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'88 SEP 19 P3:35

4 Attorneys for Intervenor
5 CITY OF BERKELEY

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

10 Before Administrative Judges:
Sheldon J. Wolfe, Chairman
11 Glenn O. Bright
James H. Carpenter

13 In the Matter of) Docket Nos. 50-²²⁴~~224~~OLA
) (Research Reactor)
14)
15 UNIVERSITY OF CALIFORNIA,) ASLBP No. 88-574-07-OLA
BERKELEY.)
) JOINT MOTION TO STAY
16) PROCEEDINGS FOR ADDITIONAL
) 30 DAYS AND ORDER THEREON

18 Intervenor, CITY OF BERKELEY, and Licensee, THE REGENTS OF
19 THE UNIVERSITY OF CALIFORNIA, (hereafter "moving parties") hereby
20 jointly move for a stay of the proceedings herein, including
21 intervenor's time to file a supplement to its Petition for Leave
22 to Intervene, for an additional 30 days from the date of the
23 previous stay Order herein, dated June 22, 1988. Moving parties
24 stipulate as follows:

25 1. On March 10, 1988, the Commission published a Notice
26 stating that it was considering issuance of orders to authorize
27 Licensee to dispose of the component parts of the research
28 reactor in its possession, at its Berkeley campus, in accordance

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1 with the Licensee's application dated January 8, 1988, and
2 terminating the facility operating license number R-1-1. The
3 Notice further stated that any person whose interest might be
4 affected by this proceeding and who wished to participate as a
5 party had to file a petition for leave to intervene by April 11,
6 1988.

7 2. The City of Berkeley timely filed a "Petition to
8 Intervene in License Amendment Proceeding, Request for Hearings
9 and Further Relief" and, pursuant to the Order of the Licensing
10 Board, was allowed to intervene on May 25, 1988.

11 3. Said Order provided that the Intervenor was to file a
12 supplement to its Petition to Intervene, which must include a
13 list of the contentions which the Intervenor wished to have
14 litigated in this matter within thirty (30) days of said Order.

15 4. The University of California wishes to have this matter
16 resolved, by settlement if possible, and has communicated this
17 desire to the Intervenor.

18 5. Intervenor was prepared to file a supplement to its
19 Petition to Intervene on or before June 24, 1988, as provided in
20 the Licensing Board's Order, but believed it was in the
21 Intervenor's best interests to pursue settlement of this matter
22 and so stipulated to a 90-day Stay of Proceedings which was
23 ordered by this board on June 22, 1988.

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1 6. The moving parties agree that the best interests of the
2 Licensee and the Intervenor will be served by pursuing such
3 discussions in order to resolve the issues.

4 7. Moving parties have continued their settlement
5 discussions throughout the 90 day period but now find that an
6 additional thirty (30) days are necessary in order to include
7 further public and institutional input, and to finalize a
8 settlement agreement. Moving parties represent that they believe
9 this matter can be settled within the thirty (30) days requested.

10 8. In the event a settlement is not achieved, Intervenor's
11 supplement to its Petition shall be served and filed thirty (30)
12 days from the date the Order on this joint motion is executed or
13 within thirty (30) days of written notice from Licensee's counsel
14 to Intervenor's counsel reinstating the time limits otherwise
15 applicable, whichever first occurs. The service and filing of
16 the supplement to the Petition for Leave to Intervene listing
17 Intervenor's contentions, either upon written notice by
18 Licensee's counsel or, in the absence thereof, in Intervenor's
19 discretion, shall serve to dissolve the stay of proceedings and
20 to reinstate all time limits which are otherwise applicable
21 including, but not limited to, the time period for Licensee and
22 the staff to file their answers.

23 9. Moving parties represent that the Commission staff has
24 been advised of this Stipulation and Joint Motion to Stay

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1 Proceedings and that the staff does not object thereto.

2 Dated: September 16, 1988

3 MANUELA ALBUQUERQUE, City Attorney
4 MARJORIE GELB, Deputy City Attorney
5 JONATHAN ROTHMAN, Assistant Attorney

6
7 By *Marjorie Gelb*
8 Attorneys for Intervenor
9 CITY OF BERKELEY

10 Dated: September 16, 1988

11 DAVID R. PIGOTT
12 JANE B. KROESCHE
13 ORRICK, HERRINGTON & SUTCLIFFE

14 By *Jane B. Kroesche*
15 Jane B. Kroesche
16 Attorney for Licensee
17 UNIVERSITY OF CALIFORNIA
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ORDER

Good Cause appearing therefor,

IT IS ORDERED that the proceedings are hereby stayed for an additional period of thirty (30) days unless the stay is earlier dissolved as provided in paragraph 8 of the Stipulation of the moving parties.

THE ATOMIC SAFETY AND LICENSING BOARD

Sheldon J. Wolfe, Chairman
ADMINISTRATIVE JUDGE

Glenn O. Bright
ADMINISTRATIVE JUDGE

James H. Carpenter
ADMINISTRATIVE JUDGE

Dated: September ____, 1988

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8 NUCLEAR REGULATORY COMMISSION
9 ATOMIC SAFETY AND LICENSING BOARD

10 Before Administrative Judges:
Sheldon J. Wolfe, Chairman
11 Glenn O. Bright
James H. Carpenter

13 In the Matter of) Docket Nos. 50-244-OLA
14) (Research Reactor)
UNIVERSITY OF CALIFORNIA,)
15 BERKELEY.) ASLBP No. 88-574-07-OLA
16) CERTIFICATE OF SERVICE

17 I am a citizen of the United States and employed in Alameda
18 County. I am over the age of eighteen years and not a party in
19 the within action. My business address in 2180 Milvia St., Fifth
20 Floor, Berkeley, California, 94704. On September 16, 1988, I
21 served a copy of the following documents: Joint Motion to Stay
22 Proceedings for Additional 30 Days and Order Thereon, by placing
23 a true copy thereof enclosed in a sealed envelopes with postage
24 thereon fully prepaid in the United States Post Office mail box
25 at Berkeley, California, addressed as follows:

26 / / /
27 / / /
28 / / /

1	Sheldon J. Wolfe, Chairman James A. Carpenter, Administrative Judge	✓ Docketing and Service Section Office of the Secretary U.S. Nuclear Regulatory Comm. Washington, D.C. 20555
2	Glenn O. Bright, Administrative Judge	
3	4350 East West Highway, 4th Floor	
4	Bethesda, Maryland 20814	Joseph Ruthberg Deputy Assistant General Counsel Office of the General Counsel U.S. Nuclear Regulatory Comm. Washington, D.C. 20555
5		
6	Mr. Milton Gordon Office of the General Counsel University of California	David R. Pigott Jane B. Kroesche
7	590 University Hall	Orrick, Herrington & Sutcliffe
8	Berkeley, CA 94720	600 Montgomery Street San Francisco, CA 94111
9	U.S. Nuclear Regulatory Commission Office of General Counsel	
10	Washington, D.C. 20555	
11	Adjudicatory File Atomic Safety and Licensing Board	
12	Panel Docket	
13	U.S. Nuclear Regulatory Commission Washington, D.C. 20555	
14	Atomic Safety and Licensing Appeal Board Panel	
15	U.S. Nuclear Regulatory Commission Washington, D.C. 20555	
16	Atomic Safety and Licensing Board Panel	
17	U.S. Nuclear Regulatory Commission	
18	Washington, D.C. 20555	

19

20 I declare under penalty of perjury that the foregoing is true

21 and correct.

22 Dated this 16th day of September, 1988 at Berkeley,

23 California.

Marcy E. Jozala