

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

_____)	
In the Matter of)	
FLORIDA POWER & LIGHT COMPANY)	Docket Nos. 50-250-OLA-6
(Turkey Point Plant,)	50-251-OLA-6
Units 3 and 4))	(Emergency Power System
_____)	Enhancement)

December 5, 1990

LICENSEE'S RESPONSE TO NOTICES OF
CHANGE OF ADDRESS

On November 29, 1990, Florida Power & Light Company ("FPL" or "Licensee") received a "Notice of Address Change" stating, in part, that "the mailing address for the Nuclear Energy Accountability Project and Thomas J. Saporito, Jr., (Petitioners), in the above-captioned proceeding, is changed to:
8135 S.W. 62nd Place, Miami, Florida 33143, (305) 661-4529[.]"

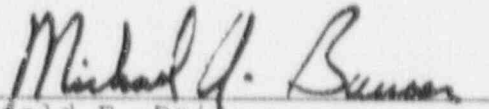
On December 2, FPL received another "Notice of Address Change" stating, in part, that "the mailing address for the Nuclear Energy Accountability Project and Thomas J. Saporito, Jr., (Petitioners), in the above-captioned proceeding, is changed to:
Post Office Box 129, Jupiter, Florida 33468-0129[.]"

Licensee is serving Petitioners at the second of the two above-mentioned addresses, as now requested. However, this does not indicate that FPL has withdrawn or modified its position that Petitioners have failed to establish standing. To the contrary, Licensee notes that additional uncertainties related to

the issue of standing have been injected into the proceeding by the Notices.

Perhaps most significantly, according to the first Notice, the address change Miami "became effective July 1990." However, in sworn testimony presented in an unrelated Department of Labor proceeding on August 22, 1990, Mr. Saporito gave his then-present address and the location of Nuclear Energy Accountability Project headquarters as "1202 Sioux Street, Jupiter, Florida." (See attached excerpts from Transcript, pp. 243, 264-65, in U.S. Department of Labor Cases Nos. 90-ERA-0027 and 90-ERA-0047.) At a minimum, this apparent inconsistency raises serious questions concerning the fact and timing of Petitioners' actual and various locations and addresses.

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 5th day of December 1990.

**UNITED STATES
DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of:)
)
THOMAS J. SAPORITO,)
)
Complainant,) Case No. 90-ERA-0027
)
vs.) and 90-ERA-0047
)
FLORIDA POWER & LIGHT COMPANY)
and ATI CAREER TRAINING CENTER,)
)
Respondents.)

Pages: 241 through 350
Place: Fort Lauderdale, Florida
Date: August 22, 1990

HERITAGE REPORTING CORPORATION
Official Reporters
1220 L Street, N.W., Suite 600
Washington, D.C. 20005
(202) 628-4888

P R O C E E D I N G S

1
2 JUDGE THOMAS: Go back on the record, Ms.
3 Reporter. You may continue, Ms. Garde.

4 MS. GARDE: Thank you, Your Honor. I would like
5 to call the Complainant in this action, Mr. Saporito.
6 Whereupon,

7 THOMAS J. SAPORITO

8 having been first duly sworn, was called as a witness herein
9 and was examined and testified as follows:

D I R E C T E X A M I N A T I O N

10
11 BY MS. GARDE:

12 Q Good morning, Mr. Saporito.

13 A Good morning.

14 Q Would you please give us your address for the
15 record?

16 A 1202 Sioux Street, Jupiter, Florida.

17 Q When were you employed by Florida Power & Light?

18 A December -- I mean -- March, '82 to December, '88.

19 Q And when were you discharged?

20 A December 22, 1988.

21 Q And what was the reason Florida Power & Light gave
22 you for terminating you?

23 A Insubordination.

24 Q And why did Florida Power & Light terminate you in
25 your mind?

1 MR. BRAMNICK: All right.

2 JUDGE THOMAS: Do you have any problem with any of
3 those statements in there that are attributed to you?

4 THE WITNESS: No.

5 MR. BRAMNICK: That is what I asked originally,
6 and he said he wasn't -- that is fine.

7 BY MR. BRAMNICK:

8 Q Now you testified that you formed the Nuclear
9 Energy Accountability Project.

10 A Yes.

11 Q And when was that?

12 A October of '89.

13 Q You are also its President?

14 A I am the Executive Director.

15 Q You are not the President also?

16 A Well, President also.

17 Q That is what I asked. You are Treasurer?

18 A I believe I have been classified as Treasurer on
19 the articles.

20 Q And your wife is the Secretary of the
21 organization?

22 A Yes, sir.

23 Q And NEAP's headquarters is at your home in
24 Jupiter, is that correct?

25 A Yes.

1 Q How far from the ATI Career Training Center is
2 Jupiter -- is your home? How many miles?

3 A I would say approximately 60.

4 Q Sixty miles from ATI to your home?

5 A I believe so.

6 Q How about from the Turkey Point Nuclear Power
7 Plant?

8 A Eighty-three miles, approximately.

9 Q Each way?

10 A Yes, sir.

11 Q Okay. And Respondent's Exhibit No. 2 is a press
12 release from NEAP announcing the formation of the
13 organization and that is from you, is that correct?

14 A Yes, I saw a news release. No, I don't believe it
15 is a news release. I think it is a solicitation for
16 membership.

17 Q Okay. It is a publication from you?

18 A Yes. To prospective members.

19 Q Okay. And you act as a spokesman for NEAP on a
20 routine basis, do you not?

21 A Yes, sir.

22 Q Okay. And you have appeared on radio and
23 television on behalf of NEAP?

24 A Yes, sir.

25 Q Did you appear on radio and television before NEAP

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '90 DEC 10 A8:46

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

_____)	
In the Matter of)	
FLORIDA POWER & LIGHT COMPANY)	Docket Nos. 50-250-OLA-6
(Turkey Point Plant,)	50-251-OLA-6
Units 3 and 4))	(Emergency Power System
_____)	Enhancement)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response to Notices of Change of Address" 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

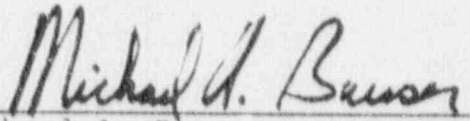
Attention: Chief, Docketing and Service Section
(Original plus two copies)

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

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 5th day of December 1990



Michael A. Bauser

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