

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

2-5-80

Before the

Atomic Licensing And Licensing Appeal Board

Michael C. Farrar, Chairman and presiding officer

In the Matter of )  
 ) Docket No. 50-389  
FLORIDA POWER & LIGHT COMPANY )  
(St. Lucie Nuclear Power Plant,) )  
Unit No. 2) )

Motion for Leave to File

Intervenors move that the Appeal Board grant leave to file the enclosed Intervenors' Reply and in support of this motion intervenors state:

1. On December 14, 1979, the Appeal Board granted FPL and the staff leave to respond to intervenors motion requesting consideration of class 9 accidents by January 18, 1980, and granted intervenors leave to file a reply within two weeks thereafter (Tr. pp. 877-79).

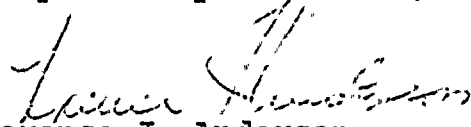
2. The undersigned counsel received a copy of FPL's response on or about January 18, 1980, but did not receive a copy of the staff's response until January 29 and co-counsel, Mr. Hodder, received it in the mail on January 24, 1980.

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3. Because of the delay in the mail and the confusion over whether a copy had been sent to the undersigned, Intervenor's Reply was not completed and mailed until February 5, 1980.

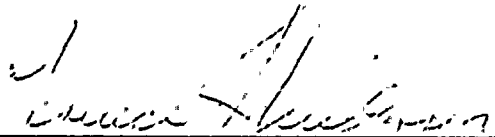
4. Under Commission rules, because the responses were served by mail, intervenors would have two weeks plus five days or until February 6, 1980, to file their reply. 10 CFR § 2.710. Because confusion has arisen over whether the Appeal Board intended this rule to apply when it granted intervenors leave to reply, intervenors have submitted this motion.

Respectfully submitted,

  
Terence J. Anderson  
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of Law  
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Certificate of Service

I certify that on February 5, 1980, an envelope containing a copy of the foregoing Motion for Leave to File and of Interveners' Reply and bearing proper postage addressed to each of the persons named in the appended Service List was deposited in the United States mail.

  
Terence J. Anderson  
an attorney for intervenors

February 5, 1979.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING APPEAL BOARD

In the Matter of: )  
)  
FLORIDA POWER & LIGHT COMPANY ) Docket No. 50-389  
)  
(St. Lucie Nuclear Power Plant, )  
Unit 2)

SERVICE LIST

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