

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'81 DEC 28 A8:51

BEFORE THE COMMISSION

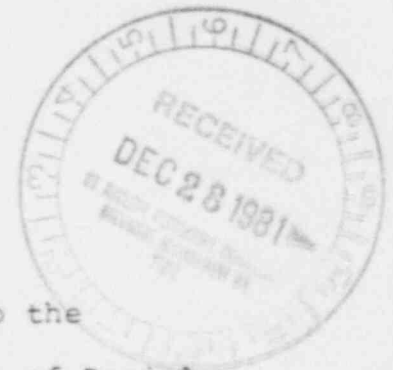
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY)
)
(Turkey Point Nuclear Generating)
Units, Nos. 3 and 4))

Docket Nos. 50-250-SP
50-251-SP

(Proposed Amendments to
Facility Operating License
to Permit Steam Generator
Repairs)

ANSWER OF
FLORIDA POWER AND LIGHT
COMPANY TO MOTION FOR
RECONSIDERATION AND REVIEW



On December 10, 1981, Joel Jaffer submitted to the Commission a "Motion for Reconsideration and Review of Denial of Petition to Intervene/Request for Hearing Pursuant to 10 C.F.R. 2.714a and 2.714." In it he sought to obtain review of:

1. the June 19, 1981 Final Order of the Atomic Safety and Licensing Board in the above-referenced proceeding;
2. the Appeal Board Order of October 9, 1981, denying Mr. Jaffer amicus status in the review of the Licensing Board decision; and
3. ALAB-660, dated November 30, 1981, affirming the Licensing Board's decision.

The Commission's rules contain no provision for consideration of the motion in question. See 10 C.F.R. § 2.786(b)(9).

DS03
5
1/1

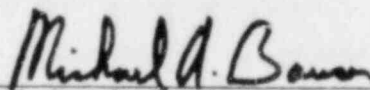
However, even if considered as a "petition for review" under 10 C.F.R. § 2.786(b)(1), relief must be denied.

With respect to Item 2, above, the time for seeking review has long since expired and the matter is now moot since briefing has been completed, oral argument held, and a decision (ALAB-660) issued. In any event, for reasons detailed in the Appeal Board's October 9, 1981 Order and its Memorandum of September 1, 1981, Mr. Jaffer's request for amicus status is "patently insufficient." Accordingly, there was no abuse of discretion in its denial.

With respect to Items 1 and 3, Mr. Jaffer never, in fact, filed a petition to intervene. See, e.g., Respondents' Opposition to Petitioner's Motion To File Petition for Review in Forma Pauperis, Jaffer v. NRC, No. 81-8035 (D.C. Cir. Oct. 2, 1981). Accordingly, despite representations to the contrary, neither the Licensing Board's Final Order nor ALAB-660 dealt with intervention by Mr. Jaffer in any way. Further, since he was never a party to the proceedings below (see, e.g., Court Order, Jaffer v. NRC, No. 81-8035 (D.C. Cir. Oct. 2, 1981), rehearing denied, Dec. 7, 1981), he may not now seek review of the decisions on their merits. 10 C.F.R. § 2.786(b)(1).

For the foregoing reasons the motion must be denied.

Respectfully submitted,



Michael A. Bauser

Lowenstein, Newman, Reis & Axelrad
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 862-8400

Counsel for Licensee,
Florida Power & Light Company

December 22, 1981

DOCKETED
USNRC

'81 DEC 28 AB:52

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	Docket Nos. 50-250-SP
)	50-251-SP
FLORIDA POWER & LIGHT COMPANY)	
(Turkey Point Nuclear)	(Proposed Amendments to
Generating Units Nos. 3)	Facility Operating License
and 4))	to Permit Steam Generator
)	Repairs)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT copies of the "Answer of Florida Power and Light Company to Motion for Reconsideration and Review" were served on the following by deposit in the United States mail, first class, properly stamped and addressed, on the date shown below.

Chairman Nunzio J. Palladino
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Commissioner Victor Gilinsky
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Commissioner Peter A. Bradford
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Commissioner John F. Ahearne
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Commissioner Thomas M. Roberts
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Service List
Page Two

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

Stephen F. Eilperin, Esq.
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Marshall E. Miller, Esq., Administrative Judge
Chairman, Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Emmeth A. Luebke, Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris, Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Norman A. Coll, Esq.
Co-Counsel for Licensee
Steel, Hector & Davis
1400 Southeast First National Bank Building
Miami, Florida 33131

Steven C. Goldberg, Esq.
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

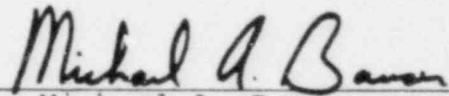
Atomic Safety and Licensing Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Service List
Page Three

Neil Chonin, Esq.
1400 AmeriFirst Building
One Southeast Third Avenue
Miami, Florida 33131

Mr. Joel Jaffer
P. O. Box 013956
Miami, Florida 33101


Michael A. Bauser

Lowenstein, Newman, Reis &
Axelrad
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 862-8400

December 22, 1981