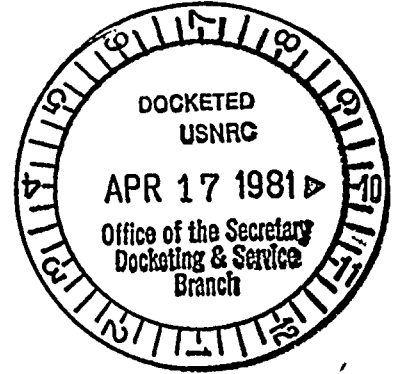


4/16/81

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY)
(St. Lucie Plant, Unit No. 2))
_____)

Docket No. 50-389 OL

MOTION OF FLORIDA POWER & LIGHT COMPANY
FOR AN EXTENSION OF TIME TO ANSWER THE
PETITION TO INTERVENE AND REQUEST FOR HEARING
OF PARSONS AND WHITTEMORE, INC.



On April 7, 1981, Parsons and Whittemore, Inc. and its subsidiary Resources Recovery, Inc. [referred to herein together as "P&W"], filed a document entitled "Petition to Intervene and Request for Hearing" in the above-captioned operating license proceeding. Florida Power & Light Company ["FPL"] hereby requests a fourteen-day extension of time until May 6, 1981, to file its Answer to this Petition.

The Petition, on its face, is defective procedurally. It seeks "a limited antitrust hearing," and professes to raise antitrust issues. Yet it was filed in response to the notice published in the Federal Register on March 9, 1981, in Docket No. 50-389, which does not pertain to the antitrust aspects of the application. The Commission has not acted pursuant to Section 105c(2) of the Atomic Energy Act to initiate any antitrust review in connection with this operating license application, and, therefore, no such

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proceeding is pending before the Commission or any of its subsidiary tribunals.^{*/}

The procedural irregularities of the petition plainly suffice to require its dismissal, and ordinarily FPL would merely file an Answer so noting. A more detailed response is here made necessary because P&W inserted in its petition various allegations as to its relationship and dealings with FPL but has omitted material facts bearing on these allegations. In addition, the petition misstates the effect of the settlement proposal at issue in the pending construction permit proceeding.

FPL believes that the public record should not be left in this distorted and incomplete state, even in the wake of a patently defective petition. A modest extension of fourteen days, i.e., until May 6, 1981,^{**/} accordingly is requested to enable FPL to supply to the Commission the pertinent facts concerning the petition to facilitate its disposition on an

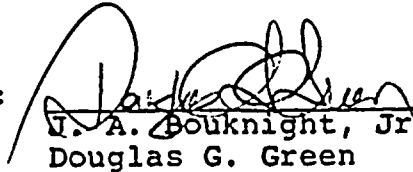
^{*/} As petitioner acknowledges, an antitrust hearing ordered in connection with the construction permit proceeding for St. Lucie Unit No. 2 is still in progress before an Atomic Safety and Licensing Board, and a settlement proposal has been agreed to among the applicant, the Staff, and the Department of Justice.

^{**/} Pursuant to Section 2.714(c), a party is permitted ten days after service of a petition for leave to intervene to file its answer. Section 2.710 allows a party five additional days when, as in this instance, service is 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.

informed record. The brief extension of time sought here will in no way delay the expeditious resolution of this operating license application.

Respectfully submitted,

By:



J. A. Bouknight, Jr.
Douglas G. Green

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Attorneys for Florida Power &
Light Company

Dated: April 16, 1981

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))

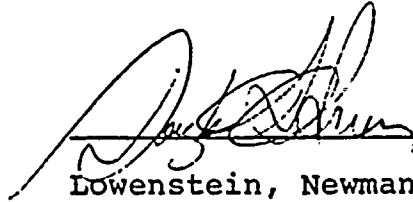
CERTIFICATE OF SERVICE

I hereby certify that copies of "Motion Of Florida Power & Light Company For An Extension Of Time To Answer The Petition To Intervene And Request For Hearing Of Parsons And Whittemore, Inc." were served by hand delivery * or by deposit in the U.S. Mail, first class postage prepaid this 16th day of April, 1981, to the following:

- | | |
|---|---|
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Counsel for NRC Staff
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Atomic Safety and Licensing Board
Panel
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| * Elizabeth S. Bowers, Chairman
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Dated: April 16, 1981