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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'90 DEC 17 P4:34

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

Docket Nos. 50-250-OLA-6  
50-251-OLA-6  
  
(Emergency Power System  
Enhancement)

December 13, 1990

LICENSEE'S RESPONSE  
TO MOTION TO WITHDRAW

On the assumption that the obligations imposed by the Licensing Board's Memorandum and Order of December 5, 1990, continue in full force and effect with respect to Thomas J. Saporito, Jr., the remaining Petitioner in this proceeding, Licensee, Florida Power & Light Company, has no objection to the withdrawal of the Nuclear Energy Accountability Project from the proceeding. In addition, Licensee is serving Petitioner Saporito at 8130 S.W. 62nd Place, S. Miami, Florida 33143, as now requested.

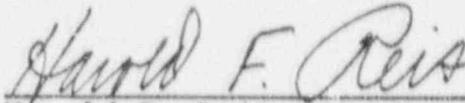
The foregoing does not indicate that FPL has withdrawn or modified its position that Mr. Saporito has failed to establish standing. Indeed, the successive changes of mailing addresses and of addresses for purposes of service contained in the two earlier-submitted "Notice[s] of Address Change" and in the instant "Motion to Withdraw" reemphasize the unanswered questions related to Mr. Saporito's standing pointed out by the

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Licensee and the NRC Staff in their responses to the Request for Hearing and Petition for Leave to Intervene.

Respectfully submitted,



Harold F. Reis  
Michael A. Bauser

Newman & Holtzinger, P.C.  
1615 L Street, N.W.  
Suite 1000  
Washington, D.C. 20036  
(202) 955-6600

Co-Counsel:

Steven Carr, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Room 3712  
Juno Beach, Florida 33408

Dated this 13th day of December 1990.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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) Docket Nos. 50-250-OLA-6  
) 50-251-OLA-6  
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)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response to Motion to Withdraw" in the above captioned proceeding were served on the following by deposit in the United States mail, first class, properly stamped and addressed, on the date shown below.\*

John H. Frye, III, Chairman\*  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Charles N. Kelber\*  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

David R. Schink  
Department of Oceanography  
Texas A&M University  
College Station, Texas 77843

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Appeal Panel  
Mail Stop EWW-529  
Washington, D.C. 20555

\*An asterisk indicates that service was also made by hand delivery.

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

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

Atomic Safety and Licensing Board Panel  
Adjudicatory File  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
(two copies)

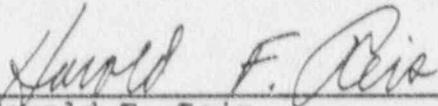
Thomas J. Saporito, Jr.  
Executive Director  
Nuclear Energy Accountability Project  
Post Office Box 129  
Jupiter, Florida 33468-0129

Thomas J. Saporito, Jr.  
8135 S.W. 62nd Place  
S. Miami, Florida 33143

Janice E. Moore, Esq.\*  
Patricia A. Jehle, Esq.\*  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Steven Carr, Esq.  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Room 3712  
Juno Beach, Florida 33408

Dated this 13th day of December 1990

  
\_\_\_\_\_  
Harold F. Reis

Newman & Holtzinger, P.C.  
1615 L Street, N.W.  
Suite 1000  
Washington, D.C. 20036