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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

SERVED MAR 13 1996

In the Matter of

Docket No. 50-160-Ren

GEORGIA INSTITUTE OF
TECHNOLOGY,
Atlanta, Georgia

ASLBP No. 95-704-01-Ren

Georgia Tech Research Reactor

(Renewal of Facility License
No. R-97)

March 13, 1996

MEMORANDUM AND ORDER

(Telephone Conference Call, 2/29/96; Hearing Schedules)

On Thursday, February 29, 1996, the Licensing Board held a telephone conference call to discuss hearing schedules and certain discovery matters. The call was transcribed (Tr. 663-833). Participating, in addition to the Licensing Board members, were Alfred Evans, Jr., Esq., for Georgia Institute of Technology (Georgia Tech or Applicant), Ms. Glenn Carroll, for Georgians Against Nuclear Energy (GANE) (Intervenor), Sherwin E. Turk, Esq., Colleen Woodhead, Esq., and Mr. Marvin Mendonca, NRR, for the NRC Staff, and Lee S. Dewey, Esq., Chief Counsel of the Atomic Safety and Licensing Board Panel. Following is a summary of Licensing Board rulings during the conference:

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1. Discovery Dates

The Licensing Board had previously set April 1, 1996 as the date for conclusion of discovery. Because of the request by the Applicant and NRC Staff to take depositions of all GANE witnesses identified in its February 22, 1996 response to discovery of the Staff and Georgia Tech, the Staff requested (and Georgia Tech supported) an extension of the discovery period to April 12, 1996 (Tr. 731, 774). After considerable discussion, the Board granted that request, applicable to all parties, with the understanding that it would not compromise the previously agreed-upon starting date for the hearing of May 20, 1996.

2. Hearing Schedules and Location

After extensive discussion among the parties, and following subsequent communications by the Board to all parties, the Board hereby adopts the following hearing schedules, to which all parties have agreed:

May 20-24, 1996
May 29-31, 1996
June 24-28, 1996

Confirming previous advice to the parties, the Board urges the parties to confer and agree upon a schedule for the presentation of particular witnesses, and to submit that schedule to the Board for approval.

The hearings will be held at the Federal Trade Commission hearing room, Room 1010, 1718 Peachtree Street NW, Atlanta, Georgia. (To the extent that the Federal Trade

Commission may on a last-minute basis need to use that hearing room for its own hearings, alternate space will be obtained, probably on the Georgia Tech campus.)

3. Prefiled Testimony

Pursuant to 10 C.F.R. § 2.743(b)(1), the Board ruled that GANE is not required to submit prefiled testimony for those of its witnesses that it would have to subpoena, although it is encouraged to do so. Statements of background and qualifications of those witnesses would, however, have to be prefiled (Tr. 686). The Applicant's testimony which is rebuttal in nature need not be prefiled. However, Georgia Tech's direct testimony in support of license renewal and statements of qualifications of witnesses must be prefiled on the schedule below (Tr. 781). The Board adopted the following dates for the prefiling of testimony:

Applicant and GANE: May 3, 1996 (May 7 if filed by express mail)

Staff: May 31, 1996 (June 4 if filed by express mail). The Staff has advised that it will attempt to distribute its testimony during hearings scheduled for May 29-31.

4. Limited Appearance Sessions

GANE requested that we hold at least two limited appearance sessions: one during daytime hours and the other during an evening. The Board determined that there would be a one-hour session on the opening day of the hearing

(May 20, 1996, at approximately 10:00-11:00 a.m., assuming a hearing start of 9:30 a.m.) and another session during an evening, tentatively Wednesday evening, May 22, 1996, from 7:00 to 9:00 p.m. The evening session will be at a location to be announced. (The evening schedule is subject to adjustment based on the scheduled appearances of various witnesses.) The Board will also consider holding an additional session during one evening of the second week of hearings (May 29-31).

5. GANE's Motion to Compel

On February 10, 1996, GANE filed a motion to compel the Staff to produce several documents relating to Ms. Rebecca Long, an NRC Region II inspector who, according to GANE, had expressed views with respect to Georgia Tech which differed in some degree with the views taken by other NRC Region II inspectors. By response dated February 27, 1996, the Staff provided some of those documents but withheld others on grounds of relevance. During the conference call, the Staff took the position (Tr. 812-13) that (1) withheld documents related to the practices of certain Georgia Tech officials in 1987-88 and were not relevant to current management practices, and (2) in any event, the documents were backup documents to Ms. Long's inspection report, which had been provided to GANE.

The Board determined that information in certain of the withheld documents "appears reasonably calculated to lead to the discovery of admissible evidence" (see 10 C.F.R. § 2.740(b)(1)) and hence is relevant (for discovery purposes) to the contention at issue in this proceeding. The Board directed the Staff to make available to GANE (at the Region II office) any of the Rebecca Long documents (including interviews) that appeared to concern various Georgia Tech employees or Rebecca Long's evaluation of Georgia Tech (Tr. 818, 827-30), subject to protective orders where necessary to accommodate privacy concerns.

* * * * *

IT IS SO ORDERED.

For the Atomic Safety and
Licensing Board

Charles Bechhoefer
Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, MD
March 13, 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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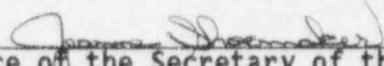
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Docket No.(s)50-160-REN
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Dated at Rockville, Md. this
13 day of March 1996


Office of the Secretary of the Commission