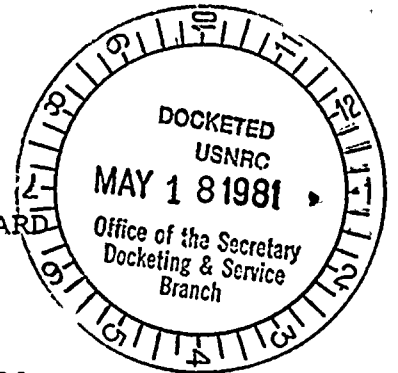


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

RESPONSE OF FLORIDA POWER & LIGHT COMPANY
TO MOTION OF PARSONS & WHITTEMORE, INC.
AND RESOURCES RECOVERY (DADE COUNTY), INC.
FOR EXTENSION OF TIME TO RESPOND TO FLORIDA
POWER & LIGHT COMPANY'S APPLICATION FOR
ISSUANCE OF SUBPOENA



Florida Power & Light Company (FPL) responds, pursuant to 10 CFR §2.730(c), to the "Motion of Parsons & Whittemore, Inc, and Resources Recovery (Dade County), Inc. for Extension of Time to Respond to Florida Power & Light Company's Application for Issuance of Subpoenas", files on May 13, 1981. FPL opposes the Motion.

The reasons for FPL's opposition to the Motion are set forth in the letter of May 13, 1981, to Chairman Smith from Douglas G. Green, counsel for FPL. In summary, it is FPL's position that the subpoenas should issue forthwith and any objection that Movants wish to raise can be put forward in the form of a motion for protective order filed pursuant to 10 CFR §2.740(c). If any such motion for protective order is requested, FPL intends to request that the dispute be resolved on an expedited basis.

The Motion states no substantive ground for delay of

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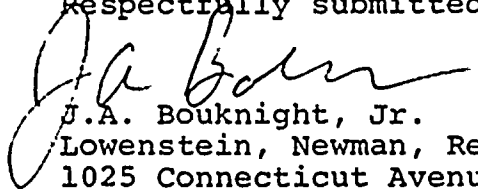
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action on FPL's application for issue of subpoenas. Movants' petition for intervention purports to allege both an interest in the subject matter in this proceeding and a situation inconsistent with the antitrust laws which affects that interest. Both assertions are grounded on the claim that Movants are lawfully in control of a qualifying small power production facility. Information that this claim lacks basis in fact is hardly extraneous or irrelevant to the issue before the Board. Moreover, the asserted need for time "to formulate a coordinated response" to FPL's position on the merits of the "contractual dispute" (Motion, p.2) is not a valid ground for delaying issuance of the subpoenas. Petitioners assert that they need time to do the "factual and legal research necessary to meet these new issues". All that FPL has requested is the opportunity for equal access to the underlying facts. FPL urges that it be granted access to the facts surrounding this matter without delay.

WHEREAS, FPL respectfully requests that the Motion be denied and the subpoenas requested by FPL issue.

Respectfully submitted,

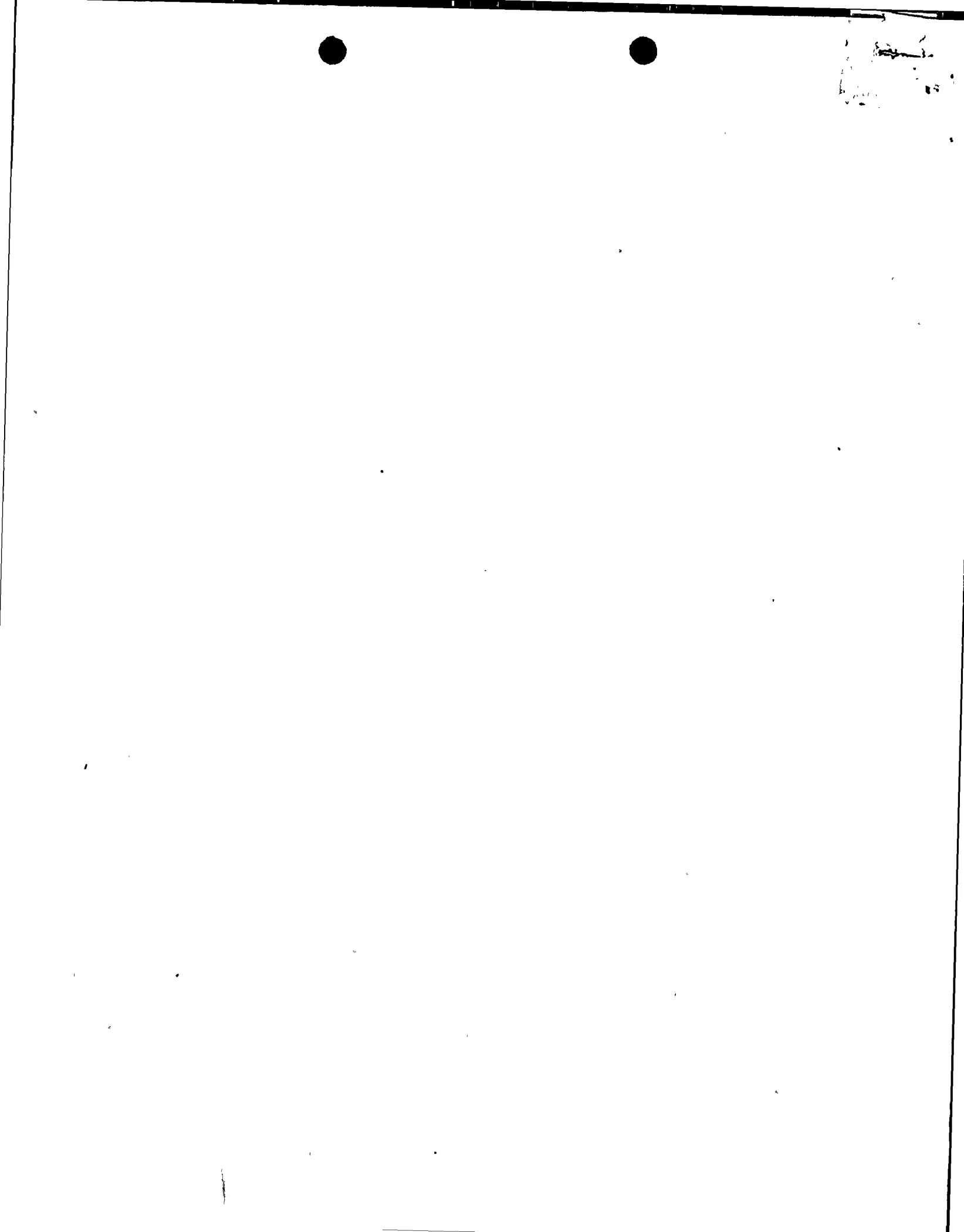


J.A. Bouknight, Jr.
Lowenstein, Newman, Reis & Axelrad
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

Herbert Dym
Covington & Burling
888 16th Street, N.W.
Washington, D.C. 20006

Attorneys for Florida Power &
Light Company

DATED: May 15, 1981



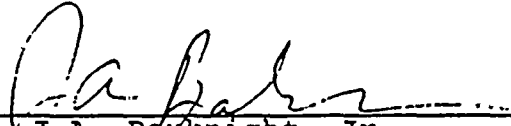
Janet Urban, Esquire
P.O. Box 14141
Washington, D.C. 20044

Donald A. Kaplan, Esquire
Robert Fabrikant, Esquire
Antitrust Division
U.S. Department of Justice
Washington, D.C. 20530

Joseph Rutberg, Esquire
Lee Scott Dewey, Esquire
Fredric D. Chanania, Esquire
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Charles R.P. Brown, Esquire
Brown, Paxton and Williams
301 South 6th Street
P.O. Box 1418
Fort Pierce, Florida 33450

Richard S. Salzman, Esquire
Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


J.A. Boknight, Jr.
Lowenstein, Newman, Reis & Axelrad
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

(202) 862-8400

DATED: May 15, 1981