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Attorneys for Intervenor
CITY OF BERKELEY

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Helen F. Hoyt, Chair
Glenn O. Bright
James H. Carpenter

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

Intervenor, CITY OF BERKELEY, and Licensee, THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA, (hereafter "moving parties") hereby
jointly move for a stay of the proceedings herein, including
intervenor's time to file a supplement to its Petition for Leave
to Intervene, for an additional 21 days from the date previously
allowed in the stay Order herein, dated September 27, 1988.

Moving parties stipulate as follows:

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

5603

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. Moving parties continued their settlement discussions
2 throughout the 90 day period but found that an additional thirty
3 days were necessary in order to include further public and
4 institutional input, and to finalize a settlement agreement.
5 Moving parties petitioned for another stay, and represented that
6 they believed this matter could be settled within the thirty days
7 requested. The petition was granted and a stay Order issued on
8 September 27, 1988.

9 7. Moving parties reached tentative agreement on the
10 substance of the Intervenor's concerns and have submitted their
11 proposed settlement agreement to the Office of the General
12 Counsel of the Nuclear Regulatory Commission. We are informed
13 and believe that the best interests of the Licensee and the
14 Intervenor will be served by allowing a stay of an additional
15 twenty-one days, before the settlement is submitted to the Board,
16 so that the staff of the Nuclear Regulatory Commission can fully
17 review the documents and advise the parties whether they have any
18 objections to the settlement.

19 8. In the event a settlement is not achieved, Intervenor's
20 supplement to its Petition shall be served and filed twenty-one
21 (21) days² from the date the Order on this joint motion is
22 executed.

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: October 17, 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
CITY OF BERKELEY

9 Dated: October 17, 1988

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

13 By Jane B. Kroesche
14 Jane B. Kroesche
15 Attorney for Licensee
16 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 twenty-one (21) days less the stay is earlier dissolved as provided in paragraph 8 of the Stipulation of the moving parties.

THE ATOMIC SAFETY AND LICENSING BOARD

Helen F. Hoyt, Chair
ADMINISTRATIVE JUDGE

Glenn O. Bright
ADMINISTRATIVE JUDGE

James H. Carpenter
ADMINISTRATIVE JUDGE

Dated: October ____, 1988

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CITY OF BERKELEY

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

Before Administrative Judges:
Helen F. Hoyt, Chair
Glenn O. Bright
James H. Carpenter

In the Matter of	)	Docket Nos. 50-244-OLA
	)	(Research Reactor)
UNIVERSITY OF CALIFORNIA,)	
BERKELEY.	)	ASLBP No. 88-574-07-OLA
	)	<u>CERTIFICATE OF SERVICE</u>

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

/ / /

/ / /

/ / /

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

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18th day of October, 1988 at Berkeley, California.

Charlotte Fredriksen
CHARLOTTE FREDRIKSEN