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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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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))	April 1, 1983
)	

UNIVERSITY'S RESPONSE TO CBG'S AND CITY'S
REQUESTS CONCERNING SCHEDULING MATTERS

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I. INTRODUCTION

In its March 23, 1983 Memorandum and Order ("Order") the Board directed that responses to CBG's motion of March 15, 1983 regarding hearing scheduling matters be filed within the time specified in the Rules of Practice. The Board also directed that responses to the concerns of the City of Santa Monica ("City") on scheduling and identification of witnesses as expressed in City's letter to the Board of March 15, 1983, should be filed within the same time period. CBG's motion and City's letter raise the same concerns. Because University understood that the schedule for hearing the "inherent safety" issue had been essentially set at the end of the Board's March 11 conference call, University did not intend to respond to CBG's and City's concerns. With the Board's Order indicating that University's response was expected, University requested an extension of the time to respond. An extension was granted and University was directed to respond by April 4, 1983.

University is opposed to any change in the June 15, 1983 date for filing direct testimony for the July hearing. University is also opposed to setting dates for hearings on Contentions I, II, VI and XV since summary disposition of those contentions is still under consideration by the Board. CBG's request with respect to Contention XIII is discussed in a separate response.

II. DISCUSSION

As a result of the March 9 and 11 conference calls University understood the Board to have "set" June 15, 1983 as the date for the filing of direct testimony for the July hearing. UCLA's staff, who have other on-going job responsibilities, have arranged their schedules around that date. UCLA's lead attorney will be involved in two unrelated legal proceedings of uncertain duration during April and the first part of May. As a result, University cannot now commit to the submission of its direct testimony prior to June 15. University has been very flexible with respect to scheduling matters in this proceeding. The Board's scheduling decisions have been made largely for the convenience of CBG. University is unable to be flexible with respect to the date for filing direct testimony.

University wishes to note that if any party is disadvantaged by this schedule it is University. University's case, based on its application, the safety analyses contained therein, the now superseded 1960 Hazards Analysis, and the NRC-conducted generic analyses as incorporated into University's application, has been available for at least two years now. In contrast, CBG's "case", based as it purports to be on the declarations of eighteen so-called "experts", was not revealed to the Board and parties until February of this year.

Moreover, University was recently challenged by the Board to take its safety analyses a step further and "teach" the Board (and parties) the fundamental principles of nuclear physics (also thermodynamics, hydraulics, mechanics and chemical engineering), which will answer the questions raised in CBG's declarations. Yet, University has had only a month to review the statements of CBG's declarants and to consider what detailed engineering explanations need be incorporated in its direct testimony. The Board is reminded that at CBG's request the time for filing summary disposition motions was delayed over a year and, at CBG's request, the time for responding to such motions once filed was extended to five months. As it now stands, University possesses only "half" of the response to which it is entitled on its motion.

CBG's complaints about witness availability are based on false statements, misrepresentations and calumnious remarks that do not deserve specific comment here. University notes only that in its November 9, 1981 "Follow-up Responses to Intervenor's Set Three and Set Four (Final) Follow-up Interrogatories" (Response to Follow-up No. VI-32, p. 115) University made it clear that it did not intend to consider the need for experts until after its motion for summary disposition (which University was then anxious to file) had been fully considered by the Board and it had been determined that indeed a hearing was needed on certain issues. As to the number of University's witnesses both CBG and City are

reminded that the University never stated that its witnesses would be limited to only Mr. Ostrander, or Mr. Ostrander and Dr. Wegst. (See, for example, the discussion that occurred at the prehearing conference; Tr. 910-911.) As of this time University has not determined what areas of the analysis it is in the process of preparing it wishes to support with additional expert testimony. Consequently, University has not yet made arrangements for any other witnesses to appear on its behalf.


With respect to the other relief CBG seems to be requesting, University notes simply that it would be inappropriate to consider evidentiary hearings on Contentions I, II, VI and XV until CBG had completed its responses to University's and Staff's summary disposition motions and the Board has rendered its decision. In particular, University submits that neither Contention I nor II presents any genuine and material factual dispute that requires an evidentiary hearing.

III. CONCLUSION

For the reasons discussed above, University respectfully requests that the Board deny the specific relief being requested by CBG.

Dated: April 1, 1983.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached: UNIVERSITY'S
RESPONSE TO CBG'S AND CITY'S REQUESTS CONCERNING SCHEDULING
MATTERS

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: April 4, 1983.

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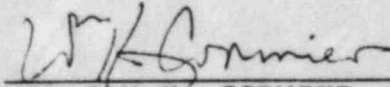
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