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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
OF THE COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	Docket No.	50-250-OLA-5
	)		50-251-OLA-5
FLORIDA POWER AND LIGHT	)	(Technical Specifications)	
COMPANY	)		
(Turkey Point Plant, Units 3	)		
and 4)	)		

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NRC STAFF RESPONSE TO LICENSEE'S "MOTION FOR ORDER TO SHOW  
CAUSE WHY PROCEEDING SHOULD NOT BE TERMINATED"

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Patricia Jehle  
Counsel for NRC Staff

December 31, 1990

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In the Matter of

FLORIDA POWER AND LIGHT  
COMPANY

(Turkey Point Plant, Units 3  
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) Pocket No. 50-250-OLA-5  
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	)	50-251-OLA-5
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COMPANY	)	
(Turkey Point Plant, Units 3	)	
and 4)	)	

NRC STAFF RESPONSE TO LICENSEE'S  
"MOTION FOR ORDER TO SHOW CAUSE WHY  
PROCEEDING SHOULD NOT BE TERMINATED"

On December 8, 1990, the Nuclear Energy Accountability Project (NEAP) filed a "Motion to Withdraw" in a proceeding involving this Licensee, now pending before an Atomic Safety and Licensing Board.<sup>1/</sup> The "Motion to Withdraw" stated 1) that NEAP would be dissolved on December 31, 1990, 2) that NEAP's Executive Director would join another environmental organization, and 3) that NEAP members would be given an opportunity to join that organization after NEAP's dissolution. The "Motion to Withdraw" was granted by the Atomic Safety and Licensing Board on December 12, 1990. On December 13, 1990, Counsel for

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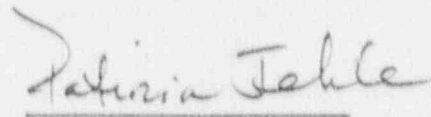
<sup>1/</sup>Docket Nos. 50-250-OLA-6 and 50-251-OLA-6 (Emergency Power System Enhancement).

Florida Power and Light Co. ("Licensee") transmitted copies of the "Motion to Withdraw," to the Appeal Board and the NRC Staff in this proceeding.

On December 19, 1990, the Licensee filed a "Motion for Order to Show Cause Why Proceeding Should Not Be Terminated" ("Motion") in this proceeding. In its Motion the Licensee points out that after NEAP's 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. Licensee notes that there does not appear to be any reason why the considerations which led to the submission of the motion in the OLA-6 proceeding, and the grant of that motion by the Licensing Board, should not also lead to the conclusion that continued prosecution of litigation in this proceeding should terminate.

The NRC Staff agrees and supports the Licensee's Motion for issuance of an order to show cause directed to NEAP as to why this proceeding should not be terminated.

Respectfully submitted,



Patricia Jehle  
Patricia Jehle  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 31st day of December, 1990.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

SECRETARY  
OF SERVICE

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

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

)  
)  
) FLORIDA POWER AND LIGHT  
) COMPANY

) (Technical Specifications)  
)  
)

)  
) (Turkey Point Plant, Units 3  
) and 4)

CERTIFICATE OF SERVICE

I hereby certify that copies of "MOTION FOR ORDER TO SHOW CAUSE WHY PROCEEDING SHOULD NOT BE TERMINATED" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 31st, day of December, 1990:

Thomas S. Moore, Chairman\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

G. Paul Bollwerk, III\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Elizabeth B. Johnson  
Administrative Judge  
Oak Ridge National Laboratory  
P.O. Box 2008, Bethel Valley Road  
Building 3500, Mail Stop 6010  
Oak Ridge, TN 37831

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

Steven P. Frantz, Esq. (2)  
Harold F. Reis, Esq.  
Newman & Holtzinger  
1615 L St., N.W., Suite 1000  
Washington, D.C. 20036

Dr. George C. Anderson  
Administrative Judge  
7719 Ridge Drive, N.E.  
Seattle, WA 98115

John T. Butler, Esq.  
Steel, Hector & Davis  
4000 Southeast Financial Center  
Miami, FL 33131-2398

Nuclear Energy Accountability  
Project  
Post Office Box 129  
Jupiter, FL 33468-0129

Office of the Secretary (2)\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Docketing & Service Section

Stewart Ebnetter\*  
Regional Administrator  
USNRC, Region II  
101 Marietta St., N.W.  
Suite 2900  
Atlanta, GA 30303

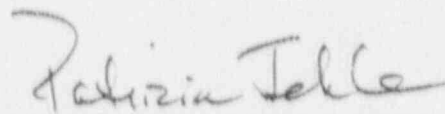
Atomic Safety and Licensing  
Board Panel (1)\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Adjudicatory File (2)  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Board Panel (5)\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Billie Pirner Garde, Esq.  
500 Two Houston Center  
909 Fannin, Suite 500  
Houston, TX 77010

Billie Pirner Garde, Esq.  
103 East College Avenue  
Appleton, WI 54911

  
Patricia Jehle  
Counsel for NRC Staff