

RELATED CORRESPONDENCE

May 4, 1984

John H. Frye, III, Chairman
 Administrative Judge
 Atomic Safety and Licensing Board
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

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Glenn O. Bright
 Administrative Judge
 Atomic Safety and Licensing Board
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

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Dr. Emmeth A. Luebke
 Administrative Judge
 Atomic Safety and Licensing Board
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

In the Matter of
 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
 (UCLA Research Reactor)
 Docket No. 50-142 DL
(Proposed Renewal of Facility License)

Dear Administrative Judges:

I am today in receipt of Mr. Cormier's May 3, 1984 letter to you concerning various matters related to Contention XX discovery. Although Mr. Cormier comments on his withdrawal of certain expurgations and on CBG's document discovery request, he seeks only a Board ruling on the matter of the appropriateness of compensating CBG's expert witnesses for the time spent by said witnesses in deposition. Federal Rule of Civil Procedure 26(b)4(C) specifically provides that the court shall require such compensation. The experts involved have been secured by Intervenor because of their expertise and their opinions will no doubt be explored at the depositions. They will be acting in their professional capacity and they are entitled to their usual and customary fees for such time as is required on their part to have their deposition taken. The fees sought are the usual and customary charges of these experts. See, Public Services Company of Oklahoma, 5 NRC 657,673.

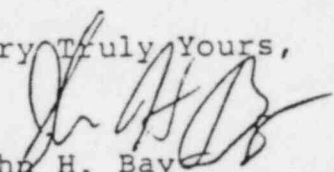
As to Mr. Cormier's comment on the proceedings at the pre-hearing conference, he did indeed indicate that his preference was to proceed by way of interrogatory. I take this opportunity to point out, however, that deposition by interrogatory also comes within the scope of FRCP 26(b)4(C) and would likewise be conditioned on payment to the experts of their customary and usual fees for their time spent answering such interrogatories.

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The depositions of CBG's experts are currently scheduled for Thursday May 10, 1984. We join with the University in seeking a resolution of this dispute prior to then and preferably by the afternoon of Tuesday May 8, 1984.

Very Truly Yours,



John H. Bay
Counsel for Intervenor