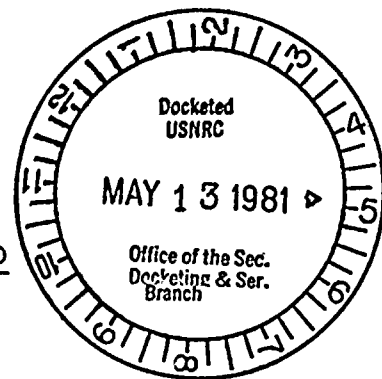


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

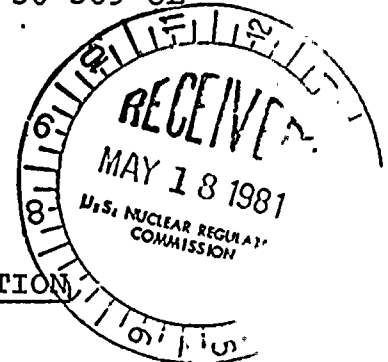
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

Docket No. 50-389-OL

MOTION OF PARSONS & WHITTEMORE, INC.
AND RESOURCES RECOVERY (DADE
COUNTY), INC. FOR PERMISSION TO
REPLY TO ANSWERS TO THEIR INTERVENTION PETITION



Parsons & Whittemore, Inc. (P&W) and Resources Recovery (Dade County), Inc. (RRD) move this Board for an order granting them permission to reply to the answers to their intervention petition. The petition was filed on April 7, 1981. The NRC staff answered the petition on April 22, 1981; FP&L, on May 6, 1981. Petitioners request that the Board permit them to reply to those Answers on or before June 1, 1981.

This Board has the inherent authority to grant petitioners the right to respond to the arguments asserted by NRC and FP&L in opposition to the intervention petition. Denying petitioners that opportunity would not only allow erroneous factual statements and fallacious legal positions to go unchallenged, it would preclude the Board from hearing petitioners' side of an entirely new issue raised by FP&L in its May 6 filing.

FP&L argues that the existence of certain contractual disputes between RRD and Dade County, Florida concerning RRD's

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electrical generating facility deprives Petitioners of standing to intervene. FP&L's attempt to inject those complex contractual disputes into this proceeding is a ploy to divert the Board's attention from the important antitrust issues identified in the petition and to focus instead upon extraneous matters which have no bearing, either legally or factually, on petitioners' standing to intervene.

FP&L has already raised the contractual disputes as an issue in two other proceedings. First, as a prelude to opposing Petitioners' Motion to Intervene and Request for a Hearing in the construction licensing proceeding for St. Lucie, Unit No. 2 (Docket No. 50-389A), FP&L has applied for subpoenas to probe into the contractual relationships between Petitioners and Dade County. Second, FP&L has raised the contractual disputes before the Federal Energy Regulatory Commission in a recent (unfounded) challenge to RRD's status as a Qualifying Facility under the Public Utility Regulatory Policies Act of 1978. Those proceedings are pending. Also pending are arbitration proceedings between P&W and Dade County involving the contractual disputes. Petitioners need an adequate opportunity to consult with the various counsel handling these proceedings, to study FP&L's filing in the FERC proceeding, and to formulate a coordinated response.

For the reasons stated above, the Motion of Parsons & Whittemore, Inc. and Resources Recovery (Dade County), Inc. for Permission to Reply to Answers to Their Intervention Petition

should be granted, and Petitioners' reply should be due on or before June 7, 1981.

Respectfully submitted,

George R. Kucik /s/
George R. Kucik

Marc Gary /s/
Marc Gary

Ellen E. Sward /s/
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May 13, 1981



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)

I hereby certify that copies of the foregoing Motion of Parsons & Whittemore, Inc. and Resources Recovery (Dade County), Inc. for Permission to Reply to Answers to Their Intervention Petition dated May 13, 1981, were served upon the following persons, by hand * or via first class mail, postage prepaid, this 13th day of May, 1981.

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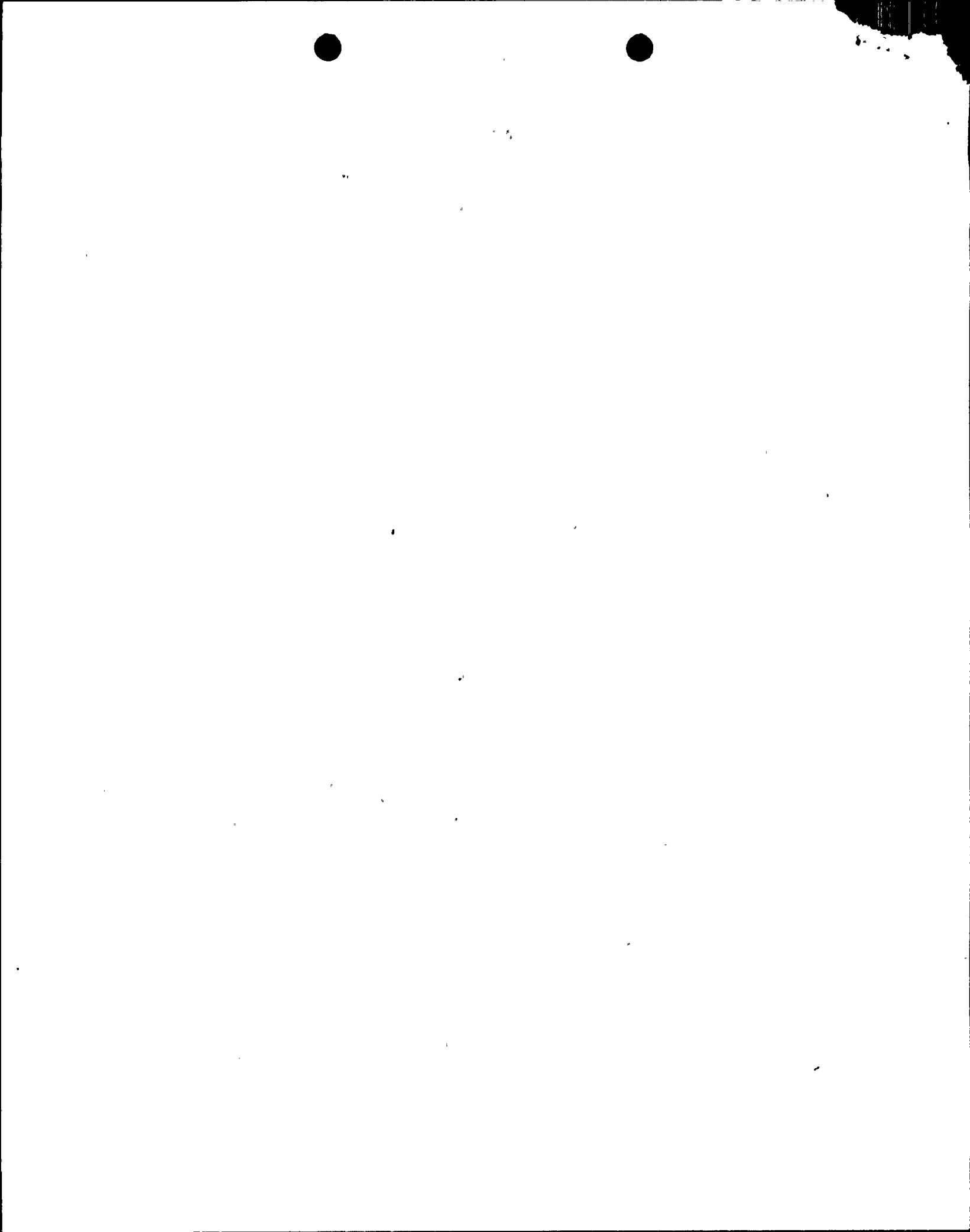
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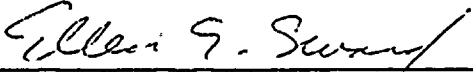
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