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Docket No. 50-389A

AUG 05 1980

The Honorable Morris K. Udall, Chairman  
 Subcommittee on Energy and the Environment  
 Committee on Interior and Insular Affairs  
 United States House of Representatives  
 Washington, DC 20515

DMuller

Dear Mr. Chairman:

This is to inform the Subcommittee on Energy and the Environment that the Commission has received additional antitrust advice from the Attorney General in connection with the City of Orlando, Florida, Orlando Utilities Commission (collectively referred to as "Orlando"), and Florida Power & Light Company's construction permit application for St. Lucie Nuclear Generating Station, Unit No. 2. This advice is rendered pursuant to section 105c of the Atomic Energy Act of 1954, as amended.

A copy of the Attorney General's letter dated July 28, 1980, is enclosed. In his letter he concludes:

"Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in St. Lucie Unit No. 2 by Orlando would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed amendment to the construction permit."

Sincerely,

7s/ JEROME SALTZMAN

Jerome Saltzman, Chief  
 Utility Finance Branch  
 Division of Engineering  
 Office of Nuclear Reactor  
 Regulation

Enclosure:  
 Attorney General's Letter

cc: Rep. Steven Symms

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 7/21/80

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OFFICE ▶	NRR/UFB	NRR:DE	OELD	OCA		
SURNAME ▶	JSaltzman/cd	DMuller	JRutberg			
DATE ▶	7/21/80	7/13/80	7/21/80	8/5/80		

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Identical Letters sent to:

The Honorable John D. Dingell, Chairman  
Subcommittee on Energy and Power  
Committee on Interstate and Foreign Commerce  
United States House of Representatives  
Washington, DC 20515

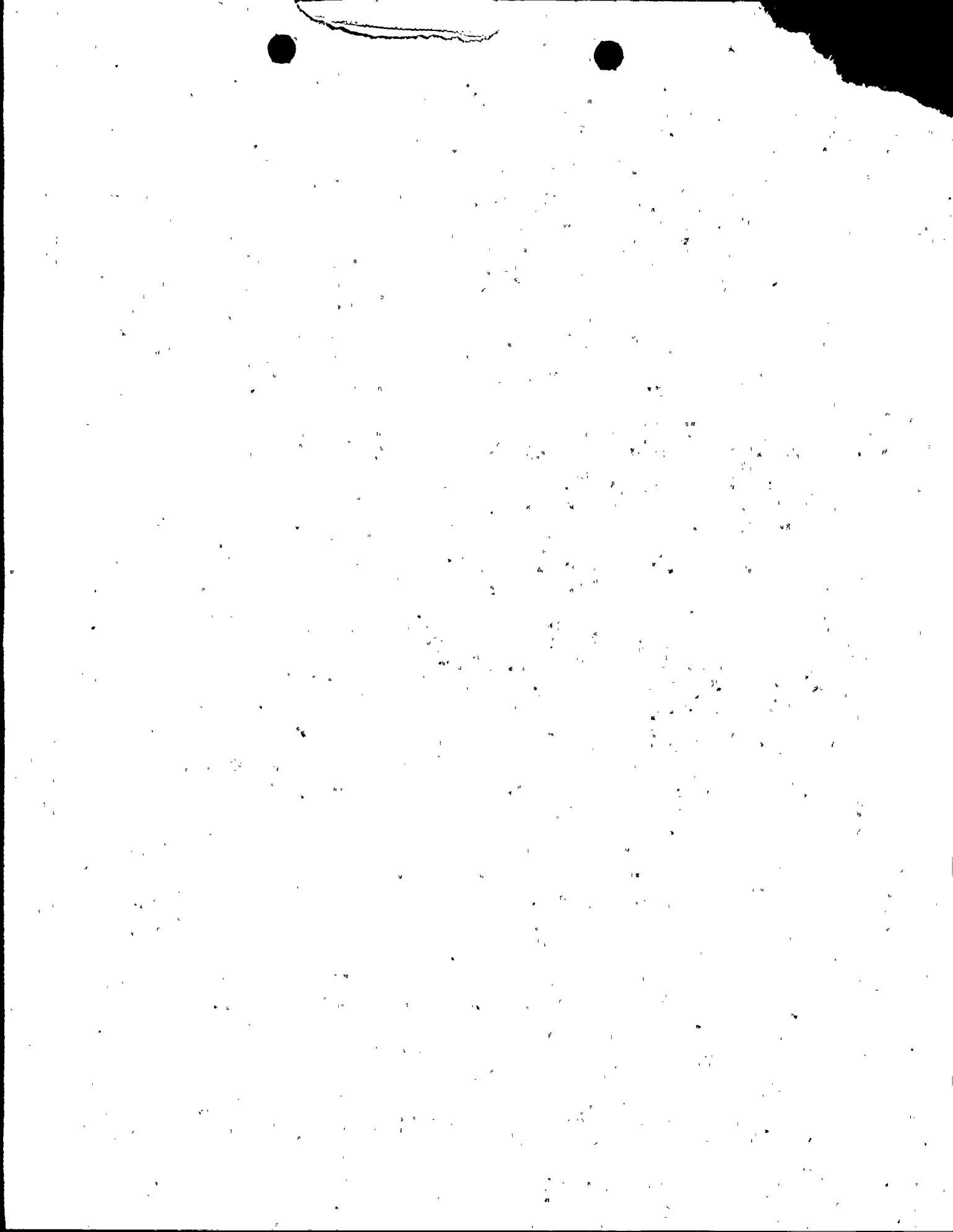
cc: Rep. Clarence J. Brown

The Honorable Toby Hoffett, Chairman  
Subcommittee on Environment, Energy and  
Natural Resources  
Committee on Government Operations  
United States House of Representatives  
Washington, DC 20515

cc: Rep. Paul H. McCloskey, Jr.

The Honorable Gary Hart, Chairman  
Subcommittee on Nuclear Regulation  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

cc: Sen. Alan Simpson





ASSISTANT ATTORNEY GENERAL  
ANTITRUST DIVISION

United States Department of Justice

WASHINGTON, D.C. 20530

28 JUL 1980

Howard K. Shapar  
Executive Legal Director  
United States Nuclear Commission  
Washington, D.C. 20555

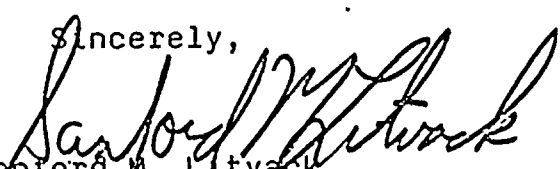
Re: Florida Power & Light Company  
(St. Lucie Nuclear Generating  
Station, Unit No. 2) NRC Docket  
No. 50-389A

Dear Mr. Shapar:

You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act, as amended, regarding a proposed amendment to the construction permit of the above referenced nuclear unit to allow the City of Orlando, Florida and Orlando Utilities Commission (collectively referred to as "Orlando") to become a co-owner of that unit. You have informed us that the Orlando Utilities Commission is part of the government of the City of Orlando but title to real estate is normally taken in the name of both the City of Orlando and the Orlando Utilities Commission. Orlando will acquire a 6.08951 percent ownership share of St. Lucie Unit No. 2 which will be operated by Florida Power & Light Co.

Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in St. Lucie Unit No. 2 by Orlando would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed amendment to the construction permit.

Sincerely,

  
Sanford M. Litvack  
Assistant Attorney General  
Antitrust Division

212



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