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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

'96 FEB -8 P2:43

Before Administrative Judges: OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

SERVED FEB - 8 1996

In the Matter of
GEORGIA INSTITUTE OF
TECHNOLOGY,
Atlanta, Georgia
Georgia Tech Research Reactor
(Renewal of Facility License
No. R-97)

Docket No. 50-160-Ren

ASLBP No. 95-704-01-Ren

February 8, 1996

MEMORANDUM AND ORDER
(Telephone Conference Call, 2/6/96)

On February 6, 1996, the Licensing Board conducted a telephone conference call, to resolve certain outstanding discovery questions and ascertain the current status of the proceeding. The call was transcribed (Tr. 581-662). Participating, in addition to the Licensing Board, were Ms. Glenn Carroll (for Georgians Against Nuclear Energy (GANE), Intervenor); Alfred L. Evans, Jr., Esq. (for Georgia Institute of Technology, Applicant); Sherwin E. Turk, Esq. (joined by Colleen Woodhead, Esq. and Mr. Marvin Mendonca, Project Manager, for the NRC Staff); and Lee S. Dewey, Esq. (counsel to the Licensing Board). Following were the matters discussed:

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1. As an aid in scheduling, the Licensing Board had previously requested the Applicant and Staff to advise, following their receipt of certain discovery responses from GANE, whether they intended to file motions for summary disposition of Contention 9 (management). By letter dated January 25, 1996, the Staff advised that it would not file such a motion. During the telephone conference, Georgia Tech likewise advised that it would not seek summary disposition (Tr. 584).

2. On January 24, 1996, the NRC Staff had filed a motion to compel discovery against GANE, seeking more complete responses to discovery requests. Prior to the conference, GANE had agreed to file further supplementary responses (Tr. 589, Turk). After some discussion, and after being apprised of the requirements for responses, GANE was directed to file (mail) such responses by Tuesday, February 20, 1996 (Tr. 623).

3. Discovery previously had been scheduled to be completed by February 26, 1996 (Order granting GANE request, dated January 2, 1996). Based on the foregoing extension of time for GANE's responses, the Board set April 1, 1996 as the date for completion of discovery, subject to extension for good cause (Tr. 637, 638). (Although not setting a specific date, the Board noted that prefiled testimony would be filed approximately May 1, 1996 and that the hearing could commence in mid-May, 1996 (Tr. 637).)

4. On January 11, 1996, GANE had filed a request for permission to enter and inspect the reactor site. GANE sought a Licensing Board member or an NRC inspector to accompany its representative, as well as one of its prospective witnesses. The Applicant had filed no response.

The Board advised that it did not wish to accompany the GANE representative on the site tour and that it would not attempt to direct an NRC inspector to do so (although it also had no objection to an inspector doing so) (Tr. 647). The Board further advised that such a tour by GANE (including its witness-advisor) was within the discovery rules (10 C.F.R. § 2.741(a)(2) and, accordingly, that GANE should attempt to set up such a tour. If Georgia Tech objects, the matter should be brought to the Board's attention for resolution (Tr. 651).

* * *

IT IS SO ORDERED.

For the Atomic Safety and
Licensing Board

Charles Bechhoefer
Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 8, 1996

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

GEORGIA INSTITUTE OF TECHNOLOGY
ATLANTA, GEORGIA

Docket No.(s) 50-160-REN

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (TELEPHONE CONFERENCE) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)50-160-REN
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Dated at Rockville, Md. this
8 day of February 1996


Office of the Secretary of the Commission