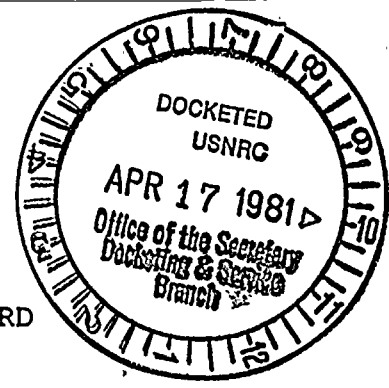


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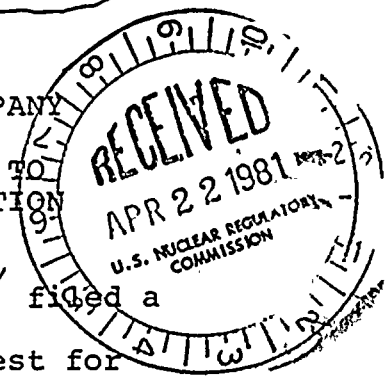


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

MOTION OF FLORIDA POWER & LIGHT COMPANY  
FOR AN EXTENSION OF TIME TO  
ANSWER THE FLORIDA CITIES' PETITION TO  
INTERVENE AND REQUEST FOR CONSOLIDATION



On April 7, 1981, a group of Florida Cities<sup>\*/</sup> filed a document entitled "Petition to Intervene and Request for Consolidation" in a matter styled Florida Power & Light Co. (St. Lucie Plant Unit No. 2), NRC Docket No. 50-389A. Florida Power & Light Company (FPL) hereby requests a thirty-day extension of time until May 22, 1981, to file its Answer to the Cities' Petition.

The procedural status of the Cities' Petition is by no means clear. The Petition was submitted in Docket No. 50-389A, the pending construction permit antitrust proceeding, and, to the extent that it seeks any relief, relates to antitrust issues. Yet, it was apparently filed in response to the notice published in the Federal Register on March 9, 1981, in Docket No. 59-389-OL, the instant health and safety/environmental operating license

\*/ The Petition was filed by the Gainesville Regional Utilities, the Lake Worth Utilities Authority, the Utilities Commission of New Smyrna Beach, the Sebring Utilities Commission, and the Cities of Alachua, Bartow, Fort Meade, Homestead, Kissimmee, Mount Dora, Newberry, St. Cloud, Starke, and Tallahassee, Florida.

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application proceeding, which does not encompass antitrust questions. In fact, the Commission has not acted pursuant to Section 105c(2) of the Atomic Energy Act to initiate any antitrust review in connection with the operating license application, and, therefore, no such proceeding is pending before the Commission.<sup>\*/</sup> Accordingly, and pursuant to the Commission's Notice dated April 9, 1981, FPL addresses this motion, and intends to address its answer to the Cities' Petition, to this Board.<sup>\*\*/</sup>

The Petition filed by the Cities is voluminous. Including the appendices, the document exceeds 600 pages in length. Due to the press of other business, FPL needs additional time to complete its review of the Petition and to prepare its Answer. Absent an extension of time, FPL's answer would be due on April 22, 1981.<sup>\*\*\*/</sup> FPL therefore requests an additional thirty days until May 22, 1981, to file its answer.

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<sup>\*/</sup> As noted above, and as the Petition acknowledges, an anti-trust hearing ordered in connection with the construction permit proceeding for St. Lucie Unit No. 2 is still in progress before an Atomic Safety and Licensing Board.

<sup>\*\*/</sup> The Notice, entitled "Establishment of Atomic Safety and Licensing Board to Preside in Proceeding," established this Board inter alia "to rule on petitions for leave to intervene." Notice, dated April 9, 1981.

<sup>\*\*\*/</sup> Pursuant to Section 2.714(c), a party is permitted ten days after service of a petition to leave to intervene to file its answer. Section 2.710 allows a party five additional days when, as in this instance, service was made by mail. The Cities' Petition was served on April 7, 1981. Thus, absent an extension of time, FPL's Answer would be due no later than April 22, 1981.

Granting this extension of time will not in any way affect the expeditious resolution of this operating license application. The Cities request no action on behalf of the Commission but purport to have filed their pleading "solely as a protective matter" to be certain of preserving their position in the construction permit antitrust proceeding now on-going. Indeed, the Cities' petition opines that any further proceedings "should be unnecessary." (Petition at 2).

FPL has conferred with counsel for the Cities and is authorized to report that the Cities do not oppose granting of the extension of time requested in this Motion.

Respectfully submitted,



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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Motion Of Florida Power & Light Company For An Extension Of Time To Answer The Florida Cities' Petition To Intervene And Request For Consolidation" were served by hand delivery \* or by deposit in the U.S. Mail, first class postage prepaid this 15th day of April, 1981.

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DATED: April 15, 1981