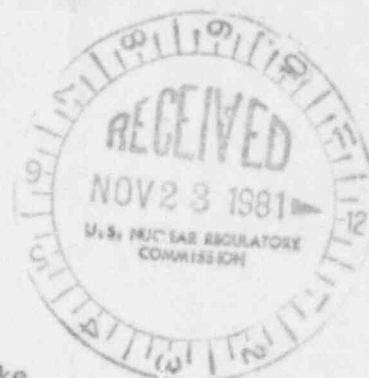


November 20, 1981



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

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

Dr. Oscar H. Paris  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
The Regents of the University of California  
(UCLA Research Reactor)  
Docket No. 50-142  
(Proposed Renewal of Facility License)

Dear Administrative Judges:

This letter responds to Judge Bowers' telephone inquiry about Mr. Hirsch's letter of October 27, 1981 containing proposed corrections to some of the language of my compilation of admitted contentions. I am hereby setting out the manner in which I compiled the contentions admitted by the Board to this proceeding by Order of March 20, 1981 as well as noting corrections. The compilation was submitted to the Board on September 2, 1981 at its request. Some language differences appear to be the result of differing interpretations of the Board's Order. These will be discussed with Mr. Hirsch during our November 24, 1981 meeting along with a possible agreement on interrogatories. I will provide the Board with a report of the results of our discussions. However, the Staff believes any differences of opinion among the parties about the exact language of contentions should be resolved by the Board according to the Board's March 20, 1981 Order ruling on the proposed contentions. The following explanation of my interpretation of the Board's rulings on the contentions is provided for the Board's consideration.

1. Contention I.1 was modified by Board Order of March 20, 1981, p. 3, to read as in the compilation.
2. The percent and delta signs were inadvertently omitted from subparagraph 11 of Contention V. That sentence should be corrected to read ( $\pm 2.3\% \Delta K/K$ ).

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3. Contention XIII: Board Order of March 20, 1981, pp. 7-8 states:

XIII The contention consists of two sentences. The first is an allegation that information relative to the special nuclear materials license is lacking in the application. UCLA stated it would stipulate that it would furnish any and all information the Staff or the Board requested. All required information will be furnished so the allegation in the first sentence may no longer be a dispute. Tr. 270.

The second part relates to the enrichment level and quantity of the fuel. CBG does not contend that regulations have been violated but alleged that there is an unnecessary threat to the health and safety of the public. The Staff takes the position that the Board cannot inquire into the matter unless there is a health and safety question. UCLA takes the position that the fuel on hand is only that required to properly operate the reactor. We have determined that there is a health and safety question involved and the contention is admitted.

From this, it was my understanding that the first sentence of Contention XIII was removed from litigation by Applicant's stipulation to provide any and all information requested by the Staff or the Board about its SIM and that only the second sentence was admitted as Contention XIII.

4. Contention XIX was admitted by Board Order, March 20, 1981, p. 10 wherein the Board noted that CBG suggested a language change in the "umbrella paragraph" of Contention XIX in Attachment C of the parties' stipulation. The Order did not rule on the suggested word change but states at p. 11 that

Contention XIX is accepted but Subpart 3 is modified by deleting "Design basis accident" and substituting "multiple failure mode."

Since the Board modified the contention to the extent indicated above and did not rule on the "umbrella paragraph" change, I understood that the Board had admitted Contention XIX as written in the stipulation except for the word change in the Order.

5. Contention XXI.5 - Mr. Hirsch's proposed correction should be made. The sentence was inadvertently omitted from Staff's compilation.

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6. It is correct that the subparts 3 and 4 of Contention X and Contention XXIII were deferred. I did not include deferred contentions in the compilation requested by the Board since the request asked only for admitted contentions.

Sincerely,

Colleen P. Woodhead  
Counsel for NRC Staff

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