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	Docket No. 50-142 (Proposed Renewal of Facility License Number R-71)
(UCLA Research Reactor)	June 29, 1981

APPLICANT'S RESPONSE TO INTERVENOR'S MOTION TO COMPEL AND REQUEST FOR PRODUCTION

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Applicant, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, responds to Intervenor, Committee to Bridge the Gap's, "Motion to Compel Further Answers from Applicant to Intervenor's Second Set of Interrogatories; and Response to Applicant's Motion for a Protective Order," dated June 12, 1981, and responds also to Intervenor's "Request for Production of Documents," dated May 26, 1981, as follows:

I. INTRODUCTION

Intervenor's "Motion to Compel" and "Request for Production," considered together, raise four questions about Applicant's discovery responses: Intervenor questions the sufficiency of certain of Applicant's "Answers" ("Answers of the Applicant to Intervenor's Second Set of Interrogatories," dated May 20, 1981) to Intervenor's "Second Set Questions" (Intervenor's (Second Set) Interrogatories to Applicant," dated April 20, 1981); Intervenor questions the reasonableness of certain objections made by Applicant in its Answers to certain of the Second Set Questions; the reasonableness of Applicant's request (made in "Applicant's Motion for a Protective Order," dated May 28, 1981) for a general limitation on the number of documents to be produced during discovery; and the reasonableness of Applicant's request (also in its "motion for a Protective Order") that a limitation be placed on the number of follow-up questions.

In general, Applicant stands by its responses to Intervenor's questions. Applicant also maintains that the

objections raised to Intervenor's questions are reasonable and that there is ample justification for issuing the protective order requested by Applicant.

Moreover, there is new, additional support for the issuance of such a protective order. The NRC staff has just released its Safety Evaluation Report and Environmental Impact Assessment together with two commissioned studies, NUREG/CR-2079 ("Analysis of Credible Accidents for Argonant Reactors") and NUREG/CR-2198 ("Argonant Design Basis Accident Evaluation"). Applicant intends to rely on these NRC reports and studies extensively in demonstrating that the renewal of Applicant's operating license raises no significant public health and safety considerations. In particular, Applicant has no further intention of "defending" its 1960 Hazards Analysis, which was based on very conservative and totally unrealistic postulates nor does Applicant intend to conduct any of the studies, perform any of the calculations or derive any of the data which Intervenor has requested and has assumed, incorrectly, would be necessary to support the license application. As a result of the publication of these studies a significant number of Intervenor's Second Set Questions are rendered irrelevant and immaterial and many of Intervenor's specific arguments to compel further answers are made moot.

Nevertheless, Applicant acknowledges that a small number of its responses to Intervenor were inadequate. Under the severe time constraint of having to respond to the over

2,280 Second Set Questions within twenty-two days, Applicant made mistakes. A few of Applicant's answers were simply omitted, inadvertently, in the final typing of the 220 pages of answers. A few of the answers which would otherwise have been easily understood by technically-trained individuals were not made sufficiently clear, as Applicant now recognizes, for the non-technically-trained. To remedy these oversights Applicant has prepared an "Attachment" ("Applicant's Supplemental Responses to Intervenor's Second Set Questions") to this memorandum, which contains the omitted answers, additional explanations to previously provided answers and answers to certain questions which Applicant had stated in its May 20 Answers that it would respond to at a future date when it had time to prepare the information requested.

Applicant acknowledges further that its protective order request that document production be limited to the "Exhibit A" list of documents (attached to Applicant's May 20 Answers) could be interpreted as putting an end to discovery in this proceeding. Applicant, however, does not seek to curtail all future discovery. Applicant seeks only to protect itself from the type of request regularly used by Intervenor that calls for "all records and documents in any way related to some general subject matter." Applicant is prepared to stipulate that if its protective order is granted by the Atomic Safety and Licensing Board (Board) it will continue to produce other documents requested by Intervenor provided that the request is for specifically described records and/or documents which are related to specific factual matters in dispute.

Applicant submits that its answers to Intervenor's Second Set Questions, as supplemented by the Attachment document contained herein, are fully responsive. Without further modifying its answers, Applicant states that it also intends to rely on the recently released NRC Staff reports and studies in all places these documents are applicable. Applicant submits further that its protective order request is reasonable and not founded, as Intervenor suggests, on any unwillingness to disclose relevant and material information. The request rests instead on practical considerations: that there are virtually no material factual matters in dispute in this proceeding; that Applicant is relying completely on the NRC studies and not any of Applicant's own studies or calculations respecting accident analyses and safety-related issues; and that Applicant cannot undertake the extremely burdensome work effort required to respond to all of Intervenor's discovery requests.

II. DISCUSSION

A. Discovery Standards

There is no need for Applicant to review the discovery standards applicable to this proceeding. The Commission's discovery rules follow generally the federal rules with the important modification that in operating license proceedings the discovery of "all relevant information" is limited to those matters in controversy (contentions) admitted by the Board at the end of the Special Prehearing Conference. 10 C.F.R. §2.740(b)(1). Except with respect to the several matters discussed below,

Applicant does not take exception to Intervenor's citation of authority. At issue are not the common discovery standards but how those legal standards are applied to the particular matters in dispute in the instant proceeding.

Intervenor purports to use, and uses incorrectly, several common discovery standards in support of its argument that Applicant's Answers are inadequate. The Hickman-Taylor principle that the discovery procedures are designed to avoid surprise and to merely advance the stage in the proceeding when the disclosure of information is made is inapplicable in the instant case. Intervenor has assumed that the studies and calculations Applicant has stated it cannot conduct or perform will have to be conducted or performed at some later stage if Applicant is to meet its burden in the proceeding. Intervenor's assumption is incorrect. Applicant does not intend to conduct any new studies or perform any new special calculations in support of its license application. Applicant is prepared to meet its burden in this proceeding without having to generate any of the information which Intervenor apparently believes is necessary for its own case. It is simply not correct to suggest, as Intervenor does, that Applicant will have to "gather such information before trial in any event."

Moreover, respecting Applicant's offer of its business records and documents in lieu of an answer, which is specifically permitted by the federal rules, Intervenor misconstrues the clear intent of that rule which is "to place the burden of research on

the party who seeks the information." Rule 33(c), Federal Rules of Civil Procedure and Notes of Advisory Committee on 1970 Amendments to Rules. In all cases where Applicant offered its documents in response, Applicant specified precisely where the information could be found where Applicant's staff knew where the information was located. In the vast majority of cases Applicant's staff did not know the dates or even approximate dates of events in which Intervenor was interested. In many cases Intervenor wanted to know of "all instances" of some type of event (for example, "all scrams") that had occurred at any time during Applicant's operating history. Such instances are reported repeatedly in Applicant's records, principally the operating log records, and Applicant referred Intervenor to the appropriate documents. For most of these questions of Intervenor the information requested can only be retrieved by paging through the operating logs and reports which requires no particular familiarity with those records. Intervenor is clearly wrong to state "Rule 33(c) cannot be used to shift the obligation of ascertaining information from one party to another." In fact, the very purpose of the rule is to place the burden of research on the requesting party.

Finally, Intervenor seeks to use NRC case law to establish that its 2,280 questions are clearly not an excessive number of questions. Intervenor states that in the Pennsylvania Power case the "Appeals Board, ruling on remarkably similar circumstances held that 2700 interrogatories were not objectionable circumstances." In fact, that case held nothing of the kind. The

Appeals Board pointed out that the "2700" figure was an erroneous computation made by the objecting party of the number of questions propounded. The Appeals Board found that "the basic questionnaire had about 150 questions and parts thereof." And, the holding of the Board was not that those 150 questions were flawless, and otherwise acceptable, but instead that the objecting party could not simply refuse to answer any and all of those questions without filing specific objections. Pennsylvania Power and Light Company, ASLAB Decision, 12 NRC 317 (1980).

Applicant also notes that Intervenor objects to Applicant's counting of parts of questions in addition to the questions themselves, notwithstanding that this is precisely the method used by the Appeals Board in the Pennsylvania Power case and by the Commission in its proposed rulemaking to limit the number of interrogatories which a party could file. Nonetheless Applicant wishes to point out that Intervenor's Second Set Questions contain 750 numbered questions (ignoring subparts, which were as many as twenty in several instances) and Intervenor's Third Set of follow-up questions contain 350 numbered questions ignoring subparts. These numbers of questions, which have not served to focus discovery on factual matters in controversy, are clearly excessive. Applicant's request for a limitation on the number of follow-up questions to be permitted is certainly warranted.

B. Applicant's Response to Intervenor's Category "A" Items

Intervenor divided its specific complaints in its

motion to compel into two categories: items for which Applicant has not requested a protective order (Category "A"); and items for which Applicant has requested a protective order (Category "B"). Applicant's specific responses to the Category A and B items follows. The roman numeral in parentheses following an interrogatory number refers to the relevant contention.

Interrogatory No. 24e (I). Applicant stands by its response. Intervenor's question asks what was the original purpose for including in the technical specifications requirements for "a. the exhaust stack height, b. the flow rate out of the exhause stack (as opposed to capability of exhaust fans), and/or c. access restrictions to the roof area."

First of all, item c was never present in the technical specifications. But, in any case, the purpose for including any of them as requirements is simply not known. Applicant's staff cannot point to any specific health physics or other safety concern. It can be guessed that the exhaust stack height and exhaust fan capability "requirements" were just meant to be descriptions of Applicant's facility as constructed, but the exhaust stack height was apparently described incorrectly.

Intervenor states Applicant has been unresponsive. What Intervenor really means is that Intervenor just does not believe Applicant's response.

Interrogatory No. 26d (I). Applicant stands by its

response. The statement in question was made by an NRC official and was intended to be descriptive of all low power research reactors. Applicant included the statement in its application because in the technical judgment of Applicant's staff the statement was applicable to Applicant's research reactor. Applicant had no specific values in mind when it included the statement but believes the correctness of its technical judgment is supported by NUREG/CR-2079, "Analysis of Credible Accidents for Argonant Reactors."

Interrogatory No. 26e (I). Applicant stands by its response. Applicant could have added that Applicant did not include the statement in its application based on any specific analysis and studies which Applicant performed or which Applicant knew about except, in an indirect way, its own 1960 safety analysis which was included in the application. Again, Intervenor simply does not believe Applicant's response.

Interrogatory No. 27e (I). Applicant stands by its response. Counter to Intervenor's statement, the referenced page and paragraph are not the precise statement Intervenor asked the question about. In any case, pages II/5-1 and 5 of the application contain statements of the "educational and research objectives of the facility."

Interrogatory No. 28k (I). Applicant stands by its response. The statement in question relates to the Applicant's 1960 Hazards Analysis which is repeated, in relevant part, in the

Applicant's 1980 application. Applicant stated that the statement was "supported by the discussion that appears in the 1980 Safety Analysis which appears in the Application." Applicant knows of no other supporting studies nor articles. Again, Intervenor simply does not believe Applicant's response and, moreover, apparently lacks the technical competence to recognize that the statement in question is deduced directly and readily from the 1960 Hazards Analysis.

Interrogatory No. 4 and 4a (II). Applicant explains its response. Applicant's simply response to 4 would have been "yes"; then 4a, would have been "not applicable." Applicant explained that contract and grant activities are accounted for separately, but all other NEL activities (most, but not all, of which are related to reactor operations) are lumped in the NEL account; that is, there is no more detailed cost accounting of those non-contract and grant supplies and expenses, there being no need for such detail.

Interrogatories Nos. 5, 6 and 8 (II). Applicant stands by its response. These questions (and several others in Contention II) repeat virtually verbatim certain questions contained in Contention XVIII. Applicant simply referred Intervenor to Applicant's responses to each of the identical questions as they appeared in the Contention XVIII interrogatories.

Interrogatory No. 9a and b (II). Applicant stands by its response. Intervenor is simply and totally incorrect in

saying "Not answered at all. No response." As with the interrogatories discussed above, Applicant referred Intervenor to Applicant's response to the same question appearing in the Contention XVIII interrogatories.

Interrogatory No. 41 (II). Applicant stands by its response. Intervenor quibbles over Applicant's use of the phrase "extramural user" in place of the phase "commercial." "Extramural" user is the correct phrase as Applicant has previously and clearly explained in its June 11 "Further Answers" response to Intervenor's first set questions (page 16). All Applicant's categories are categories of user affiliation. "Commercial" does not fit, although for Intervenor's Contention II arguments Applicant will stipulate that its "extramural" users are "commercial" users as Intervenor defines the term.

Interrogatories Nos. 42 and 46 (II). Applicant inadvertently omitted its responses to these questions in the final typing. These questions are answered in the Attachment.

Interrogatories Nos. 50a and b and 51a (II). Applicant stands by its response. As Intervenor defines "commercial," Applicant's "extramural users" have been "commercial" but they need not necessarily be so. "Other Extramural Users" (see chart in June 11 "Further Answers") is intended to include, for example, government users and other "nonprofit" or "not-for-profit" users.

Interrogatories Nos. 20 and 43d (III). Applicant inadvertently omitted its responses to these questions in the final typing. These questions are answered in the Attachment.

Interrogatory No. 38 (III). Applicant inadvertently omitted the date of the meeting. Applicant's response is supplemented in the Attachment.

Interrogatories Nos. 55, 56, 57, 59 62, and 63 (III). Applicant stands by its responses. Intervenor's questions all ask for detailed information relating to demonstrations of the reactor conducted for various visitor groups during, principally, the year 1976. During some of these visits, mainly for high school science students, Applicant's reactor staff regularly invited the visitors to manipulate certain controls as the reactor operator directed. Any information pertaining to who the visitors were, how many there were, what controls were manipulated, and who the supervisors where, is contained in the visitors log and the operating log. Applicant has no more information as to the particular log page number, the date or other identifying features than Intervenor has already gotten from the Annual Reports which were cited in Intervenor's questions and which in at least one instance includes the actual date of the event. Applicant's logs are chronological and since all the questions asked relate to 1976 events it would present no special problem for Intervenor to examine the visitors log for 1976 to get the date of the visit in question and then turn to the page in the operating log for the details.

There is no dispute concerning the fact that reactor facility regularly conducts visitor demonstrations and during some of the demonstrations that were held visitors manipulated reactor controls under the direction of the reactor operator as part of the demonstration. Applicant spent time examining its operating logs to provide the response to Interrogatory No. 54. The answers to No. 54 are typical of the answers that would be made for all of Intervenor's other questions which ask the same sixteen subpart questions as No. 54 for other demonstrations. If Intervenor wants to investigate these demonstration occurrences further, Applicant has indicated the documents that ought to be examined. Applicant ought not to be required to do Intervenor's investigating.

Interrogatory No. 68 (III). Applicant stands by its answer. Applicant does not rely on any "facts which support such a contention." Applicant simply does not interpret the Commission's regulations, specifically 10 C.F.R. §§55.1-55.9, as prohibiting the practice.

Interrogatory No. 9a (IV). Applicant agrees that it could have provided a "simple" response to Intervenor's "simple" question and has done so in the Attachment. Applicant believed that the simple response would in fact mislead and confuse Intervenor and wished to direct Intervenor to the inspection report in question and particularly Applicant's response to that report which contains the entire answer.

The thrust of Intervenor's question was that there were equipment malfunctions that were identified by the NRC that needed correcting and should have been reported to the NRC. In fact, the inspection report conclusions rested on a definition of the term "unanticipated" and the resolution process required that Applicant and NRC staff reach agreement on the definition of the term. Intervenor could only be made to understand this by reading the report and Applicant's response, which was what Applicant suggested Intervenor do.

Interrogatories Nos. 13a-c, 15a-c, 17 and 17a, 18, 22 and 24a (IV). Applicant stands by its response. Intervenor's questions all ask about events described in various NRC inspection reports going back to the 1960's. Although Applicant's current staff recall, generally, that such events occurred and that, on occasion, notices of violation were issued by the NRC, none of the current staff knows with any particularity the details of those occurrences. Moreover, with respect at least to Interrogatories 22 and 24a, Intervenor asks Applicant the meaning of certain statements made by NRC staff officials in NRC correspondence. Surely such questions should be directed elsewhere. Applicant's understanding of those statements is limited to what is contained in the written reports and Applicant's written responses, if any. Since all the events in question are described thoroughly in the inspection reports, Applicant has referred Intervenor to those reports and the Applicant's responses to the reports where responses were made.

In fact, Intervenor has in its possession, or at least has read, all inspection reports concerning Applicant's facility that the NRC has issued. All these reports were placed in the public reading room by the NRC staff. Indeed, Applicant was only able to complete its own file of inspection reports for all years of reactor operation (Applicant's files were incomplete for years prior to 1975) by requesting last fall that the NRC staff make available to Applicant the complete file of inspection reports it had already made available to Intervenor.

The only possible purpose Intervenor could have for asking for information which it already has in its possession is the rather obvious attempt to get Applicant to deny the existence of some report which does exist, or to deny the occurrence of an event which did occur. Applicant in its responses makes no such denials, and even in cases where events could be interpreted one way or the other or where Intervenor's description of the event is incorrect, Applicant has, for the purposes of avoiding argument on the matter, conceded the occurrence of events or activities which, viewed correctly, need not be conceded. The point being that Applicant does not regard any of the particular events or occurrences, nor any alleged "pattern" of such occurrences during its operating history, as in any way exceptional.

Applicant's operating history is a matter of NRC and public record. Intervenor's entire line of inquiry into enforcement actions and inspections already recorded in written NRC

reports contributes nothing to the conduct of this proceeding and the deliberations of the Board. Notwithstanding that, Applicant makes no objection to the inquiry but requests only that Intervenor not depend on the labor of Applicant's staff in the conduct of Intervenor's investigation.

Interrogatories Nos. 13-18 (V). Applicant stands by its responses; however, Applicant attempts here and again in response to Interrogatory No. 11 (V), below, to explain the confusion in Intervenor's series of hypothetical questions. Questions 13-17 have been answered by Applicant clearly, unambiguously and concisely. Intervenor has no basis at all to complain about Applicant's responses to these questions.

Intervenor's questions about what levels of sample worth (measured in reactivity levels!) it is "physically impossible" to insert in the reactor indicate how technically deficient Intervenor is in exploring this area and, as a consequence, how extremely difficult it is for Applicant to try to understand what Intervenor is "getting at" in its questions and then to make adequate responses.

A nuclear engineer or technician would recognize that samples possess no set, inherent reactivity level but that the reactivity that results is due to the particular reactor; that is, a sample exhibits reactivity only after it is inserted into a particular place in a particular reactor. But even if Applicant understands Intervenor's questions to mean a "sample which when

inserted into the reactor under conditions that would result in the stated reactivity levels," the question is vague. Intervenor asks whether it is "physically impossible" "to fit (such a sample) inside a pneumatic tube rabbit." Applicant had to assume Intervenor was referring to Applicant's currently-used rabbits and not to a redesigned rabbit container or rabbits that may be used by other facilities (the "rabbit" is a small, approximately 2 cu. in. plastic container with a cap). Moreover, Applicant had to assume, taking Intervenor's question as propounded, that Intervenor was unconcerned with whether a sample, which could possibly fit inside a rabbit, was of such a mass that it could not be "lifted" through the pneumatic system. An engineer would recognize immediately that a pneumatic system may be limited by the mass of the object which it is capable of "lifting" as much as by the size of the container, which usually can be varied.

Interrogatory No. 44 (V). Applicant stands by its response which is the response to NEL Director Catton.

Interrogatory No. 8c (VI). Applicant has further explained its response in the Attachment.

Interrogatory No. 11a (VI). Applicant stands by its response. Applicant provides a further explanation of its response in the Attachment explaining what scientists and engineers mean when they speak of "valid" and "accurate" results.

Interrogatory No. 21a and b (VI). Applicant stands by its response. The question was not skipped; Applicant indicated it was studying the matter and would respond at a later time.

Interrogatory No. 25a (VI). Applicant inadvertently omitted the response to this question in the final typing. The question is answered in the Attachment.

Interrogatory No. 36c (VI). Assuming Intervenor is concerned with the determination of "transit time" not "staff time" as stated, Applicant provides in the Attachment a more precise description of the "transit time" calculation.

Interrogatory No. 40, a, c and d (VI). Applicant has supplemented its response to these questions in the Attachment.

Interrogatory No. 41b (VI). Applicant has supplemented its response to this question in the Attachment.

Interrogatory No. 47a (VI). Applicant has supplemented its response to this question in the Attachment.

Interrogatory No. 52a and b (VI). Applicant stands by its response. All corrosion and activation products that are observed in the liquid effluents are reported yearly in the annual reports. Applicant has made the annual reports available to Intervenor. Cobalt-60 has been observed from time to time and is reported to the NRC as are all other observable isotopes in the effluents.

Interrogatories No. 5, 6 and 7 (VII). Applicant stands by its responses to these questions. As Applicant explained, the only precise, formally defined terms used by Applicant are those terms that are defined in the technical specifications of the application. Intervenor's question asks for definitions of "all other terms utilized" to refer to "unusual episodes or events." As Applicant explained, Applicant has no special glossary of terms to report events except for the special terms defined in the technical specifications and terms of common engineering parlance. Unusual events are reported on a case by case basis using, wherever possible, straightforward description.

Interrogatory No. 9c (VII). Applicant inadvertently omitted its response to this question in the final typing. Applicant has responded to the question in the Attachment.

Interrogatory No. 5a (VIII). Applicant stands by its response. There appears to be no basis for Intervenor's objection to the response since Applicant's response did not "refer to previous answer which doesn't provide the information requested."

Interrogatory No. 7d, e, f, g and h (VIII). Applicant has supplemented its response to 7d in the attachment, but stands by its other responses. The intensive level of operations hypothesized in Intervenor's questions are unrealistic for Applicant's facility and Applicant has never had occasion to perform the requested calculations.

Interrogatories Nos. 11 and 12 (VIII). Applicant stands by its responses to these questions. Intervenor's questions relate to the 1960 Hazards Analysis. Applicant has no information concerning how the assumptions made in that report were developed but assumes that the analyst who wrote the report simply postulated the figures which were intended to be reasonably conservative. The recently released NRC Safety Analysis Report supersedes completely the 1960 Hazards Analysis.

Interrogatory No. 14 (VIII). Applicant has supplemented its response in the attachment.

Interrogatory Nos. 18a to h and 19b and c (VIII). Applicant has supplemented its response to 18a to h in the Attachment but stands by its response to 19b and c, although the supplemented response to 18 is also pertinent to 19. Intervenor's series of questions on specific inventories is confused apparently because Intervenor does not understand the difference between power reactor operating cycles and research reactor operating cycles. The specific inventory is highly dependent on the reactor operating cycle, which for Applicant's research reactor is quite irregular.

Interrogatory 30 (VIII). Applicant stands by its response. In preparing its license renewal applicant, Applicant relied on the estimates of leak rate adopted by the analyst who wrote the 1960 Hazards Analysis.

C. Applicant's Responses to Intervenor's Category "B" Items

Applicant's objections on stated grounds to answering certain of Intervenor's Second Set Questions were made in Applicant's Answers. Applicant further explained each of its specific objections in "Applicant's Motion for a Protective Order", dated May 28, 1981. The following remarks of Applicant to the specific interrogatories discussed in Intervenor's "Motion to Compel" in the Category "B" discussion are intended to supplement Applicant's previous explanations of the reasonableness of the objections.

Interrogatory No. 18 (I). Applicant continues to object to that portion of this question which calls for the specific identification of students and their projects. However, in response to several of Intervenor's questions relating to the education use of the reactor, Applicant has prepared a report titled "Class Use of the UCLA Reactor" which summarizes the class use of the reactor for the 1980-81 academic year. Applicant has provided this report ("Exhibit A" to the Attachment) in supplementation of its response.

Interrogatory No. 28h (I). Applicant stands by its response, objecting to the question because it requires that Applicant conduct an extensive study. Applicant has no special information regarding the SPERT and BORAX reactors except that which is contained in standard nuclear engineering texts. Applicant has no information relating those reactors to UCLA's reactor. In view of the safety evaluation recently released by the NRC

Staff, there will be no need, and Applicant does not intend, to go beyond the NRC Staff in this matter.

Interrogatories Nos. 54 and 55 (II). Applicant stands by its responses, objecting to these questions requesting specific information about certain students as irrelevant, immaterial, and an unwarranted invasion of the privacy rights of these students. Applicant has not made, and does not intend to make, any special claims regarding the educational benefits received by these particular students and does not intend to introduce any of these students as witnesses to the proceeding.

Interrogatory No. 60 (II). Applicant stands by its response, objecting to the question as requiring a new compilation of data that would create an undue burden on Applicant's staff. The requested data is immaterial to any issue in this proceeding. No records have been kept of the information requested since 1968 and Applicant's staff estimates that it would require over 60 person-hours of effort to derive the data and produce the compilation in report form. The contribution such information would make to the resolution of Contention II or any other issue in this proceeding is negligible.

Interrogatory No. 43 (III). Applicant stands by its response as supplemented in the Attachment.

Interrogatory No. 58 (III). Applicant stands by its response, objecting to the question as unduly burdensome. For

all years, 1960 to the present, Applicant would have to page through the Visitors Log noting the visits of interest and then turn to the specific date in the operating log to ascertain the circumstances of each visit. Even then Applicant would not find all the information requested by the sixteen subparts to Interrogatory No. 54. This exercise would require over 30 person-hours of effort. Intervenor could conduct the same search with considerably less burden since Intervenor could scan the logs recording only that information it needed.

Interrogatory No. 20 (IV). Applicant withdraws its objection to this question since Applicant can respond simply to the question. Applicant's response is in the Attachment.

Interrogatory No. 11 (V). Applicant stands by its response, objecting to the question on the grounds that an extensive study would have to be performed to provide the information. Moreoever, Applicant noted that the hypothetical problems are not adequately described. Apparently Intervenor does not have the technical understanding to recognize that at the least the following parameters need to be specified: purity of the ore sample, enrichment level of the ore sample; whether a positive or negative reactivity is being introduced; where and how the sample is being inserted in the reactor; the nature of the diluent and the concentration. Further, by focusing upon "uranium ore", the question presupposes a dependence upon the uranium content when, in fact, the resulting reactivity is more likely to be dictated by the sample impurities.

Interrogatories Nos. 39, 43, 45, 47, 48 and 50 (V). Applicant stands by its responses, objecting to these questions on the grounds that they, in effect, amount to requiring that the Applicant redo the 1960 Hazards Analysis. In view of the fact that the NRC staff has produced a new safety evaluation, Applicant's reliance on the 1960 analysis has become unnecessary. Intervenor states that if Applicant claims not to have the resources to conduct certain studies Applicant ought not to be allowed to introduce the information later at a hearing "without a showing of good cause." Applicant agrees. Applicant does not now intend to introduce such information and would not do so without a "good cause" demonstration or as otherwise directed by the Commission.

Interrogatories Nos. 53-61 (VI). Applicant stands by its responses, objecting to these questions on the grounds that they relate to matters not admitted in this proceeding. The Board specifically rejected consideration of this matter at the February 4-5 prehearing conference and in its March 10, 1981 Order. Intervenor has attempted to "transplant" the disallowed contention into an admitted, but unrelated contention.

Interrogatory No. 66 (VI). Applicant stands by its response, objecting to the question on the grounds of its irrelevancy. Applicant's reactor operations at its Berkeley campus are totally unrelated to reactor operations at its Los Angeles campus, particularly so in light of the fact that the campuses operate different reactors.

Interrogatories Nos. 3, 4, 8(c) and 1b (VII). Applicant stands by its responses, objecting to the questions on the basis that they are vague, ambiguous and uncertain. Notwithstanding its objection, Applicant provided an extensive explanation of the operating terms it used and pointed to those that are used in a special, formal sense, that is, those terms that are defined in the technical specifications. Applicant explained further that all other terms are used in their generally understood nuclear engineering sense. Applicant cannot provide Intervenor with a nuclear engineering education in responding to interrogatories.

Interrogatory No. 8 (VIII). Applicant stands by its response. Applicant raised an objection but provided an answer anyway. As to the uncertainties in the question, subparts c and d do not state how many days and subparts e and f do not state how many hours a day. Moreover, whether a year means a specific calendar period or any consecutive 12-month period is uncertain.

Interrogatories Nos. 22e, 23c and d and 24 (VIII). Applicant stands by its responses to these questions. Interrogatory 22e draws the unlikely conclusion that maximum burn-up coincides with 20 more years at 43.8 mwt-hours per year. Interrogatories 23c and 23d relate to iodine-131. Applicant finds the proposed schedules incredible and undefined as to which hours each day or days each week that the reactor is hypothesized to operate. With the expenditure of much manpower, Applicant's staff could generate various answers depending

upon the assumed details. Interrogatory 24 relates to Interrogatories 18 and 19, for which a supplemental response appears in the Attachment. Interrogatory 24 also predicates incredible, but incompletely defined schedules and the preceding responses to 23c and 23d are applicable. Applicant submits that these interrogatories are vaguely defined and are based upon incredible premises suggesting that Intervenor's intent is to overburden Applicant's staff with meaningless computations.

Interrogatory 28 (VIII). Applicant stands by its response to this question. It is improper to speak of the fuel and coolant as having "capabilities." Applicant attempted to be responsive by suggesting a starting point for Intervenor into the large literature on the "properties" and "observed phenomena" of fuel and coolant.

Interrogatory No. 35 (VIII). Applicant stands by its response. The question refers to a "building" which might mean either the reactor building or Boelter Hall. In 1960, Boelter Hall was configured differently than it is at present. It is meaningless to perform dose calculations for a building configuration which no longer exists.

Interrogatories Nos. 1-66 (XX). Applicant stands by its response, objecting to certain of these questions on security information grounds and objecting to all of the questions on the grounds that the information requested is irrelevant and immaterial to the contention. As the NRC staff has demonstrated (in its

Motion for Summary Disposition of this physical security contention). Intervenor's contention is based on a mininterpretation of the Commission's regulations applicable to Applicant's facility. There are no material facts at issue with respect to this contention. The only matter at issue is what regulations are applicable to Applicant's facility.

D. Applicant's Response to Intervenor's Request for Production of Additional Documents

In a document dated May 26, 1981 Intervenor requested that Applicant make available for examination certain of Applicant's records and documents, including the "Exhibit A" list of documents appended to Applicant's May 20 Answers. On two days during each of the preceding three weeks Applicant has permitted Intervenor to examine its "Exhibit A" documents and to obtain photocopies of any documents it requested. Intervenor also made an oral request at an examination session for all Engineering Change Orders related to Applicant's reactor. Although these "ECO's" were not included in the "Exhibit A" list, Applicant regarded this request as reasonable and has made these available to Intervenor.

Applicant's responses to the other documents requested is as follows:

Memo, Hicks to Likins, June 26, 1975. Applicant will make this available for examination.

All ventilation drawings, blueprints and plans and all "as built" architectural plans for the Boelter and Math Sciences

Buildings. Applicant will make available for examination its drawings and plans.

Design criteria for reactor lding. Applicant will make available its Project Planning Guide for the reactor building which contain the design criteria.

Personnel dosimetry records. Applicant objects to providing these records on the grounds that they are previliged, personal records of individuals.

Daily sales figures for various campus eating facilities. Applicant objects to providing these records on the grounds that the records are not reasonably calculated to lead to the discovery of admissible evidence.

IV. CONCLUSION

For the reasons stated above, and those contained in the Answers and its Motion for Protective Order, Applicant respectfully requests that Intervenor's "Motion to Compel Further Answers to Intervenor's Second Set of Interrogatories" be denied. Applicant requests further that its Motion for a Protective Order be granted with the understanding that the granting of the motion is not to preclude Applicant's responding to reasonably particularized requests for information or documents.

Dated: June 29, 1981

DONALD L. REIDHAAR
GLENN R. WOODS
CHRISTINE HELWICK

By Glenn R. Woods
Glenn R. Woods

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)

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached: APPLICANT'S SUPPLEMENTAL RESPONSES TO INTERVENOR'S SECOND SET OF INTERROGATORIES

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: June 30, 1981.

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