

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

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USNRC

90 AUG 22 P3:10

Thomas S. Moore, Chairman
Howard A. Wilber
G. Paul Bollwerk, III

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

August 13, 1990

in the Matter of)	Docket Nos. 50-250-OLA-5
)	50-251-OLA-5
Florida Power and Light Co.)	
Turkey Point Nuclear Plant)	Technical Specifications
(Unit Nos. 3 and 4))	Replacement
)	
Facility Operating Licenses)	ASLBP No. 90-602-01-OLA-5
(DPR-31 and DPR-41))	

MOTION FOR EXTENSION OF TIME TO APPEAL

COMES NOW, the Nuclear Energy Accountability Project (NEAP), hereinafter (Intervenors), and files this request for an extension of fifteen days time to file the brief in support of its appeal.¹

At issue in this case is whether the Atomic Safety and Licensing Board erred in dismissing Intervenor on the basis of standing.

The standing issue arises because the ASLB dismissed NEAP as a party when the member through which it obtained standing, Thomas J. Saporito, Jr., was terminated from the employment that served as the basis for his standing, i.e., within the zone of interest (See, MEMORANDUM AND ORDER, issued July 18, 1990).

Mr. Saporito has filed a complaint with the U.S. Department of Labor pursuant to 42 USC 5851, alleging that his termination was

¹ Counsel for Florida Power and Light and the NRC Staff were contacted to determine if this motion would be unopposed. As indicated to this office FP&L opposes the motion, however, the Staff does not.

caused by FP&L's contacts with his employer for the purpose of, inter alia, causing him to lose standing. The trial in this matter is scheduled to begin on August 21, 1990, in Ft. Lauderdale, Florida. (See, attached notice of hearing.)

The brief in this appeal is due on August 22, 1990. Unfortunately pretrial discovery and trial preparation, as well as the press of other business, has interfered with Counsel's ability to prepare the brief in support of the notice of appeal.²

Neither FP&L nor the Staff will be prejudiced by a delay in this matter as the Staff has already issued a "no significant hazards finding" regarding the Technical Specification Replacement. In addition, the case in front of the Atomic Safety and Licensing Board (ASLB) is not yet completely over since Judge Bloch has asked the staff to address the issues of the contentions in order that he may determine whether or not to raise any issues sua sponte.

Thus, Counsel for NEAP in this proceeding, and also for Mr. Saporito in the DOL proceeding, respectfully requests that the Appeals Board grant this extension of time in order to insure that Intervenor's have the opportunity to fully and completely address

² Counsel for NEAP was also away from her office for the past two weeks attending a professional education seminar and convention, and taking several days of vacation. No other attorney in the office has experience in front of the NRC.

the issues on appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Extension of Time to Appeal have been served upon the following persons by the methods indicated and in accordance with the requirements of 10 CFR Sec. 2.712.

BY OVERNIGHT MAIL

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