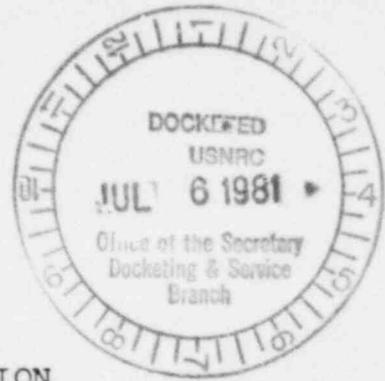
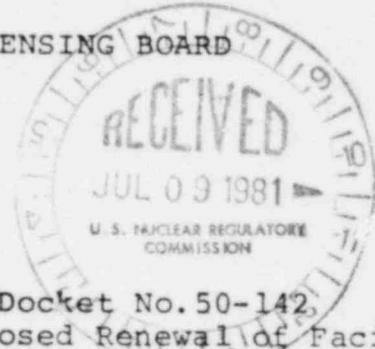


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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
 )  
THE REGENTS OF THE UNIVERSITY )  
OF CALIFORNIA )  
 )  
(UCLA Research Reactor) )  
 )

Docket No. 50-142  
(Proposed Renewal of Facility  
License Number R-71)

June 29, 1981

APPLICANT'S RESPONSE TO INTERVENOR'S MOTION TO  
COMPEL AND REQUEST FOR PRODUCTION

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THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA

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1           Applicant, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,  
2 responds to Intervenor, Committee to Bridge the Gap's, "Motion  
3 to Compel Further Answers from Applicant to Intervenor's Second  
4 Set of Interrogatories; and Response to Applicant's Motion for  
5 a Protective Order," dated June 12, 1981, and responds also to  
6 Intervenor's "Request for Production of Documents," dated May 26,  
7 1981, as follows:

8  
9                           I. INTRODUCTION

10  
11           Intervenor's "Motion to Compel" and "Request for  
12 Production," considered together, raise four questions about  
13 Applicant's discovery responses: Intervenor questions the  
14 sufficiency of certain of Applicant's "Answers" ("Answers of the  
15 Applicant to Intervenor's Second Set of Interrogatories," dated  
16 May 20, 1981) to Intervenor's "Second Set Questions" (Intervenor's  
17 (Second Set) Interrogatories to Applicant," dated April 20, 1981);  
18 Intervenor questions the reasonableness of certain objections made  
19 by Applicant in its Answers to certain of the Second Set Questions;  
20 the reasonableness of Applicant's request (made in "Applicant's  
21 Motion for a Protective Order," dated May 28, 1981) for a general  
22 limitation on the number of documents to be produced during  
23 discovery; and the reasonableness of Applicant's request (also  
24 in its "motion for a Protective Order") that a limitation be  
25 placed on the number of follow-up questions.

26  
27           In general, Applicant stands by its responses to  
28 Intervenor's questions. Applicant also maintains that the

1 objections raised to Intervenor's questions are reasonable and  
2 that there is ample justification for issuing the protective order  
3 requested by Applicant.

4  
5           Moreover, there is new, additional support for the  
6 issuance of such a protective order. The NRC staff has just  
7 released its Safety Evaluation Report and Environmental Impact  
8 Assessment together with two commissioned studies, NUREG/CR-2079  
9 ("Analysis of Credible Accidents for Argonant Reactors") and  
10 NUREG/CR-2198 ("Argonant Design Basis Accident Evaluation").  
11 Applicant intends to rely on these NRC reports and studies  
12 extensively in demonstrating that the renewal of Applicant's  
13 operating license raises no significant public health and safety  
14 considerations. In particular, Applicant has no further intention  
15 of "defending" its 1960 Hazards Analysis, which was based on  
16 very conservative and totally unrealistic postulates nor does  
17 Applicant intend to conduct any of the studies, perform any of  
18 the calculations or derive any of the data which Intervenor has  
19 requested and has assumed, incorrectly, would be necessary to  
20 support the license application. As a result of the publication  
21 of these studies a significant number of Intervenor's Second Set  
22 Questions are rendered irrelevant and immaterial and many of  
23 Intervenor's specific arguments to compel further answers are  
24 made moot.

25  
26           Nevertheless, Applicant acknowledges that a small  
27 number of its responses to Intervenor were inadequate. Under  
28 the severe time constraint of having to respond to the over

1 2,280 Second Set Questions within twenty-two days, Applicant  
2 made mistakes. A few of Applicant's answers were simply omitted,  
3 inadvertently, in the final typing of the 220 pages of answers.  
4 A few of the answers which would otherwise have been easily  
5 understood by technically-trained individuals were not made  
6 sufficiently clear, as Applicant now recognizes, for the non-  
7 technically-trained. To remedy these oversights Applicant has  
8 prepared an "Attachment" ("Applicant's Supplemental Responses to  
9 Intervenor's Second Set Questions") to this memorandum, which  
10 contains the omitted answers, additional explanations to pre-  
11 viously provided answers and answers to certain questions which  
12 Applicant had stated in its May 20 Answers that it would respond  
13 to at a future date when it had time to prepare the information  
14 requested.

15  
16 Applicant acknowledges further that its protective order  
17 request that document production be limited to the "Exhibit A"  
18 list of documents (attached to Applicant's May 20 Answers) could  
19 be interpreted as putting an end to discovery in this proceeding.  
20 Applicant, however, does not seek to curtail all future discovery.  
21 Applicant seeks only to protect itself from the type of request  
22 regularly used by Intervenor that calls for "all records and  
23 documents in any way related to some general subject matter."  
24 Applicant is prepared to stipulate that if its protective order  
25 is granted by the Atomic Safety and Licensing Board (Board) it  
26 will continue to produce other documents requested by Intervenor  
27 provided that the request is for specifically described records  
28 and/or documents which are related to specific factual matters  
in dispute.

1           Applicant submits that its answers to Intervenor's  
2 Second Set Questions, as supplemented by the Attachment document  
3 contained herein, are fully responsive. Without further modifying  
4 its answers, Applicant states that it also intends to rely on the  
5 recently released NRC Staff reports and studies in all places  
6 these documents are applicable. Applicant submits further that  
7 its protective order request is reasonable and not founded, as  
8 Intervenor suggests, on any unwillingness to disclose relevant  
9 and material information. The request rests instead on practical  
10 considerations: that there are virtually no material factual  
11 matters in dispute in this proceeding; that Applicant is relying  
12 completely on the NRC studies and not any of Applicant's own  
13 studies or calculations respecting accident analyses and safety-  
14 related issues; and that Applicant cannot undertake the extremely  
15 burdensome work effort required to respond to all of Intervenor's  
16 discovery requests.

17  
18   II. DISCUSSION

19  
20 A. Discovery Standards

21           There is no need for Applicant to review the discovery  
22 standards applicable to this proceeding. The Commission's dis-  
23 covery rules follow generally the federal rules with the im-  
24 portant modification that in operating license proceedings the  
25 discovery of "all relevant information" is limited to those matters  
26 in controversy (contentions) admitted by the Board at the end of  
27 the Special Prehearing Conference. 10 C.F.R. §2.740(b)(1).  
28 Except with respect to the several matters discussed below,

1 Applicant does not take exception to Intervenor's citation of  
2 authority. At issue are not the common discovery standards but  
3 how those legal standards are applied to the particular matters  
4 in dispute in the instant proceeding.

5

6           Intervenor purports to use, and uses incorrectly,  
7 several common discovery standards in support of its argument  
8 that Applicant's Answers are inadequate. The Hickman-Taylor  
9 principle that the discovery procedures are designed to avoid  
10 surprise and to merely advance the stage in the proceeding when  
11 the disclosure of information is made is inapplicable in the  
12 instant case. Intervenor has assumed that the studies and  
13 calculations Applicant has stated it cannot conduct or perform  
14 will have to be conducted or performed at some later stage if  
15 Applicant is to meet its burden in the proceeding. Intervenor's  
16 assumption is incorrect. Applicant does not intend to conduct  
17 any new studies or perform any new special calculations in sup-  
18 port of its license application. Applicant is prepared to  
19 meet its burden in this proceeding without having to generate  
20 any of the information which Intervenor apparently believes is  
21 necessary for its own case. It is simply not correct to suggest,  
22 as Intervenor does, that Applicant will have to "gather such  
23 information before trial in any event."

24

25           Moreover, respecting Applicant's offer of its business  
26 records and documents in lieu of an answer, which is specifically  
27 permitted by the federal rules, Intervenor misconstrues the clear  
28 intent of that rule which is "to place the burden of research on

1 the party who seeks the information." Rule 33(c), Federal Rules  
2 of Civil Procedure and Notes of Advisory Committee on 1970  
3 Amendments to Rules. In all cases where Applicant offered its  
4 documents in response, Applicant specified precisely where the  
5 information could be found where Applicant's staff knew where  
6 the information was located. In the vast majority of cases  
7 Applicant's staff did not know the dates or even approximate  
8 dates of events in which Intervenor was interested. In many cases  
9 Intervenor wanted to know of "all instances" of some type of  
10 event (for example, "all scrams") that had occurred at any time  
11 during Applicant's operating history. Such instances are re-  
12 ported repeatedly in Applicant's records, principally the  
13 operating log records, and Applicant referred Intervenor to the  
14 appropriate documents. For most of these questions of Intervenor  
15 the information requested can only be retrieved by paging through  
16 the operating logs and reports which requires no particular  
17 familiarity with those records. Intervenor is clearly wrong to  
18 state "Rule 33(c) cannot be used to shift the obligation of  
19 ascertaining information from one party to another." In fact,  
20 the very purpose of the rule is to place the burden of research  
21 on the requesting party.

22  
23 Finally, Intervenor seeks to use NRC case law to  
24 establish that its 2,280 questions are clearly not an excessive  
25 number of questions. Intervenor states that in the Pennsylvania  
26 Power case the "Appeals Board, ruling on remarkably similar cir-  
27 cumstances held that 2700 interrogatories were not objectionable  
28 circumstances." In fact, that case held nothing of the kind. The

1 Appeals Board pointed out that the "2700" figure was an erroneous  
2 computation made by the objecting party of the number of questions  
3 propounded. The Appeals Board found that "the basic questionnaire  
4 had about 150 questions and parts thereof." And, the holding  
5 of the Board was not that those 150 questions were flawless, and  
6 otherwise acceptable, but instead that the objecting party could  
7 not simply refuse to answer any and all of those questions with-  
8 out filing specific objections. Pennsylvania Power and Light  
9 Company, ASLAB Decision, 12 NRC 317 (1980).

10

11 Applicant also notes that Intervenor objects to  
12 Applicant's counting of parts of questions in addition to the  
13 questions themselves, notwithstanding that this is precisely the  
14 method used by the Appeals Board in the Pennsylvania Power case  
15 and by the Commission in its proposed rulemaking to limit the  
16 number of interrogatories which a party could file. Nonetheless  
17 Applicant wishes to point out that Intervenor's Second Set  
18 Questions contain 750 numbered questions (ignoring subparts,  
19 which were as many as twenty in several instances) and Intervenor's  
20 Third Set of follow-up questions contain 350 numbered questions  
21 ignoring subparts. These numbers of questions, which have not  
22 served to focus discovery on factual matters in controversy,  
23 are clearly excessive. Applicant's request for a limitation on  
24 the number of follow-up questions to be permitted is certainly  
25 warranted.

26

27 B. Applicant's Response to Intervenor's Category "A" Items

28 Intervenor divided its specific complaints in its

1 motion to compel into two categories: items for which Applicant  
2 has not requested a protective order (Category "A"); and items  
3 for which Applicant has requested a protective order (Category  
4 "B"). Applicant's specific responses to the Category A and B  
5 items follows. The roman numeral in parentheses following  
6 an interrogatory number refers to the relevant contention.

7  
8 Interrogatory No. 24e (I). Applicant stands by its  
9 response. Intervenor's question asks what was the original  
10 purpose for including in the technical specifications require-  
11 ments for "a. the exhaust stack height, b. the flow rate out  
12 of the exhaust stack (as opposed to capability of exhaust fans),  
13 and/or c. access restrictions to the roof area."

14  
15 First of all, item c was never present in the technical  
16 specifications. But, in any case, the purpose for including any  
17 of them as requirements is simply not known. Applicant's staff  
18 cannot point to any specific health physics or other safety  
19 concern. It can be guessed that the exhaust stack height and  
20 exhaust fan capability "requirements" were just meant to be  
21 descriptions of Applicant's facility as constructed, but the  
22 exhaust stack height was apparently described incorrectly.

23  
24 Intervenor states Applicant has been unresponsive.  
25 What Intervenor really means is that Intervenor just does not  
26 believe Applicant's response.

27  
28 Interrogatory No. 26d (I). Applicant stands by its

1 response. The statement in question was made by an NRC official  
2 and was intended to be descriptive of all low power research  
3 reactors. Applicant included the statement in its application  
4 because in the technical judgment of Applicant's staff the state-  
5 ment was applicable to Applicant's research reactor. Applicant  
6 had no specific values in mind when it included the statement  
7 but believes the correctness of its technical judgment is  
8 supported by NUREG/CR-2079, "Analysis of Credible Accidents for  
9 Argonant Reactors."

10  
11 Interrogatory No. 26e (I). Applicant stands by its  
12 response. Applicant could have added that Applicant did not in-  
13 clude the statement in its application based on any specific  
14 analysis and studies which Applicant performed or which Applicant  
15 knew about except, in an indirect way, its own 1960 safety  
16 analysis which was included in the application. Again, Intervenor  
17 simply does not believe Applicant's response.

18  
19 Interrogatory No. 27e (I). Applicant stands by its  
20 response. Counter to Intervenor's statement, the referenced page  
21 and paragraph are not the precise statement Intervenor asked the  
22 question about. In any case, pages II/5-1 and 5 of the applica-  
23 tion contain statements of the "educational and research ob-  
24 jectives of the facility."

25  
26 Interrogatory No. 28k (I). Applicant stands by its  
27 response. The statement in question relates to the Applicant's  
28 1960 Hazards Analysis which is repeated, in relevant part, in the

1 Applicant's 1980 application. Applicant stated that the state-  
2 ment was "supported by the discussion that appears in the 1980  
3 Safety Analysis which appears in the Application." Applicant  
4 knows of no other supporting studies nor articles. Again,  
5 Intervenor simply does not believe Applicant's response and,  
6 moreover, apparently lacks the technical competence to recognize  
7 that the statement in question is deduced directly and readily  
8 from the 1960 Hazards Analysis.

9  
10 Interrogatory No. 4 and 4a (II). Applicant explains  
11 its response. Applicant's simply response to 4 would have been  
12 "yes"; then 4a, would have been "not applicable." Applicant  
13 explained that contract and grant activities are accounted for  
14 separately, but all other NEL activities (most, but not all, of  
15 which are related to reactor operations) are lumped in the NEL  
16 account; that is, there is no more detailed cost accounting of  
17 those non-contract and grant supplies and expenses, there being  
18 no need for such detail.

19  
20 Interrogatories Nos. 5, 6 and 8 (II). Applicant stands  
21 by its response. These questions (and several others in Contention II) repeat virtually verbatim certain questions contained  
22 in Contention XVIII. Applicant simply referred Intervenor to  
23 Applicant's responses to each of the identical questions as they  
24 appeared in the Contention XVIII interrogatories.

25  
26  
27 Interrogatory No. 9a and b (II). Applicant stands  
28 by its response. Intervenor is simply and totally incorrect in

1 saying "Not answered at all. No response." As with the  
2 interrogatories discussed above, Applicant referred Intervenor  
3 to Applicant's response to the same question appearing in the  
4 Contention XVIII interrogatories.

5  
6 Interrogatory No. 41 (II). Applicant stands by its  
7 response. Intervenor quibbles over Applicant's use of the  
8 phrase "extramural user" in place of the phrase "commercial."  
9 "Extramural" user is the correct phrase as Applicant has pre-  
10 viously and clearly explained in its June 11 "Further Answers"  
11 response to Intervenor's first set questions (page 16). All  
12 Applicant's categories are categories of user affiliation.  
13 "Commercial" does not fit, although for Intervenor's Contention  
14 II arguments Applicant will stipulate that its "extramural"  
15 users are "commercial" users as Intervenor defines the term.

16  
17 Interrogatories Nos. 42 and 46 (II). Applicant in-  
18 advertently omitted its responses to these questions in the final  
19 typing. These questions are answered in the Attachment.

20  
21 Interrogatories Nos. 50a and b and 51a (II). Applicant  
22 stands by its response. As Intervenor defines "commercial,"  
23 Applicant's "extramural users" have been "commercial" but they  
24 need not necessarily be so. "Other Extramural Users" (see chart  
25 in June 11 "Further Answers") is intended to include, for example,  
26 government users and other "nonprofit" or "not-for-profit"  
27 users.

28

1                   Interrogatories Nos. 20 and 43d (III). Applicant  
2 inadvertently omitted its responses to these questions in the  
3 final typing. These questions are answered in the Attachment.  
4

5                   Interrogatory No. 38 (III). Applicant inadvertently  
6 omitted the date of the meeting. Applicant's response is  
7 supplemented in the Attachment.  
8

9                   Interrogatories Nos. 55, 56, 57, 59 62, and 63 (III).  
10 Applicant stands by its responses. Intervenor's questions all  
11 ask for detailed information relating to demonstrations of the  
12 reactor conducted for various visitor groups during, principally,  
13 the year 1976. During some of these visits, mainly for high  
14 school science students, Applicant's reactor staff regularly  
15 invited the visitors to manipulate certain controls as the  
16 reactor operator directed. Any information pertaining to who  
17 the visitors were, how many there were, what controls were  
18 manipulated, and who the supervisors where, is contained in the  
19 visitors log and the operating log. Applicant has no more in-  
20 formation as to the particular log page number, the date or  
21 other identifying features than Intervenor has already gotten  
22 from the Annual Reports which were cited in Intervenor's questions  
23 and which in at least one instance includes the actual date of  
24 the event. Applicant's logs are chronological and since all the  
25 questions asked relate to 1976 events it would present no special  
26 problem for Intervenor to examine the visitors log for 1976 to  
27 get the date of the visit in question and then turn to the page  
28 in the operating log for the details.

1           There is no dispute concerning the fact that reactor  
2 facility regularly conducts visitor demonstrations and during  
3 some of the demonstrations that were held visitors manipulated  
4 reactor controls under the direction of the reactor operator as  
5 part of the demonstration. Applicant spent time examining its  
6 operating logs to provide the response to Interrogatory No. 54.  
7 The answers to No. 54 are typical of the answers that would be  
8 made for all of Intervenor's other questions which ask the same  
9 sixteen subpart questions as No. 54 for other demonstrations.  
10 If Intervenor wants to investigate these demonstration occurrences  
11 further, Applicant has indicated the documents that ought to be  
12 examined. Applicant ought not to be required to do Intervenor's  
13 investigating.

14  
15           Interrogatory No. 68 (III). Applicant stands by its  
16 answer. Applicant does not rely on any "facts which support such  
17 a contention." Applicant simply does not interpret the Commission's  
18 regulations, specifically 10 C.F.R. §§55.1-55.9, as prohibiting  
19 the practice.

20  
21           Interrogatory No. 9a (IV). Applicant agrees that it  
22 could have provided a "simple" response to Intervenor's "simple"  
23 question and has done so in the Attachment. Applicant believed  
24 that the simple response would in fact mislead and confuse  
25 Intervenor and wished to direct Intervenor to the inspection  
26 report in question and particularly Applicant's response to that  
27 report which contains the entire answer.

28

1           The thrust of Intervenor's question was that there were  
2 equipment malfunctions that were identified by the NRC that  
3 needed correcting and should have been reported to the NRC.  
4 In fact, the inspection report conclusions rested on a definition  
5 of the term "unanticipated" and the resolution process required  
6 that Applicant and NRC staff reach agreement on the definition  
7 of the term. Intervenor could only be made to understand this  
8 by reading the report and Applicant's response, which was what  
9 Applicant suggested Intervenor do.

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Interrogatories Nos. 13a-c, 15a-c, 17 and 17a, 18, 22  
and 24a (IV). Applicant stands by its response. Intervenor's  
questions all ask about events described in various NRC in-  
spection reports going back to the 1960's. Although Applicant's  
current staff recall, generally, that such events occurred and  
that, on occasion, notices of violation were issued by the NRC,  
none of the current staff knows with any particularity the  
details of those occurrences. Moreover, with respect at least  
to Interrogatories 22 and 24a, Intervenor asks Applicant the  
meaning of certain statements made by NRC staff officials in NRC  
correspondence. Surely such questions should be directed else-  
where. Applicant's understanding of those statements is limited  
to what is contained in the written reports and Applicant's  
written responses, if any. Since all the events in question are  
described thoroughly in the inspection reports, Applicant has  
referred Intervenor to those reports and the Applicant's re-  
sponses to the reports where responses were made.

1           In fact, Intervenor has in its possession, or at least  
2 has read, all inspection reports concerning Applicant's facility  
3 that the NRC has issued. All these reports were placed in the  
4 public reading room by the NRC staff. Indeed, Applicant was  
5 only able to complete its own file of inspection reports for all  
6 years of reactor operation (Applicant's files were incomplete  
7 for years prior to 1975) by requesting last fall that the NRC  
8 staff make available to Applicant the complete file of inspection  
9 reports it had already made available to Intervenor.

10  
11           The only possible purpose Intervenor could have for  
12 asking for information which it already has in its possession is  
13 the rather obvious attempt to get Applicant to deny the existence  
14 of some report which does exist, or to deny the occurrence of  
15 an event which did occur. Applicant in its responses makes no  
16 such denials, and even in cases where events could be interpreted  
17 one way or the other or where Intervenor's description of the  
18 event is incorrect, Applicant has, for the purposes of avoiding  
19 argument on the matter, conceded the occurrence of events or  
20 activities which, viewed correctly, need not be conceded. The  
21 point being that Applicant does not regard any of the particular  
22 events or occurrences, nor any alleged "pattern" of such  
23 occurrences during its operating history, as in any way  
24 exceptional.

25  
26           Applicant's operating history is a matter of NRC and  
27 public record. Intervenor's entire line of inquiry into enforce-  
28 ment actions and inspections already recorded in written NRC

1 reports contributes nothing to the conduct of this proceeding and  
2 the deliberations of the Board. Notwithstanding that, Applicant  
3 makes no objection to the inquiry but requests only that Inter-  
4 venor not depend on the labor of Applicant's staff in the con-  
5 duct of Intervenor's investigation.

6  
7 Interrogatories Nos. 13-18 (V). Applicant stands by  
8 its responses; however, Applicant attempts here and again in  
9 response to Interrogatory No. 11 (V), below, to explain the con-  
10 fusion in Intervenor's series of hypothetical questions. Questions  
11 13-17 have been answered by Applicant clearly, unambiguously and  
12 concisely. Intervenor has no basis at all to complain about  
13 Applicant's responses to these questions.

14  
15 Intervenor's questions about what levels of sample  
16 worth (measured in reactivity levels!) it is "physically  
17 impossible" to insert in the reactor indicate how technically  
18 deficient Intervenor is in exploring this area and, as a  
19 consequence, how extremely difficult it is for Applicant to try  
20 to understand what Intervenor is "getting at" in its questions  
21 and then to make adequate responses.

22  
23 A nuclear engineer or technician would recognize that  
24 samples possess no set, inherent reactivity level but that the  
25 reactivity that results is due to the particular reactor; that  
26 is, a sample exhibits reactivity only after it is inserted into  
27 a particular place in a particular reactor. But even if Applicant  
28 understands Intervenor's questions to mean a "sample which when

1 inserted into the reactor under conditions that would result in  
2 the stated reactivity levels," the question is vague. Intervenor  
3 asks whether it is "physically impossible" "to fit (such a  
4 sample) inside a pneumatic tube rabbit." Applicant had to assume  
5 Intervenor was referring to Applicant's currently-used rabbits  
6 and not to a redesigned rabbit container or rabbits that may be  
7 used by other facilities (the "rabbit" is a small, approximately  
8 2 cu. in. plastic container with a cap). Moreover, Applicant  
9 had to assume, taking Intervenor's question as propounded, that  
10 Intervenor was unconcerned with whether a sample, which could  
11 possibly fit inside a rabbit, was of such a mass that it could  
12 not be "lifted" through the pneumatic system. An engineer  
13 would recognize immediately that a pneumatic system may be  
14 limited by the mass of the object which it is capable of "lifting"  
15 as much as by the size of the container, which usually can be  
16 varied.

17  
18 Interrogatory No. 44 (V). Applicant stands by its  
19 response which is the response to NEL Director Catton.

20  
21 Interrogatory No. 8c (VI). Applicant has further  
22 explained its response in the Attachment.

23  
24 Interrogatory No. 11a (VI). Applicant stands by its  
25 response. Applicant provides a further explanation of its  
26 response in the Attachment explaining what scientists and  
27 engineers mean when they speak of "valid" and "accurate" results.  
28

1           Interrogatory No. 21a and b (VI). Applicant stands by  
2 its response. The question was not skipped; Applicant indicated  
3 it was studying the matter and would respond at a later time.  
4

5           Interrogatory No. 25a (VI). Applicant inadvertently  
6 omitted the response to this question in the final typing.  
7 The question is answered in the Attachment.  
8

9           Interrogatory No. 36c (VI). Assuming Intervenor is  
10 concerned with the determination of "transit time" not "staff  
11 time" as stated, Applicant provides in the Attachment a more  
12 precise description of the "transit time" calculation.  
13

14           Interrogatory No. 40, a, c and d (VI). Applicant has  
15 supplemented its response to these questions in the Attachment.  
16

17           Interrogatory No. 41b (VI). Applicant has supplemented  
18 its response to this question in the Attachment.  
19

20           Interrogatory No. 47a (VI). Applicant has supplemented  
21 its response to this question in the Attachment.  
22

23           Interrogatory No. 52a and b (VI). Applicant stands  
24 by its response. All corrosion and activation products that are  
25 observed in the liquid effluents are reported yearly in the  
26 annual reports. Applicant has made the annual reports available  
27 to Intervenor. Cobalt-60 has been observed from time to time and  
28 is reported to the NRC as are all other observable isotopes in the  
effluents.

1           Interrogatories No. 5, 6 and 7 (VII). Applicant stands  
2 by its responses to these questions. As Applicant explained, the  
3 only precise, formally defined terms used by Applicant are those  
4 terms that are defined in the technical specifications of the  
5 application. Intervenor's question asks for definitions of  
6 "all other terms utilized" to refer to "unusual episodes or  
7 events." As Applicant explained, Applicant has no special  
8 glossary of terms to report events except for the special terms  
9 defined in the technical specifications and terms of common  
10 engineering parlance. Unusual events are reported on a case by  
11 case basis using, wherever possible, straightforward description.

12  
13           Interrogatory No. 9c (VII). Applicant inadvertently  
14 omitted its response to this question in the final typing.  
15 Applicant has responded to the question in the Attachment.

16  
17           Interrogatory No. 5a (VIII). Applicant stands by its  
18 response. There appears to be no basis for Intervenor's objection  
19 to the response since Applicant's response did not "refer to  
20 previous answer which doesn't provide the information requested."

21  
22           Interrogatory No. 7d, e, f, g and h (VIII). Applicant  
23 has supplemented its response to 7d in the attachment, but stands  
24 by its other responses. The intensive level of operations  
25 hypothesized in Intervenor's questions are unrealistic for  
26 Applicant's facility and Applicant has never had occasion to  
27 perform the requested calculations.

28

1           Interrogatories Nos. 11 and 12 (VIII). Applicant stands  
2 by its responses to these questions. Intervenor's questions  
3 relate to the 1960 Hazards Analysis. Applicant has no information  
4 concerning how the assumptions made in that report were developed  
5 but assumes that the analyst who wrote the report simply postu-  
6 lated the figures which were intended to be reasonably conserva-  
7 tive. The recently released NRC Safety Analysis Report supersedes  
8 completely the 1960 Hazards Analysis.

9  
10           Interrogatory No. 14 (VIII). Applicant has supplemented  
11 its response in the attachment.

12  
13           Interrogatory Nos. 18a to h and 19b and c (VIII).  
14 Applicant has supplemented its response to 18a to h in the  
15 Attachment but stands by its response to 19b and c, although the  
16 supplemented response to 18 is also pertinent to 19. Intervenor's  
17 series of questions on specific inventories is confused apparently  
18 because Intervenor does not understand the difference between  
19 power reactor operating cycles and research reactor operating  
20 cycles. The specific inventory is highly dependent on the reactor  
21 operating cycle, which for Applicant's research reactor is quite  
22 irregular.

23  
24           Interrogatory 30 (VIII). Applicant stands by its  
25 response. In preparing its license renewal application, Applicant  
26 relied on the estimates of leak rate adopted by the analyst who  
27 wrote the 1960 Hazards Analysis.

28

1 C. Applicant's Responses to Intervenor's Category "B" Items

2 Applicant's objections on stated grounds to answering  
3 certain of Intervenor's Second Set Questions were made in  
4 Applicant's Answers. Applicant further explained each of its  
5 specific objections in "Applicant's Motion for a Protective Order",  
6 dated May 28, 1981. The following remarks of Applicant to the  
7 specific interrogatories discussed in Intervenor's "Motion to  
8 Compel" in the Category "B" discussion are intended to supplement  
9 Applicant's previous explanations of the reasonableness of the  
10 objections.

11  
12 Interrogatory No. 18 (I). Applicant continues to object  
13 to that portion of this question which calls for the specific  
14 identification of students and their projects. However, in  
15 response to several of Intervenor's questions relating to the  
16 education use of the reactor, Applicant has prepared a report  
17 titled "Class Use of the UCLA Reactor" which summarizes the class  
18 use of the reactor for the 1980-81 academic year. Applicant has  
19 provided this report ("Exhibit A" to the Attachment) in supple-  
20 mentation of its response.

21  
22 Interrogatory No. 28h (I). Applicant stands by its  
23 response, objecting to the question because it requires that  
24 Applicant conduct an extensive study. Applicant has no special  
25 information regarding the SPERT and BORAX reactors except that  
26 which is contained in standard nuclear engineering texts. Appli-  
27 cant has no information relating those reactors to UCLA's reactor.  
28 In view of the safety evaluation recently released by the NRC

1 Staff, there will be no need, and Applicant does not intend, to  
2 go beyond the NRC Staff in this matter.

3

4 Interrogatories Nos. 54 and 55 (II). Applicant stands  
5 by its responses, objecting to these questions requesting  
6 specific information about certain students as irrelevant,  
7 immaterial, and an unwarranted invasion of the privacy rights of  
8 these students. Applicant has not made, and does not intend to  
9 make, any special claims regarding the educational benefits  
10 received by these particular students and does not intend to  
11 introduce any of these students as witnesses to the proceeding.

12

13 Interrogatory No. 60 (II). Applicant stands by its  
14 response, objecting to the question as requiring a new compilation  
15 of data that would create an undue burden on Applicant's staff.  
16 The requested data is immaterial to any issue in this proceeding.  
17 No records have been kept of the information requested since 1968  
18 and Applicant's staff estimates that it would require over 60  
19 person-hours of effort to derive the data and produce the  
20 compilation in report form. The contribution such information  
21 would make to the resolution of Contention II or any other issue  
22 in this proceeding is negligible.

23

24 Interrogatory No. 43 (III). Applicant stands by its  
25 response as supplemented in the Attachment.

26

27 Interrogatory No. 58 (III). Applicant stands by its  
28 response, objecting to the question as unduly burdensome. For

1 all years, 1960 to the present, Applicant would have to page  
2 through the Visitors Log noting the visits of interest and then  
3 turn to the specific date in the operating log to ascertain the  
4 circumstances of each visit. Even then Applicant would not find  
5 all the information requested by the sixteen subparts to  
6 Interrogatory No. 54. This exercise would require over 30  
7 person-hours of effort. Intervenor could conduct the same search  
8 with considerably less burden since Intervenor could scan the  
9 logs recording only that information it needed.

10

11 Interrogatory No. 20 (IV). Applicant withdraws its  
12 objection to this question since Applicant can respond simply  
13 to the question. Applicant's response is in the Attachment.

14

15 Interrogatory No. 11 (V). Applicant stands by its  
16 response, objecting to the question on the grounds that an  
17 extensive study would have to be performed to provide the in-  
18 formation. Moreover, Applicant noted that the hypothetical  
19 problems are not adequately described. Apparently Intervenor  
20 does not have the technical understanding to recognize that at  
21 the least the following parameters need to be specified: purity  
22 of the ore sample, enrichment level of the ore sample; whether a  
23 positive or negative reactivity is being introduced; where and  
24 how the sample is being inserted in the reactor; the nature of  
25 the diluent and the concentration. Further, by focusing upon  
26 "uranium ore", the question presupposes a dependence upon the  
27 uranium content when, in fact, the resulting reactivity is more  
28 likely to be dictated by the sample impurities.

1                   Interrogatories Nos. 39, 43, 45, 47, 48 and 50 (V).  
2 Applicant stands by its responses, objecting to these questions  
3 on the grounds that they, in effect, amount to requiring that the  
4 Applicant redo the 1960 Hazards Analysis. In view of the fact  
5 that the NRC staff has produced a new safety evaluation, Appli-  
6 cant's reliance on the 1960 analysis has become unnecessary.  
7 Intervenor states that if Applicant claims not to have the  
8 resources to conduct certain studies Applicant ought not to be  
9 allowed to introduce the information later at a hearing "without  
10 a showing of good cause." Applicant agrees. Applicant does not  
11 now intend to introduce such information and would not do so  
12 without a "good cause" demonstration or as otherwise directed by  
13 the Commission.

14  
15                   Interrogatories Nos. 53-61 (VI). Applicant stands by  
16 its responses, objecting to these questions on the grounds that  
17 they relate to matters not admitted in this proceeding. The  
18 Board specifically rejected consideration of this matter at the  
19 February 4-5 prehearing conference and in its March 10, 1981  
20 Order. Intervenor has attempted to "transplant" the disallowed  
21 contention into an admitted, but unrelated contention.

22  
23                   Interrogatory No. 66 (VI). Applicant stands by its  
24 response, objecting to the question on the grounds of its  
25 irrelevancy. Applicant's reactor operations at its Berkeley  
26 campus are totally unrelated to reactor operations at its Los  
27 Angeles campus, particularly so in light of the fact that the  
28 campuses operate different reactors.

1           Interrogatories Nos. 3, 4, 8(c) and 10 (VII). Applicant  
2 stands by its responses, objecting to the questions on the basis  
3 that they are vague, ambiguous and uncertain. Notwithstanding  
4 its objection, Applicant provided an extensive explanation of  
5 the operating terms it used and pointed to those that are used  
6 in a special, formal sense, that is, those terms that are defined  
7 in the technical specifications. Applicant explained further  
8 that all other terms are used in their generally understood  
9 nuclear engineering sense. Applicant cannot provide Intervenor  
10 with a nuclear engineering education in responding to interroga-  
11 tories.

12  
13           Interrogatory No. 8 (VIII). Applicant stands by its  
14 response. Applicant raised an objection but provided an answer  
15 anyway. As to the uncertainties in the question, subparts c and  
16 d do not state how many days and subparts e and f do not state  
17 how many hours a day. Moreover, whether a year means a specific  
18 calendar period or any consecutive 12-month period is uncertain.

19  
20           Interrogatories Nos. 22e, 23c and d and 24 (VIII).  
21 Applicant stands by its responses to these questions. Interroga-  
22 tory 22e draws the unlikely conclusion that maximum burn-up  
23 coincides with 20 more years at 43.8 mwt-hours per year.  
24 Interrogatories 23c and 23d relate to iodine-131. Applicant  
25 finds the proposed schedules incredible and undefined as to  
26 which hours each day or days each week that the reactor is  
27 hypothesized to operate. With the expenditure of much man-  
28 power, Applicant's staff could generate various answers depending

1 upon the assumed details. Interrogatory 24 relates to Interroga-  
2 tories 18 and 19, for which a supplemental response appears in  
3 the Attachment. Interrogatory 24 also predicates incredible,  
4 but incompletely defined schedules and the preceding responses  
5 to 23c and 23d are applicable. Applicant submits that these  
6 interrogatories are vaguely defined and are based upon incredible  
7 premises suggesting that Intervenor's intent is to overburden  
8 Applicant's staff with meaningless computations.

9  
10 Interrogatory 28 (VIII). Applicant stands by its  
11 response to this question. It is improper to speak of the fuel  
12 and coolant as having "capabilities." Applicant attempted to  
13 be responsive by suggesting a starting point for Intervenor  
14 into the large literature on the "properties" and "observed  
15 phenomena" of fuel and coolant.

16  
17 Interrogatory No. 35 (VIII). Applicant stands by its  
18 response. The question refers to a "building" which might mean  
19 either the reactor building or Boelter Hall. In 1960, Boelter  
20 Hall was configured differently than it is at present. It is  
21 meaningless to perform dose calculations for a building configura-  
22 tion which no longer exists.

23  
24 Interrogatories Nos. 1-66 (XX). Applicant stands by  
25 its response, objecting to certain of these questions on security  
26 information grounds and objecting to all of the questions on the  
27 grounds that the information requested is irrelevant and immaterial  
28 to the contention. As the NRC staff has demonstrated (in its

1 Motion for Summary Disposition of this physical security con-  
2 tention). Intervenor's contention is based on a mininterpretation  
3 of the Commission's regulations applicable to Applicant's facility.  
4 There are no material facts at issue with respect to this con-  
5 tention. The only matter at issue is what regulations are  
6 applicable to Applicant's facility.

7  
8 D. Applicant's Response to Intervenor's Request for Production  
9 of Additional Documents

10 In a document dated May 26, 1981 Intervenor requested  
11 that Applicant make available for examination certain of  
12 Applicant's records and documents, including the "Exhibit A" list  
13 of documents appended to Applicant's May 20 Answers. On two days  
14 during each of the preceding three weeks Applicant has permitted  
15 Intervenor to examine its "Exhibit A" documents and to obtain  
16 photocopies of any documents it requested. Intervenor also made  
17 an oral request at an examination session for all Engineering  
18 Change Orders related to Applicant's reactor. Although these  
19 "ECO's" were not included in the "Exhibit A" list, Applicant  
20 regarded this request as reasonable and has made these available  
21 to Intervenor.

22  
23 Applicant's responses to the other documents requested  
24 is as follows:

25 Memo, Hicks to Likins, June 26, 1975. Applicant will  
26 make this available for examination.

27 All ventilation drawings, blueprints and plans and all  
28 "as built" architectural plans for the Boelter and Math Sciences

1 Buildings. Applicant will make available for examination its  
2 drawings and plans.

3 Design criteria for reactor building. Applicant will  
4 make available its Project Planning Guide for the reactor  
5 building which contain the design criteria.

6 Personnel dosimetry records. Applicant objects to  
7 providing these records on the grounds that they are privileged,  
8 personal records of individuals.

9 Daily sales figures for various campus eating facilities.  
10 Applicant objects to providing these records on the grounds that  
11 the records are not reasonably calculated to lead to the discovery  
12 of admissible evidence.

13  
14 IV. CONCLUSION

15  
16 For the reasons stated above, and those contained in the  
17 Answers and its Motion for Protective Order, Applicant respect-  
18 fully requests that Intervenor's "Motion to Compel Further Answers  
19 to Intervenor's Second Set of Interrogatories" be denied. Appli-  
20 cant requests further that its Motion for a Protective Order be  
21 granted with the understanding that the granting of the motion is  
22 not to preclude Applicant's responding to reasonably particularized  
23 requests for information or documents.

24 Dated: June 29, 1981

25 DONALD L. REIDHAAR  
26 GLENN R. WOODS  
27 CHRISTINE HELWICK

28 By Glenn R. Woods  
Glenn R. Woods

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

4 In the Matter of )  
5 THE REGENTS OF THE UNIVERSITY ) Docket No. 50-142  
6 OF CALIFORNIA ) (Proposed Renewal of Facility  
7 (UCLA Research Reactor) ) License Number R-71

8 CERTIFICATE OF SERVICE

9 I hereby certify that copies of the attached: APPLICANT'S SUPPLEMENTAL  
10 RESPONSES TO INTERVENOR'S SECOND SET OF INTERROGATORIES

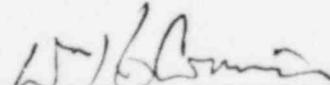
11 in the above-captioned proceeding have been served on the following by deposit  
12 in the United States mail, first class, postage prepaid, addressed as in-  
13 dicated, on this date: June 30, 1981.

14 Elizabeth Bowers, Esq. Counsel for NRC Staff  
15 U.S. Nuclear Regulatory Commission Office of the Executive Legal Director  
16 Atomic Safety & Licensing Board U.S. Nuclear Regulatory Commission  
17 Washington, DC 20555 Washington, DC 20555

18 Dr. Emmeth A. Luebke Daniel Hirsch  
19 U.S. Nuclear Regulatory Commission Committee to Bridge the Gap  
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26 Chief, Docketing and Service Section (3)  
27 Office of the Secretary  
28 U.S. Nuclear Regulatory Commission  
Washington, DC 20555

29   
30 \_\_\_\_\_  
31 William H. Cormier  
32 UCLA Representative