

COMMITTEE TO BRIDGE THE GAP

1637 BUTLER AVENUE #203
LOS ANGELES, CALIFORNIA 90025
(213) 478-0829

DOCKETED
USNRC

October 27, 1981

'81 OCT 30 P1:06

CRA

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Collen P. Woodhead, Esq.
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission

RE: DISCOVERY CONFERENCE
DOCKET NO. 50-142, PROPOSED RENEWAL--UCLA REACTOR

Dear Ms. Woodhead:

I am in receipt of your letter of October 14 regarding setting of a discovery conference as to the matter of Intervenor's interrogatories to Staff. In your letter you request that Intervenor review the interrogatories to determine those which we believe concern information necessary and unavailable elsewhere. You also indicate it would be "helpful for you to identify the contention to which each interrogatory relates."

We are in the process of so reviewing the interrogatories. We suggest that at the same time, pursuant to Board Order of October 13, Staff review the interrogatories and to recognize, prior to the meeting, those questions which are necessary to furnish information for a sound decision and for which the information is not otherwise available.

I suggest that when either party has completed the review the Board has directed, it contact the other party to set up a date for a meet-and-confer session. As soon as we have completed our review, we will contact you, and we trust as soon as you have completed your review, you will do the same.

We suggest two other issues be discussed as well. In reviewing Mr. Pollock's files subsequent to his withdrawal as counsel, I noticed several Staff documents which had been served on him and not on myself, plus indication of possible Staff-Applicant correspondence which may not have been served either to Mr. Pollock or myself. I propose we briefly discuss service of such documents, particularly Staff-Applicant communication, to iron out any problems. In addition, I propose we discuss the matter of notification of Intervenor of any Staff-Applicant meetings. Lastly, if Staff takes issue with any of the corrections to the typographical and editorial errors we noted in Staff's compilation of September 2 of the admitted contentions, we suggest that matter be discussed as well.

As a courtesy, please be informed that Applicant has requested that we discuss with it at our next discovery conference (November 4) suggestions it wishes to raise regarding possible withdrawal or modification of contentions. Intervenor does not know at this time what those proposals may be, but as they may affect Staff, we trust Applicant will keep you informed. Intervenor has also proposed to Applicant that we discuss suggestions of either party as to mutually agreeable methods of dealing with the security contention in a fashion that maximizes

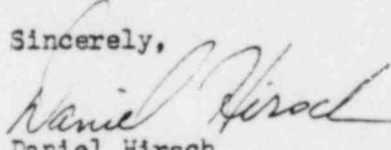
Colleen P. Woodhead/2

the safeguarding of the information and the ability of the Board to make its decision based on a complete decisional record. Intervenor would be pleased to discuss any suggestions Staff might have in this matter, prior to Intervenor's moving the Board to re-open discovery on security.

I will be leaving Los Angeles sometime between November 5 and 11, returning to Ben Lomond until early January. I can be reached in Los Angeles at (213) 478-0829, in Ben Lomond at (408) 336-5381, with messages always available to be left at the Los Angeles number. Our discovery conference can take place by phone or in person in the San Francisco Bay area (Ben Lomond is not far).

We look forward to hearing from you when your review of the interrogatories is complete; we will contact you as soon as our review is completed; and we trust that the discovery conference to be set up at that time will resolve the disputes so that action by the Board will not be necessary.

Sincerely,


Daniel Hirsch
President

COMMITTEE TO BRIDGE THE GAP

cc: service list

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Elizabeth S. Bowers, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris
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

DOCKET 50-142
PROPOSED RENEWAL/UCLA REACTOR

RE: PROGRESS REPORT ON EFFORTS TO RESOLVE DISCOVERY DISPUTES

Dear Administrative Judges:

As per your recent Orders, representatives of Applicant and Intervenor have met and conferred on September 17, October 16, and October 22 in attempts to resolve discovery disputes extant between the parties. Agreement was reached on a number of issues, and progress made towards agreement on certain other issues. The parties will meet again on November 4, with at least one more discovery conference likely thereafter.

Intervenor and Applicant will serve responses to outstanding interrogatories on November 9. Should there be dispute about the adequacy of the responses, the parties will meet shortly thereafter in an attempt to resolve any such disagreements. Applicant has offered to produce certain documents for inspection the week of November 9, although some dispute remains as to certain items requested to be produced. Hopefully those disagreements will be resolved at the discovery conference on November 4.

After reaching some tentative agreements as to Intervenor's two requests for permission to enter upon Applicant's facility for purposes of inspection, photographing and measuring, Applicant has indicated it will attempt to bring to the November 4 conference a proposal that may resolve the remaining disputes about the inspection requests.

Written stipulations have been drafted as to agreements reached at each discovery session; generally presented for signature at the subsequent conference, they have required some modification and/or consultation with, in the case of Applicant, counsel not present at the conference. To date, none of the stipulation drafts have been signed in final form; when they are, they will be forwarded to the Board. However, because of the time delay involved between agreement reached at discovery conference and final signature on written stipulation, it is likely that, should agreement be reached on Intervenor's requests for inspection of the UCLA facility, actual inspection will take place several weeks after initial agreement has been reached.

Intervenor has placed on the agenda of these discovery conferences the dispute over whether Applicant has a duty to serve on Intervenor copies of Applicant-Staff correspondence. And Applicant has placed on the agenda certain suggestions it wishes to make regarding withdrawal or modification of Intervenor's contentions.

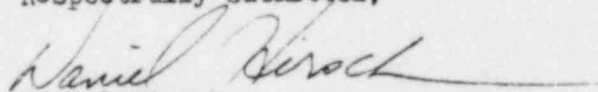
Intervenor and Applicant will continue to meet and confer in order to resolve those disputes which can be resolved between the parties without necessity of Board intervention. The Board will be kept apprised of progress toward resolving these disputes.

With regards the dispute between Staff and Intervenor as to Intervenor's interrogatories to Staff, we are, as per Board Order of October 13 and Staff's letter of October 14, in process of reviewing the interrogatories prior to the meeting and prioritizing the items in an effort to reduce their number. We have requested that the Staff, as per the Board Order, review the interrogatories and recognize, prior to the meeting, those questions which are necessary to furnish information for a sound decision and for which the information is not otherwise available.

We have also suggested that two other items be discussed at the Intervenor-Staff meeting: service on Intervenor of Staff-Applicant correspondence (and notification of Staff-Applicant meetings), and the language, as admitted, of the contentions, due to the discrepancies between the version Staff forwarded to the Board on September 2 and the language Intervenor understands as having been admitted. We trust the discrepancies are typographical or editorial errors and readily resolved.

As soon as Intervenor and Staff have conducted the reviews of the interrogatories directed by the Board to be done prior to meeting, a meeting will be arranged to attempt to reach a resolution on the matter. The Board will, of course, be kept informed of developments.

Respectfully submitted,



Daniel Hirsch
President

COMMITTEE TO BRIDGE THE GAP

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MEMO TO BOARD, PARTIES, AND DOCKETING
RE: SERVICE LIST -- DOCKET 50-142, PROPOSED RENWAL-UCLA REACTOR

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

For your convenience, please find below the current service list for Intervenor. Please note that Daniel Hirsch, currently in Los Angeles, will be returning to Ben Lomond in early November, intending to remain there until early January.

CURRENT SERVICE ADDRESS

CURRENT PHONE NUMBER

Committee to Bridge the Gap
1637 Butler Avenue
Los Angeles, CA 90025

(213) 478-0829

Daniel Hirsch
c/o Quaker Center
Box 686
Ben Lomond, CA 95005

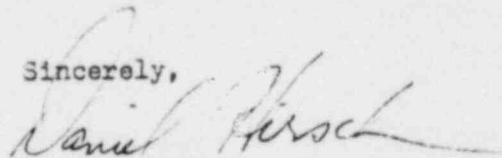
(408) 336-5381

(messages can be
left at CBG office
in Los Angeles)

Mr. John Bay
2261 Columbia Street
Palo Alto, CA 94306

When replacement counsel is appointed by the Nuclear Law Center, we will request said counsel be added to the service list.

Sincerely,



Daniel Hirsch
President
COMMITTEE TO BRIDGE THE GAP

cc: service list

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Elizabeth S. Bowers, Chairman
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Dr. Csear H. Paris
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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DOCKETING & SERVICE
BRANCH

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

RE: LANGUAGE OF CONTENTIONS, AS ADMITTED BY THE BOARD
(DOCKET 50-142, PROPOSED RENEWAL--UCLA REACTOR)

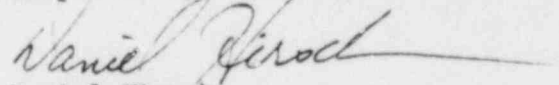
Dear Administrative Judges:

By Order of August 27, 1981, the Board requested Staff to prepare a compilation of the contentions admitted to date, with the language revisions contained in the Board's March 20, 1981 Order. On September 2, the Staff responded.

Intervenor has noticed in the September 2 compilation a few typographical or editorial errors. Please find enclosed a list of the relevant corrections.

Should Staff view any of these items differently from Intervenor, Intervenor suggests the matter be discussed at the upcoming meet-and-confer session.

Respectfully submitted,



Daniel Hirsch
President
COMMITTEE TO BRIDGE THE GAP

enclosure: "CORRECTIONS TO NRC STAFF COMPILATION
OF ADMITTED CONTENTIONS, SUBMITTED 9/2/81"

cc w/ enclosure: service list

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CORRECTIONS TO NRC STAFF COMPILATION

OFFICE OF SECRETARY OF ADMITTED CONTENTIONS, SUBMITTED 9/2/81
DOCKETING & SERVICE
BRANCH

- I.1 should read "...experimental vibration of the reactor is misleading."
- V.11 should read "...the current licensed limit($\pm 2.3\%$ delta k/k)..."
- XIII should read "The information which Applicant has provided regarding the special nuclear materials license is inadequate to meet the requirements of 10 CFR 70.22(a)(7) and (a)(8) and 70.24(a)(1), (2), and (3). Furthermore, the enrichment level..."
- XIX should read "The Application's Safety Analysis is flawed because it does not include an analysis of the 'maximum credible accident' or a 'design basis accident'. In providing such an analysis the following hazard scenarios..."
- XXI.5 should read "Applicant does not have adequate radiation measuring devices to accurately determine the extent and seriousness of an accident which would make the University initiate its emergency response plan."

By Board Order of March 20, 1981, the following contentions were deferred:

X.3a-c; X.4a-f; XXIII.1a-b, 2a-b, 3a-b.

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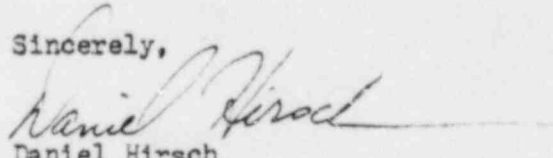
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