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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	)	Docket No. 50-142
OF CALIFORNIA	)	(Proposed Renewal of Facility
	)	License Number R-71)
(UCLA Research Reactor)	)	
	)	May 13, 1983

UNIVERSITY'S RESPONSE TO ALTERNATE BOARD MEMBER'S  
APRIL 22, 1983 ORDER CONCERNING CONTENTION II

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By Order<sup>1/</sup> dated April 22, 1983 concerning the hearing on Contention II, Judge Laurenson directed the parties to satisfy certain prehearing requirements including giving consideration to some alternative for resolving Contention II without an adjudicatory hearing. The parties were also directed to file by May 13, 1983 a list of proposed witnesses and exhibits, a summary of the expected testimony, an estimate of the time necessary for the party to present its case, and any stipulations reached. In response University provides the following information.

1. Stipulations. In a conference call on May 6th, initiated by University, the parties stipulated to the witnesses and exhibits each intended to call. The parties were unable to agree on an alternative means of resolving Contention II. The stipulation is to be forwarded to Judge Laurenson by Staff's counsel.

University had recommended that the parties adopt the suggestion contained in the Order that the parties proceed on the basis of stipulated documents, affidavits of witnesses and arguments and briefs of counsel. CBG rejected the recommendation asserting that there were material facts in dispute that would

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<sup>1/</sup>"Order Scheduling Hearing on Contention II Before Alternate Board Member" (Order).

require an evidentiary hearing. University believes that the parties' disagreements concern the inferences and conclusions to be drawn from specific facts rather than any genuine dispute over the specific material facts themselves. In its separate letter of May 10, 1983 to CBG, University proposed another alternative to proceeding with a hearing on Contention II. University is awaiting CBG's response.

2. Summary of Witness Testimony. University expects to call the following witnesses who will testify as indicated:

(a) Dean Russell O'Neill of the School of Engineering - the educational and research purposes of the NEL facility; the incidental nature of any use of the reactor by non-academics; the operating costs devoted to educational uses;

(b) Mr. Neill Ostrander - the manner of reporting reactor operating hours and port hours at the NEL facility; the distinction between port hours and operating hours; the reported port hours for non-academic users for recent years; the costs associated with reactor operation by non-academic users; the costs devoted to educational uses of the reactor; faculty and staff salary expense of the NEL; various uses of the reactor; method of billing for research uses of the reactor;

(c) Mr. Charles Ashbaugh - educational uses of the reactor; various classes which use the reactor; substance of the classes which use the reactor; research users of the reactor; use of reactor for operator training; use of reactor for demonstrations; use of reactor by other institutions; reactor usage chart explanation; explanation of class use of the reactor chart; explanation of operating log entries;

(d) Dr. Emil Kalil - the non-academic use that he makes of the reactor;

(e) Mr. Chuck Noski of Deloitte, Haskins and Sells - the inappropriateness of using a cost accounting method for distributing facility costs that is based on port-hours of reactor usage;

(f) Mr. Don Rebok or Mr. John Dahl of the UCLA Finance Office - the information contained in the Finance Office letter to the NRC of January 25, 1982; the University's policy with respect to auxiliary enterprises;

(g) A UCLA Engineering student (as yet unidentified) - the educational use that is made of the reactor.

Because of scheduling conflicts that are as yet unresolved University may not call Dean O'Neill nor Dr. Kalil. The substance of University's testimony is contained in its

exhibits (as identified in the stipulation document) which are matters of record in this proceeding. It should be noted that the January 25 and April 19, 1982 letters of University to the NRC were appended to University's September 7, 1982 Motion for Summary Disposition.

3. Time Necessary for Case at Hearing. University expects to be able to present its case in about four hours.

Dated: May 13, 1983.

DONALD L. REIDHAAR  
GLENN R. WOODS  
CHRISTINE HALWICK

By W.H. Cormier  
WILLIAM H. CORMIER  
Representing UCLA

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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached: UNIVERSITY'S  
RESPONSE TO ALTERNATE BOARD MEMBER'S APRIL 22, 1983 ORDER  
CONCERNING CONTENTION II

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: MAY 13, 1983.

John H. Frye, III, Chairman  
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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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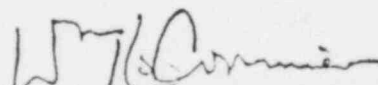
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