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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 JUN 11 P1:37

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

John H. Frye, III, Chairman  
Glenn O. Bright  
Emmeth A. Luebke

SERVED JUN 11 1984

In the Matter of

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA

(UCLA Research Reactor)

Docket No. 50-142 OL

(Proposed Renewal of  
Facility License)

June 8, 1984

MEMORANDUM AND ORDER  
(Memorializing Conference Calls)

On Friday, June 1, 1984, the Board's Law Clerk received a telephone call from the attorney for UCLA, William Cormier, to inform the Board of present and potential problems in areas of scheduling and discovery. These primarily concerned CBG witnesses, Dr. Taylor (located in Damascus, MD), and Dr. Hafemeister (located in Boston), whose depositions were to be taken by the UCLA attorney by June 6, 1984, in order to comply with the Board's May 25, 1984 Order, and a third CBG witness, Bennett Ramberg (located in Los Angeles). When it was brought to Mr. Cormier's attention that Dr. Taylor would not be available until the week of June 11, Mr. Cormier expressed to the Board his concern that an undue burden would be imposed upon University resources to require him to make two separate trips from Los Angeles to the East Coast to accommodate the schedule of these CBG witnesses. Mr. Cormier also stated

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that if Dr. Taylor was not deposed until June 11, 1984, he would be unable to submit the required prefiled testimony in time for the June 25 week of hearings.

Discussion

Following an unsuccessful attempt to resolve these difficulties on Friday in a conference call among Judge Frye, Mr. Cormier, and Messrs. Bay and Hirsch for CBG, on Monday, June 4, 1984 at 1:00 p.m. EST, the Board convened a telephone conference in which William Cormier participated for UCLA, Colleen Woodhead for the NRC Staff, and Messrs. Bay, Hirsch and Kohn for CBG.

As an initial matter for discussion, the Chairman proposed that the declarations submitted to the Board by Dr. Hafemeister and Dr. Taylor (in support of CBG's allegation concerning inadequate security and the unnecessarily high level of uranium enrichment), be accepted as offers of proof which would not be relied upon by the Licensing Board in its decision but would become part of the record on review. It was the Board's understanding that the testimony of these witnesses would be substantially similar to that contained in their declarations and its opinion that it was unlikely that this testimony could be considered in light of the provisions of 10 C.F.R. § 73.67. Further because neither Dr. Hafemeister nor Dr. Taylor would be available to testify at hearings scheduled for the week of June 25, 1984, this was suggested by the Board as a means of facilitating CBG's desire to proceed with the security-related issues prior to the Olympics which commence July 28.

Mr. Bay objected to the Board's suggestion that the testimony of these witnesses be treated as an offer of proof.

Counsel for CBG also informed the Board and parties that Dr. Hafemeister, Dr. Taylor and Mr. Ramberg had become available for deposition during June 5-6, 6-7, and 6-8, respectively, and suggested that testimony of Drs. Taylor and Hafemeister be taken on June 21 or 22. Because Mr. Cormier was located in New Orleans at the time of the conference call, he stated it would not be feasible for him to begin the depositions before June 6. A discussion of the schedule for depositions, filing of prepared testimony, and hearing was inconclusive. The Board instructed the parties to discuss the matter among themselves and promptly report back to the Board what, if any, scheduling and discovery accommodations had been reached.

The final matters brought to the Board's attention concerned CBG's request that the Board authorize the intervenor to add the CBG office in West Los Angeles as an additional location to maintain the materials given to CBG under protective order. CBG also asked the Board to enlarge the group of persons authorized to handle the protected information to include secretarial staff. The difficulty posed by this request centered upon CBG and its attorney not knowing in advance which one secretary would be assigned to perform the various secretarial tasks

with respect to the protected documents. It was agreed that CBG could store protected information in its safe in its Los Angeles office provided that only authorized persons had access to the safe and that CBG and UCLA would agree on a secretarial agency on which CBG could call for secretarial services.

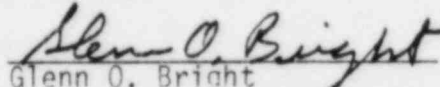
On Tuesday, June 5, Chairman Frye was informed by Mr. Bay that the attorneys for UCLA, CBG and Staff had arrived at a schedule to which each party could reasonably adhere. Mr. Ramberg will be deposed by UCLA on June 7, 1984. Mr. Cormier withdrew the request to take the depositions Dr. Taylor and Dr. Hafemeister, and intervenors agreed to file the testimony of these two individuals on June 13, 1984. The remainder of the prefiled testimony will be submitted as scheduled, on June 15.

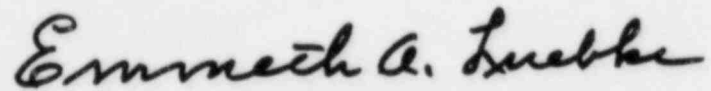
The parties also agreed that the hearing commence on June 21 or 22, 1984, in Washington to allow Dr. Taylor and Dr. Hafemeister to testify. The following week, beginning on Monday, June 25, the hearing would continue in Los Angeles as is consistent with the schedule previously


made. A Notice of Evidentiary Hearing adopting this schedule issued on June 6.

It is so ORDERED.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Glenn O. Bright  
ADMINISTRATIVE JUDGE

  
Dr. Emmeth A. Luebke  
ADMINISTRATIVE JUDGE

  
John H. Frye, III, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
June 8, 1984