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November 2, 1989

B. Paul Cotter, Esq., Chairman
Hon. Glenn O. Bright
Hon. Jerry Harbour
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Florida Power & Light Co. (Turkey Point Plant, Units 3
and 4), Docket Nos. 50-250-OLA-4 and 50-251-OLA-4 (P/T
Limits)

Dear Licensing Board Members:

On October 14, 1989, the Nuclear Energy Accountability Project (NEAP) submitted a document in this proceeding, signed by its Executive Director, Thomas J. Saporito, Jr., and entitled "Relevant Information for Consideration." As stated in the Licensing Board's Memorandum of October 3, 1989, NEAP is not a party to the proceeding, and its filings "do not constitute evidence." Therefore, this document should not be considered under 10 CFR § 2.749. In any case, it is apparent that NEAP's document does not identify any genuine issue of material fact related to Contention 2. Consequently, the Licensee, Florida Power & Light Company, ("FPL") does not intend to respond to the document unless requested to do so by the Board.

However, we note that the document's principal thrust appears to be that there is not reasonable assurance that the Licensee will comply with "the license amendments which are the subject of this proceeding . . ." because "the Licensee has a well documented history of unsafely operating the Turkey Point plants . . ." Even though the document is inadmissible, we consider it appropriate to advise the Board members that FPL

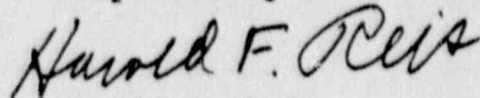
categorically rejects those allegations. In addition we think it appropriate to draw the Board's attention to the fact that the allegations are made over the signature of a discharged employee of FPL, that that employee instituted proceedings before the Department of Labor relating to his discharge and that in a recommended decision, now being reviewed by the Secretary of Labor, the Administrative Law Judge before whom the matter was heard concluded:

The actions taken against Complainant by FPL and its management personnel were a result of his contentiousness and recalcitrance as an employee. Saporito's discharge resulted solely from his crossing the line of contentiousness and recalcitrance into the area of insubordination. Furthermore, the insubordination impacted on the Site Vice President's grave responsibility to assure that the nuclear facility over which he holds jurisdiction operates safely. I was impressed by how solemnly this responsibility is shared by the other employees, both union and non-union, who testified.

In the Matter of Thomas J. Saporito v. Florida Power & Light Company, U.S. Department of Labor Case Nos. 89-ERA-7 and 89-ERA-17, June 30, 1989, p. 21. In any event, ensuring compliance with the license amendments is the responsibility of the NRC Staff and is not within the scope of Contention 2. That is an additional reason why the document should be disregarded by the Board.

We also note that, on October 27, 1989, the Commission's Secretary served upon the Board and the parties an untimely "Petition for Leave to Intervene" submitted on behalf of NEAP and Mr. Saporito. FPL will respond to that petition separately.

Respectfully submitted,



Harold F. Reis
Co-Counsel for
Florida Power & Light Company

cc: Service List and Thomas J. Saporito, Jr.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD -6 P1:47

In the Matter of)
)
FLORIDA POWER & LIGHT)
COMPANY)
)
(Turkey Point Plant,)
Units 3 and 4))

OFFICE OF THE SECRETARY
DOCKETING AND SERVICE SECTION
Docket Nos. 50-250 OLA - 4
50-251 OLA - 4

CERTIFICATE OF SERVICE

I hereby certify that a copy of a letter dated November 2, 1989, from Harold F. Reis to the Licensing Board members in the above captioned proceeding was served on the following by deposit in the United States mail, first class, properly stamped and addressed on the date shown below.

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

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

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

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

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

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Chief, Docketing and Service Section
(Original plus two copies)

Joette Lorion, Director
Center for Nuclear Responsibility
7210 Red Road #217
Miami, Florida 33143

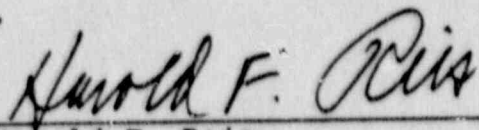
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Dated this 2nd day of November 1989.



Harold F. Reis

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