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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

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COMMISSIONERS:

Kenneth M. Carr, Chairman  
Thomas M. Roberts  
Kenneth C. Rogers  
James R. Curtiss  
Forrest J. Remick

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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In the Matter of  
TEXAS UTILITIES ELECTRIC COMPANY,  
et al.  
(Comanche Peak Steam Electric  
Station, Units 1 and 2)

Docket Nos. 50-445-OL  
50-446-OL  
Docket No. 50-445-CPA

ORDER

This matter is before the Commission on a motion by the Citizens for Fair Utility Regulation ("CFUR"), dated January 27, 1990, for a stay of the anticipated license for fuel load and low-power testing up to 5 percent of rated power ("low-power license") until February 9, 1990. CFUR requested this stay in order to have sufficient time in which to review an anticipated report by the NRC Staff prior to filing a stay motion before the U.S. Court of Appeals for the Fifth Circuit. The Staff was preparing this report in response to our unpublished Order of October 19, 1989, directing it to address certain issues raised in CFUR's "Request for Stay" filed October 16, 1989.

The Staff issued the report in question on January 30, 1990, and provided it to CFUR on the same day. Furthermore, on January 28, 1990,

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the Staff notified all concerned that it did not plan to issue the low-power license before 9:00 a.m., February 8, 1990. On February 2, after reviewing the Staff's Report, CFUR filed its stay motion before the Fifth Circuit, which denied the motion on February 6, 1990. The request before the Commission is now moot. Accordingly, the request is DENIED.

It is so ORDERED.



For the Commission

A handwritten signature in black ink, appearing to read "Samuel J. Chick". The signature is written over a horizontal line.

SAMUEL J. CHICK  
Secretary of the Commission

Dated at Rockville, MD

this 8<sup>th</sup> day of February, 1990.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

TEXAS UTILITIES ELECTRIC COMPANY,  
ET AL.  
(Comanche Peak Steam Electric  
Station, Units 1 and 2)

Docket No.(s) 50-445/446-OL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER DTD 02/08/90 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.

Administrative Judge  
Alan S. Rosenthal, Chairman  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Thomas S. Moore  
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Administrative Judge  
Howard A. Wilber  
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Administrative Judge  
Peter A. Bloch, Chairman  
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Docket No. (s) 50-445/446-DL  
COMMISSION ORDER DTD 02/08/90

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Dated at Rockville, Md. this  
8 day of February 1990

*Patty Henderson*  
-----  
Office of the Secretary of the Commission

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

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Station, Unit 1)

Docket No.(s) 50-445-CPA

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COMMISSION ORDER DTD 02/09/90

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8 day of February 1990

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