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

DOCKETED  
USNRC

May 5, 1990

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In the Matter of	)	Docket Nos. 50-250-OLA-5
	)	50-251-OLA-5
FLORIDA POWER & LIGHT	)	
COMPANY	)	Technical Specifications
Turkey Point Plant	)	Replacement
(Unit Nos. 3 and 4)	)	
<hr/>		ASLBP No. 90-602-01-OLA-5

NEAP'S RESPONSE TO THE ASLB'S MEMORANDUM AND ORDER

On April 24, 1990 the ASLB issued a Memorandum and Order requiring that NEAP submit a filing to support their standing in this proceeding. Specifically, NEAP was ordered to provide:

- A. A statement signed by an authorized officer of NEAP that:
  - 1. The organization has decided that it desires to continue be represented in this proceeding.
  - 2. Sets forth the name of the organization's authorized representative in this proceeding.
  - 3. Explains the nature of and privileges of membership in NEAP and how the organization determines whether a particular person is a member.
  - 4. States that each of the persons on whom NEAP relies for standing is a member and that they have been a member since the beginning of this proceeding until the present date.
- B. Statement required from at least one member on whom standing may be based that:
  - 1. They desire to be represented by NEAP in this proceeding.

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2. Establishes that they have a personal interest in the proceeding (such as their place of residence or the other contacts that establish that they have a direct interest; and the nature of the interest they seek to protect).
3. Establishes the date they became a member of NEAP and that they are currently members of NEAP.
4. Communicates their understanding concerning their privileges as a member of NEAP and the nature of their participation in NEAP activities.

#### NEAP'S RESPONSE TO THE ASLB'S INQUIRIES

In responding to inquiry A.1., NEAP would state that the organization has decided that it desires to continue to be represented in this proceeding.

In responding to inquiry A.2., NEAP would state that the organization's authorized representative in this proceeding is its Executive Director, Thomas J. Saporito, Jr. Although Mr. Saporito has withdrawn his personal standing in this proceeding, the Board of Directors has failed to find a more qualified representative at this late date. Therefore, Mr. Saporito, in the upmost interest for public safety, has agreed to represent NEAP in this proceeding.

In responding to inquiry A.3., NEAP would state that, pursuant to NEAP's bylaws germane to membership, that:

- (i) Membership shall be open to all those interested individuals, who wish to participate in accomplishment of the objectives of this corporation. Members will be entitled to receive information and newsletters, but they will have no



voting rights unless otherwise authorized by the board.

- (ii) Members may be required from time to time to pay dues which shall be set by the board.
- (iii) Membership in this corporation shall be approved by the board.
- (iv) Each member agrees to release, hold harmless, and indemnify the corporation, its board of directors, officers, agents or members from all claims for damages arising from complaints or unlawful acts against the member.

In responding to inquiry A.4., NEAP would state that NEAP relies on its member Ms. Shirley Brezenoff who resides at 3765 N.W. 35th Street, Coconut Creek, Florida 33066 for standing in this proceeding. Ms. Brezenoff became a member of NEAP on November 29, 1989, (since the beginning of this proceeding), and is currently a member of NEAP.

In responding to inquiries B.1., B.2., B.3., and B.4., NEAP would state that an affidavit from Ms. Brezenoff and an application for membership from Ms. Brezenoff are attached to this filing. Collectively, these documents satisfy the requirements of the ASLB's inquiries B.1., B.2., B.3., and B.4. and are hereby submitted for the record.

We note here that no requirement has been made by the ASLB to require that NEAP submit an affidavit from its member. NEAP submits this affidavit because it already had possession of the

document and further inquiry and requests to our member is not warranted at this time.

In responding to inquiry C, NEAP would rely on the ASLB's wisdom and knowledge of the law as it applies to standing and would trust that the ASLB would hold upmost, public safety, in their determination of NEAP's standing in this proceeding.

For all the foregoing reasons and upon consideration of the entire record in this matter, the ASLB should grant NEAP standing in this proceeding.

For Public Safety,



Thomas J. Saporito, Jr.  
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