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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION '90 DEC 24 A11:08

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

Docket Nos. 50-250 OLA-4  
50-251 OLA-4

(P/T Limits)

MOTION FOR ORDER TO SHOW CAUSE WHY  
NEAP SHOULD NOT BE DISMISSED FROM THIS PROCEEDING

The Nuclear Energy Accountability Project ("NEAP") is one of the appellants in this proceeding to review two Licensing Board decisions, including a decision denying a joint petition to intervene and request for a hearing by Thomas J. Saporito, Jr., and NEAP. On December 8, 1990, NEAP submitted the attached "Motion to Withdraw" 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 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 and to the grant

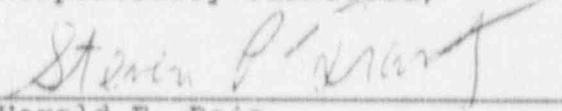
<sup>1/</sup> Docket No. 50-250-OLA-6 and 50-251-OLA-6 (Emergency Power System Enhancement).

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of that motion would not be equally applicable in this proceeding. 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 it should not be dismissed from this proceeding.

Respectfully submitted,

  
\_\_\_\_\_  
Harold F. Reis  
Steven P. Frantz

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

Co-Counsel:  
John T. Butler, Esq.  
Steel, Hector & Davis  
4000 Southeast Financial Center  
Miami, Florida 33131

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

Dated this 21st day of December 1990.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
FLORIDA POWER AND LIGHT COMPANY ) Docket No.(s)  
 ) 50-250/251-OLA-6  
(Turkey Point Plant, Unit Nos. 3 & 4 )  
 )  
 )

MOTION TO WITHDRAW

COMES NOW, the Nuclear Energy Accountability Project (NEAP), and enters this Motion to Withdraw from the above-styled proceeding and would state the following:

1. The environmental organization known as NEAP will be dissolved effective December 31, 1990.
2. The Executive Director of NEAP, Thomas J. Saporito, Jr., will join another environmental organization known as the Center for Nuclear Responsibility (CNR).
3. The membership of NEAP will be provided an opportunity to join CNR after dissolution of NEAP.

For all the foregoing reasons, NEAP requests that the Board grant this Motion to Withdraw.

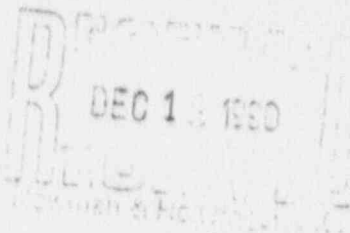
A favorable ruling on this motion would leave Thomas J. Saporito, Jr. as the sole petitioner in this proceeding.

Therefore, should this motion be granted, please direct all future filings germane to this proceeding to:

Mr. Thomas J. Saporito, Jr.  
8135 S.W. 62nd Place  
S. Miami, Florida 33143  
(305) 661-4529

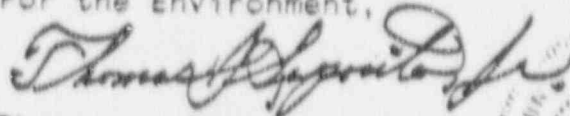
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The cooperation and understanding of all parties and the Board in this proceeding is both anticipated and appreciated.

For the Environment,



Thomas J. Saporito, Jr.  
Executive Director, NEAP  
P.O. Box 129  
Jupiter, Florida 33468-0129



cc: Honorable John H. Frye, III, Chairman  
Honorable Charles N. Kelber  
Honorable David R. Schink  
Office of the Secretary, USNRC, Attention Docketing  
Ms. Patricia Jehle, Esq.  
Mr. Harold F. Reis  
Mr. Stewart Ebnetter, Administrator, USNRC Region II  
Ms. Joette Lorion, Director, Center/Nuclear Responsibility

Dated this 8th day of December, 1990 in S. Miami, Florida.

UNITED STATE OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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

Docket Nos. 50-250 OLA-4  
50-251 OLA-4  
  
(P/T Limits)

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached "Motion For Order To Show Cause Why NEAP Should Not Be Dismissed From This Proceeding" were served on the following by deposit in the United States mail, first class, properly stamped and addressed on the date shown below.

Administrative Judge  
Christine N. Kohl, Chairman  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Administrative Judge  
Howard A. Wilber  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Administrative Judge  
Thomas S. Moore  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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

Administrative Judge  
Glenn O. Bright  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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

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 Docket 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

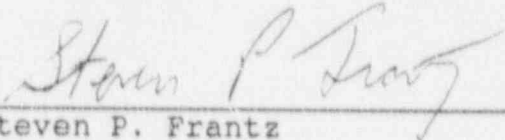
John T. Butler, Esq.  
Steel, Hector & Davis  
4000 Southeast Financial  
Center  
Miami, Florida 33113

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

Joette Lorion, Director  
Center for Nuclear  
Responsibility  
7210 Red Road #207 B  
Miami, Florida 33143

Thomas J. Saporito, Jr.  
Executive Director  
Nuclear Energy Accountability  
Project  
8135 S.W. 62nd Place  
S. Miami, Florida 33143

Dated this 21st day of December 1990

  
\_\_\_\_\_  
Steven P. Frantz

Newman & Holtzinger, P.C.  
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Suite 1000  
Washington, D.C. 20036