

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING DIVISION  
D-1100

In the Matter of )  
SEQUOYAH FUELS CORPORATION ) Docket No. 40-8027-EA  
and GENERAL ATOMICS )  
(Sequoyah Facility in )  
Gore, Oklahoma) February 17, 1994

**GENERAL ATOMICS' MOTION TO STAY DISCOVERY**

In accordance with the provisions of the Nuclear Regulatory Commission's Rules of Practice in 10 C.F.R. § 2.730, General Atomics respectfully moves the Presiding Officer of the Atomic Safety and Licensing Board ("Board") to temporarily stay discovery by all parties in this matter, until the Board rules on General Atomics' Motion for Summary Disposition or for an Order of Dismissal.

AS GROUNDS for the Motion, General Atomics submits the following:

1. The Order of the Nuclear Regulatory Commission ("NRC") which is the subject of General Atomics' Motion, was not filed until October 15, 1993.

2. On February 17, 1994, General Atomics filed (by mail) its (1) Motion for Summary Disposition or for an Order of Dismissal, (2) a Brief in support of its motion, and (3) supporting Affidavits.

3. Barring an extension of time by the Board, any party which opposes the motion is required to serve an answer within

twenty (20) days after service of the motion. Even if General Atomics should seek leave to file additional documents in connection with its motion, it is highly likely that the Board will render a ruling on the motion within a reasonably brief period of time.

4. At the Prehearing Conference on January 19, 1994, counsel for the NRC Staff expressed the view that discovery in this matter will take at least six months. In view of the fact that the corporate offices of General Atomics are located in California, that the facility of Sequoyah Fuels Corporation which is the subject of the NRC's October 15, 1993 Order is located in Gore, Oklahoma, that the representative of NACE resides in Oklahoma, that the NRC Staff has indicated an intent to conduct discovery against ConverDyne, and that the offices of counsel for all parties are located in the Washington, D.C. or Richmond, Virginia area, it is inevitable that the cost of discovery to the parties will be significant. All parties have a strong vested interest in minimizing litigation costs.

5. It is self-evident that if the Board grants General Atomics Motion, any discovery conducted up to that time by or against General Atomics will have been unnecessary.

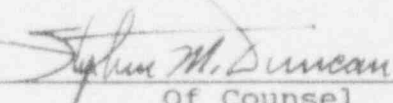
6. A temporary stay of discovery by or against General Atomics only will not accomplish the desired ends, since General Atomics would incur unacceptable risks if discovery is permitted to continue in its absence by and among the remaining parties.

7. The desirability of minimizing unnecessary litigation

costs pending a ruling by the Board on General Atomics' Motion, far outweighs any objective that might be obtained by any party in conducting discovery prior to the Board's ruling.

Respectfully submitted,

By

  
Of Counsel

Stephen M. Duncan  
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ATTORNEYS FOR GENERAL ATOMICS

February 17, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

FILED  
1994 FEB 22 AID:18

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SEQUOYAH FUELS CORPORATION ) Docket No. 40-8027-EA  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing (1) General Atomics' Motion for Summary Disposition or For an Order of Dismissal, (2) Brief in Support of General Atomics' Motion for Summary Disposition or For an Order of Dismissal, (3) Affidavit of J. Neal Blue, (4) Affidavit of Reau Graves, Jr., and (5) General Atomics' Motion to Stay Discovery have been served upon the following persons by U.S. mail, first class, in accordance with the requirements of 10 C.F.R. Sec. 2.712:

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attention: Docketing & Service Branch  
(Original and two copies)

Office of Commission Appellate Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge James P. Gleason, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge G. Paul Bollwerk, III  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Administrative Judge Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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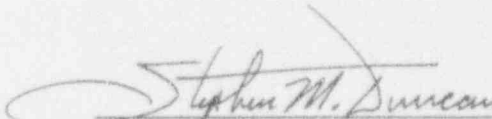
Mr. Lance Hughes, Director  
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Dated at Alexandria, VA  
this 17th day of February, 1994.

  
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