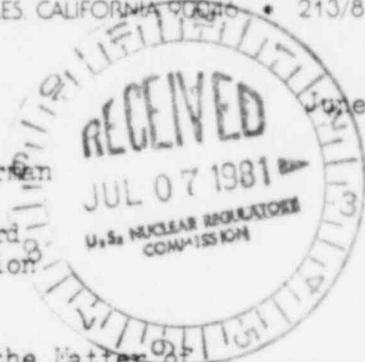


the nuclear law center



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June 30, 1981

Elizabeth S. Bowers, Esq., Chairman
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
(Proposed Renewal of Facility License)

RE: RESPONSE TO APPLICANT'S "REQUEST FOR CHANGE IN DISCOVERY SCHEDULE"

Dear Judge Bowers:

Earlier today I received a phone call from your secretary informing me that the discovery schedule was being modified and that an Order detailing the modifications would shortly be sent to parties.

A couple of hours later I received in the mail Applicant's "Request for Change in Discovery Schedule" with a note from Mr. Cormier apologizing for the delay in service caused by Applicant not having the correct address for me. As there is one item in the request which my client opposes, I had a message left with Ms. Taylor in your office later today indicating that Intervenor would be mailing a response to Applicant's request. What follows is said response.

Intervenor has no objection to the extension Applicant has requested regarding promulgation and service of Applicant's answers to Intervenor's June 10 interrogatories. Nor does Intervenor have objection to the proposed time for responses and follow-up questions on compelled further answers, if such are ordered, indicated on page 3 of Applicant's request (essentially twenty day periods). Intervenor does request the Board clarify, if it approves Applicant's request, whether that is twenty days from date of service with or without the five days added for service by mail in 10 CFR 2.710.

Intervenor does object to Applicant's request that it be permitted to serve follow-up questions to answers to its 1st set of interrogatories after failing to meet the deadline for said service. It is reasonable for Applicant to request that it be able to submit follow-up questions to

Mr. Bay reports that he did not receive a copy; Mr. Hirsch reports that an envelope with the Request was found late one night last week on a ledge outside the office building in which he works. It was found by someone who works in the same building; fortunately; but, if hand-delivered, was not done in the proper manner.

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any further answers to those interrogatories compelled by Board response to its Motion to Compel. Intervenor feels it is unreasonable for Applicant to request, considerably after the deadline has passed, that it be able to submit its second set of interrogatories as to answers Intervenor provided on May 20. The deadline for such second set interrogatories was June 10; Applicant's request for delay is considerably after the fact. Intervenor notes that Applicant has made a Motion to Compel further answers as to only four specific interrogatories; even were the Motion granted, Applicant should only have the right to follow-up questions to the further answers. Follow-up interrogatories as to the 1st set interrogatories were due considerably before Applicant requested the change in discovery schedule.

As Applicant's request for discovery schedule change does not address summary disposition, Intervenor assumes that the stipulated agreement and Board Order thereto, twice reaffirmed, remains in place. To wit: that summary disposition motions will be filed "thirty days after answers are submitted to the second round of questions" and 45-65 days before the 2,752 pre-hearing conference, depending upon whether a party files in support of a summary disposition motion. (February 5 pre-hearing conference, TR 487-88; ordered in place by Board Order of March 20, reaffirmed in Orders of April 30 and June 9.) The only alteration is the date of June 30, which would be postponed until thirty days after answers are submitted to the final follow-up round of questions (i.e. the follow-up questions to compelled further answers, should such answers be ordered).

Intervenor has a strong interest in expediting these proceedings and inquires whether procedures such as phone conference calls could be instituted to resolve scheduling and other procedural matters where time pressures force prompt decisions. Because of the June 30 deadline for Applicant's answers to Intervenor's June 10 interrogatories, Board was forced to rule on at least parts of Applicant's request for alteration in discovery schedule before Intervenor had a chance to respond to Applicant's request.

If the Order of which your secretary noticed me today by phone goes beyond the requests made by Applicant and responded to herein, Intervenor respectfully requests that it be given an opportunity to respond thereto.

Respectfully submitted,


Mark Pollock
Attorney for Intervenor
COMMITTEE TO BRIDGE THE GAP

cc: service list.

2/ Intervenor notes that even were Applicant's response properly served, the time period for Intervenor's response would not have expired prior to the June 30 deadline by when Applicant needed at least a partial answer.