UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges: John H Frye, III, Chairman Dr. Emmeth A. Luebke Dr. Oscar H. Paris *82 NOV 10 P2:2

DOCKETING & SERVICE BRANCH

SERVED NOV 1 0 1982

In the Matter of

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

(UCLA Research Reactor)

Docket No. 50-142-0L (Proposed Renewal of Facility License)

November 10, 1982

MEMORANDUM AND ORDER (Confirming Conference Call of November 8, 1982)

In its Memorandum and Order of October 22, 1982 (LBP-82-93, 16 NRC ____), this Board denied CBG's motion to dismiss UCLA's and Staff's motions for summary disposition, laid down procedures for initial responses to those motions, and permitted the parties to move for reconsideration of those procedures. Both UCLA and CBG sought reconsideration. UCLA expressed its concern that the Board's procedures might stray from the standards for deciding motions for summary disposition and its concern that all documents relied on by a party might not be available to the other parties and the Board. CBG sought an extension of time to respond in accord with the Board's procedures to a date 60 days following the Board's ruling on its Motion for Reconsideration.

On November 8, the Board held a telephone conference call to hear the positions of the parties and rule on the motions for reconsideration. The following participated:

For UCLA - Mr. William Cormier
For CBG - Mr. Daniel Hirsch
For Santa Monica - Ms. Lynn Naliboff
For NRC Staff - Ms. Colleen Woodhead

1. UCLA Motion

The Board attempted to clarify the procedure set out in its

Order of October 22 which instituted a two-step or bifurcated procedure
to be followed in resolving pending motions for summary disposition.

After much discussion among the parties, it was agreed to follow the
first step of the procedure, which will determine only which facts are
in dispute and which are not. Evidentiary questions such as relevancy
and materiality, and questions of the legal consequences of facts not
in dispute, will be left to the second step of the procedure, which
will not begin until this step is discussed at a prehearing conference following filing of the first step responses.

The Board clarified its ruling with respect to the service of documents by explaining that documents of record in this proceeding and other documents readily available need not be attached to the parties' filings concerning motions for summary disposition. The parties should endeavor to provide copies of documents which may not be readily available, such as affidavits, and shall provide copies on request of another party or the Board.

A prehearing conference to consider the second step of the procedure on the motions for summary disposition and any other remaining prehearing matters is tentatively scheduled for the first week in February, in Los Angeles. A precise date, time, and location will be set in the future.

2. CBG Motion

Over UCLA and Staff objections, the Board granted CBG a 60-day extension of time until January 7, 1983 to file its response to Staff's and UCLA's motions for summary disposition.

Additionally, the following topics, unrelated to the motions for reconsideration, were discussed.

Supplement to CBG Motion for Summary Disposition of Contention XX (Security)

The Board inquired as to the status of CBG's Supplement to its

Motion for Summary Disposition of Contention XX. Mr. Hirsch indicated
that CBG was awaiting receipt of documents requested under the Freedom
of Information Act. Pursuant to an earlier agreement of the parties, the
supplement will be filed when these documents are received.

4. Discovery Schedule for Contention XXI (Emergency Planning)

The Board set the following schedule for discovery on Contention XXI:

Document requests - November 12

Responses to document - November 26

requests

Interrogatories served - December 7

Answers to Interrogatories - December 21

5. Notice of Appearance

Lynn Naliboff is to file a notice of appearance as counsel for the City of Santa Monica.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

Dohn H Frye, III, Chairman DMINISTRATIVE JUDGE

Bethesda, Maryland November 10, 1982