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NEWMAN & HOLTZINGER, P. C.

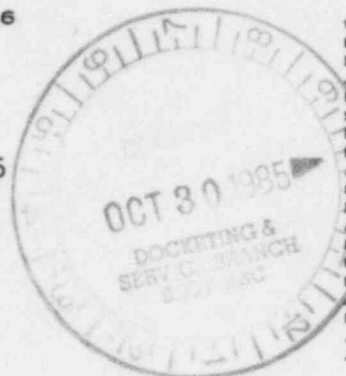
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WASHINGTON, D. C. 20036

202-955-6600

October 28, 1985

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via Messenger or  
Federal Express

Re: In the Matter of  
Florida Power & Light Company  
Turkey Point Units Nos. 3 and 4  
NRC Administrative Proceeding  
Vessel Flux Reduction  
ASLBP No. 84-496-03 LA  
Docket Nos. 50-250-OLA-1 and 50-251-OLA-1

Dear Mr. Hodder:

This refers to your pleading, dated October 25, 1985, and entitled "Intervenors' Response to Licensee's Statement of Material Facts as to Which There is no Genuine Issue to be Heard with Respect to Intervenors' Contention (d)." That pleading was submitted purportedly in response to "Licensee's Motion for Summary Disposition of Intervenor's Contention (d)," dated September 20, 1985.

Your October 25 pleading states (p. 1): "The new FPL motion . . . is unsupported by any affidavit" and bases a request for an extension of time until November 9, 1985 to respond to the motion for summary disposition on the theory that FPL did not support its motion with a supporting affidavit. \*/ In fact, as expressly stated on page 1 of the FPL

\*/ "Intervenors claim this right to respond on November 9, 1985, because the only data that might be considered as being supportive of the renewed motions [sic] for summary disposition is data accompanying the October 15, 1985, Staff Response." (p. 3)

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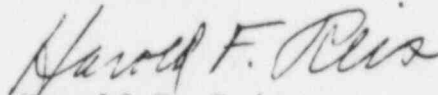
Martin H. Hodder, Esq.  
October 28, 1985  
Page Two

Motion, it was supported by the "Affidavit of Edward A. Dzenis, dated September 10, 1985, attached hereto." Moreover, in the course of a telephone conversation today, you acknowledged that the Dzenis affidavit of September 10, 1985, was in fact attached to the copy of FPL's motion for summary disposition that was served on you, and that the statement to the contrary in your pleading was erroneous.

You suggested that the problems created by your error might be handled if the Atomic Safety and Licensing Board presiding over the hearing granted Intervenors the extension until November 9, 1985, and that whatever they filed by that date would take into account the Dzenis affidavit. In short, Intervenors are, at this late date, requesting FPL to consent to an extension until November 9, 1985, to reply both to FPL's motion for summary disposition and the Staff's supporting response of October 15, 1985. Under the rules, Intervenor's response to the latter pleading is due on October 30, 1985 (10 C.F.R. §§ 2.749(a), 2.710).

We note that, in its order of September 18, 1985, the Licensing Board directed that the hearing in this proceeding commence on December 10, 1985 and that written direct testimony be served by express mail on November 25 or by hand on November 26. We have already agreed to one extension of time (from October 15 to October 25) to respond to the pending motion for summary disposition. However, the requested further extension appears to us to imperil the schedule for completion of this proceeding. Therefore, FPL cannot agree to the requested extension of time.

Sincerely,



Harold F. Reis  
Counsel for  
Florida Power & Light Company

HFR:cw

cc: See Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket Nos. 50-250-OLA-1
	)	50-251-OLA-1
FLORIDA POWER & LIGHT COMPANY	)	
(Turkey Point Nuclear	)	ASLBP No. 84-496-03-LA
Generating Units 3 and 4)	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the attached letter of October 28, 1985, to Martin H. Hodder, Esq. were served on the individuals named below by deposit in the United States Mail, first class postage prepaid and properly addressed on the date shown below except as otherwise indicated:

Dr. Robert M. Lazo, Chairman\*  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Emmeth A. Luebke\*  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Richard F. Cole\*  
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Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
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Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Chief, Docketing and Service Section  
(original plus two copies)

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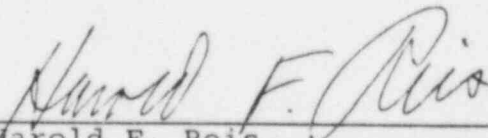
\* / By messenger.

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Dated this 28th day of October 1985.

  
Harold F. Reis

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\*/ By messenger.

\*\*/ By Federal Express.