

11223

DUPLICATE ORIGINAL

DOCKETED  
USNRC

'90 DEC 21 P2:38

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
REGULATORY & SERVICE  
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

Docket Nos. 50-250 OLA-5  
50-251 OLA-5

FLORIDA POWER & LIGHT COMPANY

(Turkey Point Plant, Units 3  
and 4)

(Technical Specifications  
Replacement)

MOTION FOR ORDER TO SHOW CAUSE WHY  
PROCEEDING SHOULD NOT BE TERMINATED

The Nuclear Energy Accountability Project ("NEAP") is the sole appellant in this proceeding to review a Licensing Board's denial of its petition to intervene and request for a hearing with respect to operating license amendments for the Turkey Point reactors. By letter dated December 13, 1990, counsel for Florida Power & Light Company ("FPL") transmitted to the Board and the parties to this proceeding copies of a "Motion to Withdraw" submitted by NEAP in another proceeding <sup>1/</sup> now pending before an Atomic Safety and Licensing Board and relating to other amendments of the operating licenses for the Turkey Point reactors. The motion states that NEAP will be dissolved effective December 31, 1990, that its Executive Director will join another environmental organization, and that the membership of NEAP will be provided an opportunity to join that organization

9101030027 901219  
PDR ADDCK 05000250  
G PDR

<sup>1/</sup> Docket No. 50-250-OLA-6 and 50-251-OLA-6 (Emergency Power System Enhancement).

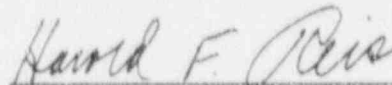
DS03

after NEAP's dissolution. The motion was granted December 12, 1990.

FPL perceives no reason why the considerations which led to the submission of the Motion to Withdraw in OLA-6 and to the grant of that motion should not also lead to the conclusion that continued prosecution of litigation by NEAP in this proceeding should terminate. The Motion to Withdraw clearly suggests that, after its dissolution on December 31, 1990, NEAP will no longer be in a position to conduct litigation in a representational capacity on behalf of its members and that further protection of whatever independent organizational interests it earlier asserted is no longer required.

Accordingly, FPL hereby moves that, unless the Appeal Board should deny the appeal on its merits prior to December 31, 1990, it issue an order directing NEAP to show cause why this proceeding should not be terminated.

Respectfully submitted,



Harold F. Reis  
Michael A. Bauser

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

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

Dated this 19th day of December 1990.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DUCKETTED  
USNRC

'90 DEC 21 P2:38

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY  
DUCKETTING & SERVICE  
BRANCH

In the Matter of )

) Docket Nos. 50-250 OLA-5  
) 50-251 OLA-8

FLORIDA POWER & LIGHT COMPANY )

(Turkey Point Plant, Units 3  
and 4) )

) (Technical Specifications  
) Replacement)

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Motion for Order to Show Cause Why Proceeding Should Not be Terminated" in the above captioned proceeding, dated December 19, 1990, was served on the persons designated below by deposit in the United States mail, first class postage paid on this date, except as otherwise indicated:

Thomas S. Moore, Chairman \*/  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Mail Stop EWW-529  
Washington, D.C. 20555

G. Paul Bollwerk, III \*/  
Atomic Safety and  
Licensing Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Mail Stop EWW-529  
Washington, D.C. 20555

Howard A. Wilber \*/  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Mail Stop EWW-529  
Washington, D.C. 20555

Peter B. Bloch, Chairman  
Atomic Safety and  
Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. George C. Anderson  
Atomic Safety and Licensing  
Board  
7719 Ridge Drive, N.E.  
Seattle, Washington 98115

Elizabeth B. Johnson  
Atomic Safety and  
Licensing Board  
Oak Ridge National  
Laboratory  
P.O. Box 2008  
Bethel Valley Road, Bldg. 3500  
Oak Ridge, TN 37831

\*/ Service by messenger.

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

Office of the Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555  
ATTN: Chief, Docketing and  
Service Section  
(Original plus two copies)

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

John T. Butler, Esq.  
Steel Hector & Davis  
4000 Southeast Financial  
Center  
Miami, Florida 33113

Dated this 19th day of December, 1990

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

Billie Pirner Garde, Esq. \*\*/  
103 East College Avenue  
Appleton, Wisconsin 54911

Billie Pirner Garde, Esq. \*\*/  
Hardy, Milutin & Johns  
500 Two Houston Center  
909 Fannin at McKinney  
Houston, Texas 77010

Thomas J. Saporito, Jr. \*\*/  
Executive Director  
Nuclear Energy Accountability  
Project  
P.O. Box 129  
Jupiter, Florida 33468-0129

Stewart Ebnetter  
Regional Administrator  
U.S. Nuclear Regulatory  
Commission, Region II  
101 Marietta Street, N.W.  
Suite 2900  
Atlanta, Georgia 30323

*Harold F. Reis*

Harold F. Reis

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

---

\*/ Service by messenger.

\*\*/ Service by Express Mail.