 witness in the UCLA proceeding, but has made no
28 determination as to which contention(s) nor made a
firm decision on the matter. For his part, Dr. Plotkin
has indicated tentative agreement to testify, pending
determination of date of hearing and certain other un-
certainties not yet resolved. When a firm decision is
made, this answer will be supplemented as per 10 CFR
2.740 (e) (1)."

29 Evidently, CBG has not been entirely candid in its
30 response. Dr. Plotkin gave sworn testimony on September 21, 1981,

1 in the San Onofre proceeding that he had done a study at UCLA that:

2 ". . . calculated the effects of an earthquake on UCLA's
3 nuclear reactor and the crumbling of the building, what
4 kind of an earthquake is required to cause the UCLA's
5 Boelter Hall, the section above the reactor, to fail,
6 and then what effect that would have on the reactor
7 itself and then, of course, the surrounding community."
8 (See excerpts noted on transcript pages, Attachment "A"
9 hereof.)

10 Dr. Plotkin also testified that Mr. Hirsch had seen the study.

11 The "conclusions" of that study were apparently tentative, but
12 nine months have passed since that testimony was given.

13 Dr. Plotkin was under oath so University assumes his statements
14 were truthful; yet, in its November 9th responses, and to date,
15 CBG has never indicated that any such study had been performed
16 or was in progress. Moreover, University notes that Dr. Plotkin
17 has accompanied Mr. Hirsch on each tour and inspection of the
18 UCLA facility which University has provided and certainly appears
19 to be involved in the presentation of CBG's case. In question
20 number 27 of University's follow-up interrogatories dated
21 September 22, 1981, University requested the identification of
22 all experts and consultants, including the substance of the
23 testimony to be offered. University is entitled to know the
24 substance of any earthquake analysis conducted by Dr. Plotkin.

25 5. In requesting that CBG be directed to supplement
26 its previously submitted responses, University is only asking that
27 CBG be open and candid about the documentary support it intends
28 to submit of its case. If CBG intends to introduce technical
studies or evaluation relevant to any of the issues contested in
this proceeding it ought to be required to submit that information

1 at this time for the consideration of the other parties. In the
2 event that CBG seeks to introduce such information for the first
3 time in response to motions for summary disposition or at any
4 hearing, the parties will be forced to request additional time
5 to consider and reply to the new information, thereby delaying
6 the proceedings unnecessarily.

7
8 University respectfully requests that the Board direct
9 CBG to supplement its responses at this time by identifying any
10 studies or analyses of experts or consultants it intends to use
11 in the proceedings, or otherwise state that it does not intend to
12 offer any such studies or analyses.

13
14 Dated: May 3, 1982.

15
16 DONALD L. REIDHAAR
17 GLENN R. WOODS
18 CHRISTINE HELWICK

19 By William H. Cormier
20 William H. Cormier
21 UCLA Representative

22 THE REGENTS OF THE UNIVERSITY
23 OF CALIFORNIA
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of: :
:
SOUTHERN CALIFORNIA EDISON COMPANY, et al. : Docket Nos.
: 50-361 OL
7 (San Onofre Nuclear Generating Station, : 50-362 OL
:
8 Units 2 and 3) :
:
9 -----X

Orange County Ballroom 2
Marriott Hotel
700 W. Convention Way
Anaheim, California

Monday,
September 21, 1981

Evidentiary hearing in the above-entitled
matter was resumed, pursuant to adjournment, at 9:08 a.m.

BEFORE:

JAMES L. KELLEY, Chairman
Atomic Safety and Licensing Board

DR. CADET H. HAND, JR., Member

MRS. ELIZABETH B. JOHNSON, Member

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WITNESSES

DIRECT

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RECROSS

VOIR DIRE

Sheldon Plotkin

By Ms. Gallagher

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By Mr. Pigott

9488

9475, 948

By Mr. Hoefling

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Irving Lyon

By Ms. Gallagher

9568

EXHIBITS

Intervenor's

IDENTIFIED

IN EVIDENCE

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1 A Not precisely. But it is of the order of several
2 miles.

3 Q Several miles from Pacoima Dam?

4 A No. I think the section of freeway that -- I
5 think these high accelerations almost had to be near the
6 center of the earthquake. I didn't relate things in that
7 way. I'm just trying to -- I checked enough and have done
8 enough earthquake work to know that what we did was reasonable.

9 Q What earthquake work have you done?

10 A Calculated the effects of an earthquake on UCLA's
11 nuclear reactor and the crumbling of the building, what kind
12 of an earthquake is required to cause the UCLA's Boelter Hall,
13 the section above the reactor, to fail, and then what effect
14 that would have on the reactor itself and then, of course,
15 the surrounding community.

16 Q Anything other than that particular study?

17 A There may have been other work in the past.
18 That's all I remember at the moment.

19 Q What was it that was damaged in the San Fernando
20 earthquake that you make reference to?

21 A The freeway was destroyed at one section.

22 Q The flat freeway or was it an overpass or what?
23 Do you know?

24 A A little of both, as I recall. Well, that's
25 not the only thing, come to think of it. There's the

1 Q You mentioned you have done a study at UCLA with
2 respect to effects of earthquake. Who did that study?

3 A I did.

4 Q What was the purpose of the study?

5 A It is going to be used eventually -- be refined
6 considerably between what it is now and the NRC hearings on
7 the relicensing of UCLA's nuclear reactor.

8 Q What is the point of the study?

9 A The point of the study is to show the reactor is
10 very vulnerable to earthquake damage.

11 Q And what are the findings of your study to date?

12 A They haven't been concluded, but in general it
13 shows that the radioactive material inside the reactor is
14 going to be released to the surrounding population.

15 Q Has anybody reviewed that study?

16 A Not yet.

17 Q Has it been published? It has not been published?

18 A No, sir.

19 Q Has it been released to anybody?

20 A No, sir.

21 Q Has anybody seen it other than you?

22 A Yes.

23 Q Who?

24 A A few people. Mr. Dan Hirsch, Mr. Tom Emnias.

25 Q Are these people in your L.A. Federation of

k2
1 Scientists?

2 A Yes, sir.

3 Q Other than that study, have you done any study
4 in the area of earthquake damages?

5 A Not that I can recall at the moment.

6 Q I believe you mentioned spontaneous evacuation
7 as a factor to be considered. How did you consider that in
8 coming to your conclusions?

9 A I added that -- I took the number of people to
10 be evacuated -- this 89,350, of which -- some of which are
11 from Dana Point. But Dana Point is not going to be evacuated
12 on I-5, according to the plan that we thought was best.
13 People from Dana Point would be evacuated up Pacific Coast
14 Highway. But on the other hand there will be people that
15 will be voluntarily evacuating that will go out on I-5, and
16 we thought that a reasonable -- just reasonable engineering
17 judgment would be that those numbers would be about the same,
18 so that in our 28 hours and 14 hours, we considered a popula-
19 tion evacuation -- a number of people being evacuated as
20 being 9,350. Now, if that number is a little more or a little
21 less than -- that will change the time proportionately. It
22 is a linear relationship

23 Q I guess I wasn't clear. In one of these exhibits,
24 the one -- your exhibit number 5, page seven, which, if you
25 recall, was put into testimony for the limited purpose of

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-142
(Proposed Renewal of Facility
License Number R-71)

8 CERTIFICATE OF SERVICE

9 I hereby certify that copies of the attached:
10 MEMORANDUM CONCERNING ADDITIONAL DISCOVERY MATTERS

11 in the above-captioned proceeding have been served on the
12 following by deposit in the United States mail, first class,
postage prepaid, addressed as indicated, on this date: May 3,
13 1982.

14 John H. Frie, III, Chairman
Administrative Judge
15 ATOMIC SAFETY AND LICENSING BOARD
U.S. Nuclear Regulatory Commission
16 Washington, D.C. 20555

17 Dr. Emmeth A. Luebke
Administrative Judge
18 ATOMIC SAFETY AND LICENSING BOARD
U.S. Nuclear Regulatory Commission
19 Washington, D.C. 20555

20 Dr. Oscar H. Paris
Administrative Judge
21 ATOMIC SAFETY AND LICENSING BOARD
U.S. Nuclear Regulatory Commission
22 Washington, D.C. 20555

23 Counsel for the NRC Staff
OFFICE OF THE EXECUTIVE LEGAL DIRECTOR
24 U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

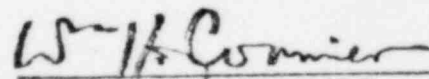
25 Chief, Docketing and Service Section
26 OFFICE OF THE SECRETARY
U.S. Nuclear Regulatory Commission
27 Washington, D.C. 20555

Mr. Daniel Hirsch
Cte. to Bridge the Gap
1637 Butler Avenue, #203
Los Angeles, Calif. 90025

Mr. John Bay, Esq.
3755 Divisadero #203
San Francisco, CA 94123

Mr. Daniel Hirsch
Box 1186
Ben Lomond, CA 95005

Nuclear Law Center
c/o Dorothy Thompson
6300 Wilshire Blvd. #1200
Los Angeles, CA 90048

28 
WILLIAM H. CORMIER
UCLA Representative

) THE REGENTS OF THE UNIVERSITY