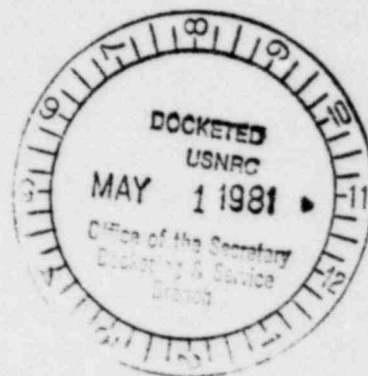




UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Elizabeth S. Bowers, Chairman
Dr. Emmeth A. Luebke
Dr. Oscar H. Paris



SERVED MAY 1 1981

In the Matter of

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

(UCLA Research Reactor)

Docket No. 50-142 OL
(Proposed Renewal of Facility
License)

April 30, 1981

ORDER RELATIVE TO INTERVENOR'S
MOTION TO STRIKE

On April 13, 1981, the NRC Staff filed a motion for summary disposition on Contention XX - relative to security. On April 24, 1981, the Intervenor filed a motion to strike the Staff's motion on the basis that it was stipulated among the parties with the Board's approval that motions for summary disposition would not be filed until July 30, 1981. The Intervenor also requested that it be granted additional time to respond to the Staff motion if the motion to strike is not granted.

Normally, the Board would await the responses of Applicant and Staff to a motion from the Intervenor but in this situation, time is of the essence. We will rule this date and if the parties are not in agreement, they can file motions for reconsideration.

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At the prehearing conference on February 5, 1981, after the Staff proposed a schedule that called for motions for summary dispositions to be filed thirty (30) days after the close of discovery, UCLA asked the Staff if the proposed schedule contemplated that motions for summary dispositions could be filed earlier than thirty days after close of discovery. The Staff answer was: "Thirty days after the answers were served." Tr. 487.

In other proceedings - not bound by such a schedule - motions for summary disposition may be filed any time prior to forty-five days in advance of the evidentiary hearing. That is simply not the case here. A schedule was stipulated and approved by the Board that calls for such motions to be filed on July 30, 1981. The Board has determined that the Staff motion is premature and the Intervenor need not respond at this time. If the Staff does not withdraw or amend its motion, then the Intervenor should treat it as filed on July 30, 1981, and respond accordingly.


We do not grant the Intervenor's motion to strike since it is now moot.

It is this 30th day of April, 1981,

ORDERED

That the Staff's motion for summary disposition is premature and will be treated as filed on July 30, 1981 unless the Staff withdraws or amends prior to that time.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Elizabeth S. Bowers, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 30th day of April 1981