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GOVERNMENT ACCOUNTABILITY PROJECT

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March 8, 1985

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Nunzio Palladino, Chairman
Thomas Roberts, Commissioner
James Asselstine, Commissioner
Frederick Bernthal, Commissioner
Lando Zech, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER
PROC. & UTIL. FAC.

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Dear Commissioners:

I understand that the Commission will be meeting on Friday, March 15, to discuss the Waterford Steam Electric Station, Unit 3, and possibly to vote on issuance of a full-power licensee to applicant Louisiana Power & Light Company (LP&L).

I also understand that the Commission has extended until March 15 the time within which it may review the Atomic Safety and Licensing Appeal Board taking jurisdiction over Joint Intervenors' Motion to Reopen on Quality Assurance and Character and Competence Contentions, ALAB-797.

I represent the Joint Intervenors' in the Waterford licensing proceedings. They have filed two motions to reopen licensing hearings, both of which are currently pending before the Appeal Board.

In the event the Commission determines that the Appeal Board does not have jurisdiction to consider Joint Intervenors' Motion to Reopen, filed on November 7, 1984, we will file the identical Motion with all supporting documentation with the Commission. Of course, if the Commission decides on March 15 that the Appeal Board does not have jurisdiction to decide our Motion, but at the same time, votes to authorize issuance of a full-power license to Waterford, Joint Intervenors will be foreclosed from pursuing their Motion to reopen any vote on issuance of a full-power license to Waterford 3 until such time as Joint Intervenors have had an opportunity to have their Motion decided by the Appeal Board, or until such time as the Commission determines definitely which forum may consider Joint Intervenors' Motion and permits an appropriate period of time for resubmission of Motion if necessary.

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Further, Joint Intervenors request that you delay any issuance of a full-power license to LP&L for a two-week period after making a decision that such authorization is appropriate in order to permit Joint Intervenors time to seek court review. As you know, you have permitted parties in both the Diablo Canyon and the Shoreham proceedings "grace periods" in which to appeal rulings authorizing low- and full-power licenses.

I would appreciate a response to my letter expeditiously. Thank you for your consideration of my requests.

Sincerely yours.

Lynne Bernabei
Lynne Bernabei
Attorney for Joint Intervenors

cc: Waterford Service List