

DENIED

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For the Appeal Board

*Sharon E. Hagan* 4.10-90  
Secretary to the Appeal Board

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING APPEAL PANEL

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In the Matter of )  
 )  
Florida Power & Light Co. )  
 )  
(Turkey Point Nuclear Plant, )  
Units 3 and 4) )

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

(Pressure/Temperature Limits)

ASLBP No. 89-584-01-OLA

April 6, 1990

SERVED APR 10 1990

PETITIONERS' OBJECTION TO LICENSEE'S BRIEF  
IN RESPONSE TO THE APPEALS OF THE LICENSING BOARD'S  
JANUARY 16, 1990 MEMORANDA AND ORDERS

COMES NOW, Thomas J. Saporito, Jr. and the Nuclear Energy Accountability Project, hereinafter ("Petitioners"), and state for the record their objection to the admissability of Florida Power and Light Company (Licensee)'s brief in response to the appeals of the Licensing Board's January 16, 1990 memoranda and orders.

Pursuant to 10 C.F.R. 2.714(a), any other party may file a brief in support of or in opposition to the appeal within ten (10) days after service of the appeal. The Licensee's response brief is inexcusably late and untimely filed in violation of the regulations. Indeed, Petitioners took receipt of Licensee's response brief on April 5, 1990. Considering the fact that Intervenor, (Joette Lorion and the Center for Nuclear Responsibility), filed their appeal brief on March 5, 1990 with the consent of the Licensee and the fact that Petitioners filed their appeal brief before March 5, 1990, it is quite clear that the Licensee exceeded the ten (10) day filing period as provided for by the regulations.

Therefore, for all the foregoing reasons, Licensee's response brief of April 3, 1990 should not be accepted into evidence on the record and should not be considered by the Atomic Safety and Licensing Appeal Panel in reaching a decision in this matter.

Respectfully submitted,

*Thomas J. Saporito, Jr.*

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING APPEAL PANEL

In the Matter of	)	Docket Nos. 50-250-OLA-4
	)	50-251-OLA-4
Florida Power & Light Co.	)	
	)	(Pressure/Temperature Limits)
(Turkey Point Nuclear Plant,	)	
Units 3 and 4)	)	ASLBP No. 89-584-01-OLA
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petitioners' Objection to Licensee's Brief in Response to the appeals of the Licensing Board's January 16, 1990 Memorandum and Orders, have been served upon the following persons by U.S. mail, first class.

Administrative Judge  
Christine N. Kohl, Chairman  
Atomic Safety and Licensing Appeal  
Board Mail Stop EWW-529  
Mail Stop EWW-529  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
Howard A. Wilber  
Atomic Safety and Licensing Appeal  
Board Mail Stop EWW-529  
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

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Washington, D.C. 20036

Dated: April 6, 1990

Administrative Judge  
Thomas S. Moore  
Atomic Safety and  
Licensing Appeal Board  
Mail Stop EWW-529  
U.S. Nuclear Reg. Comm.  
Washington, D.C. 20555

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

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

Joette Lorion, Director  
Center/Nuclear Resp.  
7210 Red Road, #217  
Miami, Florida 33143

U.S. Nuclear Reg. Comm.  
Washington, DC 20555

By:



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

FLORIDA POWER AND LIGHT COMPANY

(Turkey Point Plant, Unit Nos. 3 & 4)

Docket No. (s) 50-250/251-OLA-4

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing AB DENIAL OF PETITIONERS OBJ. have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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

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

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

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

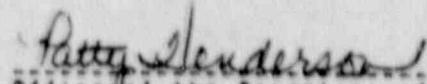
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Joette Lorian, Director  
Center for Nuclear Responsibility  
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Miami, FL 33143

Docket No. (s) 50-250/251-OLA-4  
AB DENIAL OF PETITIONERS OBJ.

Thomas J. Saporito, Jr.  
Executive Director  
Nuclear Energy Accountability Project  
P.O. Box 129  
Jupiter, FL 33468

Dated at Rockville, Md. this  
10 day of April 1990

  
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Office of the Secretary of the Commission