

04/13/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
THE REGENTS OF THE UNIVERSITY OF)	Docket No. 50-142
CALIFORNIA)	
)	(Proposed Renewal of Facility
(UCLA Research Reactor))	License)

NRC STAFF MOTION FOR REVOCATION OF BOARD
ORDER SUSPENDING CONSIDERATION OF STAFF'S
MOTION FOR SUMMARY DISPOSITION OF CONTENTION XX

I. THE MOTION

NRC Staff moves the Board to order that responses be filed to the Staff's Motion for Summary Disposition of Contention XX, filed April 13, 1981 within twenty (20) days of the Order and for Board decision on the summary disposition motion.

II. BACKGROUND

By Order of April 30, 1981^{1/} the Board ruled that Staff's April 13, 1981 Motion for Summary Disposition of Contention XX was premature, and that Intervenor need not respond. The Board affirmed its ruling after granting Staff's motion for reconsideration of its order.^{2/} The reason given by the Board for ruling that the Staff's motion was premature was a discussion among the parties concerning scheduling which the Intervenor

^{1/} Order Relative to Intervenor's Motion to Strike, April 30, 1981.

^{2/} Order Relative to NRC Staff's Motion for Reconsideration of Board Order of April 30, 1981; June 9, 1981.

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understood to prohibit summary disposition motions until thirty days after close of discovery (contemplated then to be July 30, 1981).^{3/} Since this order, the original discovery schedule has been suspended,^{4/} but is now nearing completion, and discovery efforts are not now burdensome.

By Memorandum and Order of April 16, 1982, the Board ruled on certain motions regarding discovery and ordered the Intervenor to file the names and qualifications of its proposed experts in security matters and others for whom Intervenor wished access to UCLA's security materials and a proposed affidavit of nondisclosure and protective order. The Board did not include a requirement to show relevancy of the security plan to the contention concerning security matters.

Subsequently, Intervenor filed a proposed order and affidavit along with a motion to defer identification of proposed counsel, representatives and witnesses, although Intervenor provided the names in a sealed envelope to the Board Chairman.^{5/} Because the Intervenor wishes to defer procedures to allow access to security information and because discovery is near completion, the Staff believes that it is now appropriate for the Board to consider the Staff's motion for summary

^{3/} Order Relative to Intervenor's Motion to Strike, at 2.

^{4/} Order Relative to Applicant's Motion for a Protective Order, Other Requests and an Adjusted Discovery Schedule, July 1, 1981.

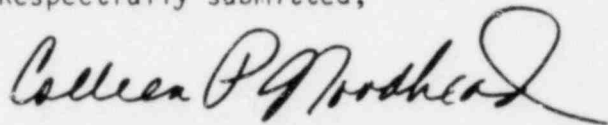
^{5/} Intervenor's Motion for Deferral of Identification of Proposed Counsel, Representatives, and Witnesses as to the Physical Security Plan, April 23, 1981.

disposition of Contention XX (concerning safeguards at UCLA) since the major burden of discovery no longer lies on Intervenor and because a ruling on the summary disposition motion could forstall the difficulties explained by Intervenor in its motion in obtaining experts and counsel who would agree to a protective order and nondisclosure obligations. If the Board should grant Staff's pending summary disposition motion, there would be no need to proceed with qualification and protected access procedures.

III. CONCLUSION

For the reasons explained above, the Staff believes the Board should now consider Staff's motion for summary disposition of Contention XX after allowing responses to the motion within twenty days from the date of the order granting this motion.

Respectfully submitted,

A handwritten signature in cursive script, reading "Colleen P. Woodhead".

Colleen P. Woodhead
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 13th day of May, 1982.

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

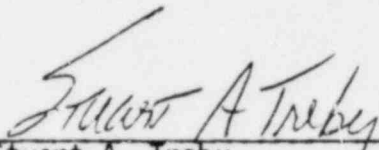
Proposed Renewal of Facility License)

Atomic Safety and Licensing Board
Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docketing and Service Section ()*
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