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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'88 JUN 22 P2:35

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

OFFICE OF SECRETARY
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SERVED JUN 22 1988

In the Matter of UNIVERSITY OF CALIFORNIA, BERKELEY.	}	Docket Nos. 50-224-OLA (Research Reactor)
	}	ASLBP No. 88-574-07-OLA
	}	June 22, 1988

ORDER
(Granting Licensee's and Petitioner's
Joint Motion To Stay Proceedings)

Under date of June 20, 1988, the Licensee (the University of California, Berkeley) and the Petitioner (the City of Berkeley)¹ filed a Joint Motion To Stay Proceedings For 90 Days.² As part of that joint motion, the movants stipulated in substance that within that time frame they would pursue settlement of this litigation. Said movants represent that the NRC Staff does not object to the granting of the joint motion.

¹ Pursuant to 10 C.F.R. §2.714, until such time as the City of Berkeley files a supplement to its petition listing its contentions and until one (or more) of its contentions is admitted by this Board as an issue in controversy, the City has not been accorded a party-intervenor status and is recognized only as a petitioner.

² Contrary to the directive in the Memorandum and Order of May 25, 1988, the person appearing in a representative capacity for the Licensee has not filed a written notice of appearance.

D502

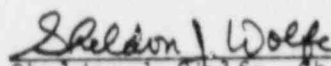
2839 SE 11 36
Paragraph 8 of the stipulation incorporated into the joint motion reads as follows:

In the event a settlement is not achieved, Intervenor's supplement to its petition shall be served and filed ninety (90) days from the date the Order on this joint motion is executed or within thirty (30) days of written notice from Licensee's counsel to Intervenor's counsel reinstating the time limits otherwise applicable, whichever first occurs. The service and filing of the supplement to the petition for leave to intervene listing Intervenor's contentions, either upon written notice by Licensee's counsel or, in the absence thereof, in Intervenor's discretion, shall serve to dissolve the stay of proceedings and to reinstate all time limits which are otherwise applicable including, but not limited to, the time period for Licensee and the staff to file their answers.

The joint motion is granted, and the proceedings are stayed for a period of ninety days unless the stay is earlier dissolved as provided in paragraph 8 of the stipulation.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Sheldon J. Wolfe, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 22nd day of June, 1988.