



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))	
)	June 12, 1981

APPLICANT'S MOTION TO COMPEL FURTHER ANSWERS

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THE REGENTS OF THE UNIVERSITY
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1 I. THE MOTION

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3 Pursuant to 10 C.F.R. §2.740 of the Commission's rules
4 of practice, Applicant, THE REGENTS OF THE UNIVERSITY OF
5 CALIFORNIA, moves the Atomic Safety and Licensing Board (the
6 Board) for an order compelling Intervenor to provide further
7 written answers to certain questions contained in "Applicant's
8 First Set of Interrogatories to Intervenor Committee to Bridge
9 the Gap", dated April 20, 1981.
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11 II. INTRODUCTION

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13 Applicant propounded "Applicant's First Set of
14 Interrogatories to Intervenor Committee to Bridge the Gap" on
15 April 20, 1981. Intervenor's "Answers of the Committee to
16 Bridge the Gap to Applicant's First Set of Interrogatories" were
17 received by Applicant on May 27, 1981. Applicant's motion
18 to compel was due to be filed June 7, 1981. By telephone
19 agreement, Intervenor requested of Applicant and Applicant
20 requested of Intervenor an extension to June 12, 1981, of the
21 time to file motions related to the other party's interrogatories.
22

23 Applicant's sixty-nine questions were stated clearly
24 and concisely in a standardized format and were designed to
25 elicit the precise nature of and support for Intervenor's claims.
26 Applicant submits that many of Intervenor's answers are evasive
27 and unresponsive. Applicant cannot adequately meet its burden
28 in this proceeding without knowing the specific facts, support

1 for those facts and the general position of the Intervenor with
2 respect to matters Intervenor has put in controversy in this
3 proceeding. In particular, Applicant will have difficulty
4 complying with any summary disposition deadline that is set
5 unless it knows at this time the substance and detail of
6 Intervenor's case.

8 III. DISCUSSION

10 A. Evasive Answers

12 Respecting many of Applicant's interrogatories,
13 Intervenor's response was evasive in not specifying the facts
14 underlying its allegation or, in words of similar effect, stating
15 that it had no "no information one way or the other" or no
16 information "at this time". Applicant has interpreted all such
17 responses as indicating that Intervenor knows of no facts which
18 support its allegation and that Intervenor intends to rely on
19 future discovery to disclose such facts.

21 Applicant cannot proceed to move for dismissal of
22 certain allegations or prepare to meet its ultimate burden of
23 proof at hearing unless and until it knows with particularity
24 the facts upon which Intervenor's claims are based. Applicant
25 requests that the Board direct Intervenor to both specify at
26 this time any and all facts, and support for such facts, on which
27 Intervenor intends to rely or to state that it has no knowledge
28 of such facts and to supplement its responses to Applicant's

1 questions at such time as Intervenor discovers any new facts
2 on which it intends to rely.

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4 B. Nonresponsive Answers

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6 Intervenor failed to respond to a series of questions
7 asking as to each of Intervenor's alleged deficiencies, failings
8 or problems attributed to Applicant's operations whether
9 Intervenor was alleging also that these problems did result in
10 any actual harm to public health and safety. Intervenor's
11 typical response to each of these questions was "Intervenor has
12 made no contention one way or another regarding harm to public
13 safety and health that may have resulted. . ." The responses
14 in question are to Applicant's Interrogatories Nos. 19, 23, 34
15 and 39.

16
17 Applicant is entitled to know whether Intervenor
18 intends to claim that any harm has resulted from any of
19 Applicant's reactor operations. If not, Intervenor should so
20 state directly. In these questions and elsewhere, Applicant
21 framed its questions purposely different from the language used
22 in the admitted contention. Applicant is not required to
23 repeat the language of the admitted contentions in framing its
24 questions. Intervenor's response to the effect that "that is
25 not what the language of the admitted contention says" is no
26 response at all. Applicant requests that the Board direct
27 Intervenor to answer Applicant's questions as propounded.
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3 IV. CONCLUSION

4 Applicant respectfully requests that the Board direct
5 Intervenor to disclose all facts, and support for such facts, on
6 which Intervenor intends to rely. Applicant also requests that
7 the Board direct Intervenor to supplement its written answers
8 whenever it uncovers "new" facts on which it intends to rely
9 in any way in this proceeding. Further, Applicant requests
10 that Intervenor be directed to respond to the questions
11 propounded in Interrogatories No. 13, 23, 34 and 39.

12 Dated: June 12, 1981.

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17 By Glenn R. Woods
18 Glenn R. Woods
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8 CERTIFICATE OF SERVICE

9 I hereby certify that copies of the attached: APPLICANT'S
10 MOTION TO COMPEL FURTHER ANSWERS

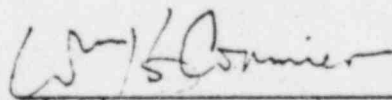
11 in the above-captioned proceeding have been served on the following by deposit
12 in the United States mail, first class, postage prepaid, addressed as indicated, on this date: June 12, 1981.

13 Elizabeth Bowers, Esq. Counsel for NRC Staff
14 U.S. Nuclear Regulatory Commission Office of the Executive Legal Director
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