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GOVERNMENT ACCOUNTABILITY PROJECT

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Hand-Delivered

March 11, 1985

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

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USNRC
MAR 14 10:08
DOCKET NUMBER 50-382 0L
PROBATIONARY SERVICE
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Dear Commissioners:

A paragraph of my letter of March 8, 1985 to you was jumbled. Therefore, please substitute for the last paragraph on the first page the following paragraph:

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 full power operation of Waterford, Joint Intervenors will be foreclosed from pursuing their Motion to Reopen in any NRC forum and prejudiced by the Commissioner's failure to review ALAB-797 in a timely manner. Therefore, Joint Intervenors request that the Commission defer any vote on issuance of a full-power license to Waterford 3 until such time as the Appeal Board has decided Joint Intervenors' Motion to Reopen, or, if the Commission determines that it is the appropriate forum to consider Joint Intervenors' Motion, until Joint Intervenors have had an opportunity to resubmit their Motion and have it decided by the Commission.

I regret any inconvenience this may have caused you.

Sincerely yours,

Lynne Bernabei
Lynne Bernabei
Attorney for Joint Intervenors

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cc: Waterford Service List

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