

1489

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'86 NOV 13 P3:08

before the

ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY  
DOCKETING & SUPPORT  
BRANCH

_____ )	
In the Matter of )	
TEXAS UTILITIES ELECTRIC )	
COMPANY, et al. )	Docket No. 50-445-CPA
(Comanche Peak Steam )	
Electric Station, Unit 1) )	
_____ )	

APPLICANTS' APPLICATION FOR  
A STAY PENDING APPEAL

Together with this document the applicants herein are filing a Notice of Appeal from the Licensing Board Memorandum and Order of the Atomic Safety and Licensing Board entered October 30, 1986, together with a brief in support of such appeal.

While the Order appealed from does not open discovery and therefore arguably can result in no immediate and irrevocable harm to the applicants, out of an abundance of caution, and in order to preclude any argument that there has been a waiver of the right to seek a stay of such discovery as might be ordered by the Licensing Board herein, the applicants, pursuant to 10 CFR § 2.788(a), hereby move

8611170099 861110  
PDR ADOCK 05000445  
G PDR

0503

the Appeal Board to enter an order prohibiting the commencement of any discovery or other activity pursuant to the Order of the Atomic Safety and Licensing Board appealed from.

To make the necessary showing of likelihood of success on the merits, the applicants rely on their brief on appeal filed herewith.

The applicants will be irreparably injured if a great deal of time and expense has to be devoted to discovery which proves unnecessary in the event the applicants' position is sustained on appeal.

No harm of permanent nature will be incurred by the consolidated intervenors in the event discovery is delayed until resolution of this appeal.

The public interest is not served by the expenditure of time and money by a public utility in discovery which proves unnecessary.

By its attorneys,

Nicholas S. Reynolds  
William A. Horin  
BISHOP, LIBERMAN, COOK  
PURCELL & REYNOLDS  
1200 Seventeenth Street, N.W.  
Suite 700  
Washington, DC 20036  
(202) 857-9800

Robert A. Wooldridge  
WORSHAM, FORSYTHE, SAMPELS &  
WOOLDRIDGE  
2001 Bryan Tower, Suite 2500  
Dallas, TX 75201  
(214) 979-3000

Roy P. Lessy, Jr.  
WRIGHT & TALISMAN, P.C.  
1050 Seventeenth Street, N.W.  
Washington, DC 20036-5566  
(202) 872-5000

Thomas G. Dignan, Jr.  
R. K. Gad III  
William S. Eggeling  
Kathryn A. Selleck  
ROPES & GRAY  
225 Franklin Street  
Boston, MA 02110  
(617) 423-6100

By



Thomas G. Dignan, Jr.

DOCKETED  
USNRC

CERTIFICATE OF SERVICE

'86 NOV 13 P3:08

I, Thomas G. Dignan, Jr., one of the attorneys for the Applicants herein, hereby certify that on November 10, 1986, I made service of the within document by mailing copies thereof, postage prepaid, to:

Peter B. Bloch, Esquire  
Chairman  
Administrative Judge  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. Walter H. Jordan  
Administrative Judge  
881 W. Outer Drive  
Oak Ridge, Tennessee 37830

Chairman  
Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Stuart A. Treby, Esquire  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
7735 Old Georgetown Road  
Bethesda, MD 20814

Renea Hicks, Esquire  
Assistant Attorney General  
Environmental Protection Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711

Dr. W. Reed Johnson  
Administrative Judge  
Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Anthony Roisman, Esquire  
Executive Director  
Trial Lawyers for  
Public Justice  
2000 P Street, N.W., Suite 611  
Washington, D.C. 20036

Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Mrs. Juanita Ellis  
President, CASE  
1426 S. Polk Street  
Dallas, Texas 75224

Ellen Ginsberg, Esquire  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. Kenneth A. McCollom  
Administrative Judge  
1107 West Knapp  
Stillwater, Oklahoma 74075

Ms. Billie Pirner Garde  
Midwest Office  
3424 N. Marcos Lane  
Appleton, WI 54911

Elizabeth B. Johnson  
Administrative Judge  
Oak Ridge National Laboratory  
P.O. Box X, Building 3500  
Oak Ridge, Tennessee 37830

Nancy Williams  
Cygna Energy Services, Inc.  
101 California Street  
Suite 1000  
San Francisco, California 94111

Alan S. Rosenthal, Esquire  
Chairman, Atomic Safety and  
Licensing Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

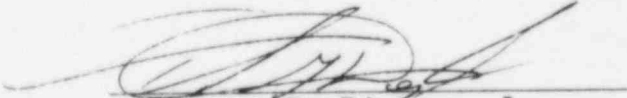
Mr. Lanny A. Sinkin  
Christic Institute  
1324 North Capitol Street  
Washington, D.C. 20002

Mr. Robert D. Martin  
Regional Administrator,  
Region IV  
U.S. Nuclear Regulatory  
Commission  
Suite 1000  
611 Ryan Plaza Drive  
Arlington, Texas 76011

Geary S. Mizuno, Esquire  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
Maryland National Bank Bldg.  
Room 10105  
7735 Old Georgetown Road  
Bethesda, Maryland 20814

Mr. James E. Cummins  
Resident Inspector  
Comanche Peak S.E.S.  
c/o U.S. Nuclear Regulatory  
Commission  
P.O. Box 38  
Glen Rose, Texas 76043

Thomas S. Moore, Esquire  
Administrative Judge  
Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555



Thomas G. Dighan, Jr.