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November 19, 1984

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

Thomas S. Moore, Member
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

W. Reed Johnson, Member
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Gentlemen:

In accordance with the order of the Appeal Board, a motion for stay pending appeal on behalf of Mr. Joseph J. Lipinsky was served upon all parties by 2:00 p.m., November 17, 1984. A copy of that motion is hereby served upon the Appeal Board and the other persons specified in the Comanche Peak service list. As the motion explains in footnote 2 (page 10), it was determined necessary to disclose certain of the documents because the asserted privilege was not now well-founded.

On November 13, 1984, Mr. Lipinsky met with counsel to review, among other things, the remaining documents which were protected from disclosure by attorney-client privilege. Mr. Lipinsky has decided to waive that privilege with respect to the withheld diary notes of November 30, December 1 and December 8, 1983. These notes are being served on the parties today.

Since no other documents are being withheld on the grounds of privilege, and documents required for

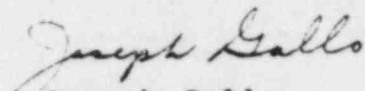
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production by the Licensing Board's November 16 Order have now been produced, Mr. Lipinsky's action moots the enclosed motion, and it is hereby withdrawn. The parties were advised of Mr. Lipinsky's decision and this action by phone on the morning of November 18, 1984. A letter to the Licensing Board advising them of this event and providing copies of all documents is enclosed.

Counsel thanks the Appeal Board for its consideration of this matter.

Sincerely,


Joseph Gallo

cy: Service List