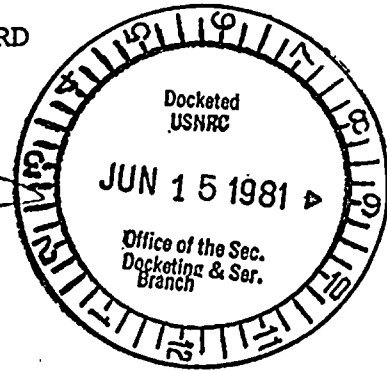


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-389A
Dated: 6/12/81



MOTION OF FLORIDA POWER & LIGHT COMPANY FOR
RESUMPTION OF DISCOVERY

Florida Power & Light Company (FPL) respectfully moves that the Board order the resumption of discovery, which has been in suspension since the Board ordered discovery suspended on November 6, 1979.

There are interrogatories outstanding to both the Cities and FPL. Document discovery of Cities which are not party to the civil antitrust action pending in the U.S. District Court in Miami, including the City of Lake Helen and the Florida Municipal Utilities Association (FMUA) has not been completed.*/ In addition, after the answers to interrogatories are received, it is certain that depositions will be required, as parties can be expected to designate witnesses who have not been deposed in the District Court litigation.



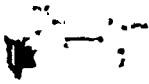
*/ FPL believes that it is entitled to discovery of the members of FMUA, and Cities can hardly contest the point, as they persist in claiming that FMUA's members who are not named parties are participants in this proceeding "through FMUA".
E.g., Motion of City of Quincy to Withdraw from These Proceedings as an Individually-Named Party (Aug. 1, 1977); Preliminary Conference, T. 253-255 (Sept. 19, 1978)

*Add: J. Rutberg-1cy
A.L. Toakston-1cy*

*DS08
50/1*

8106 190 328

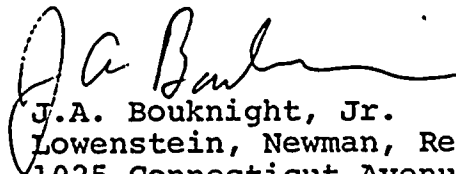
M



As the Board was informed during a telephone conference call yesterday, the Cities have not given their assent to a stipulation requested by FPL which would provide that the operating license for St. Lucie Unit No. 2 could be issued notwithstanding the pendency of antitrust proceedings. FPL expects that it will need an operating license in order to load fuel in October of 1982. Given the unwillingness of the Cities to give any assurance that they will not delay operation of the plant (even though some of them are entitled to shares of the plant), FPL submits that the public interest would be served by proceeding with discovery at this time.

WHEREFORE, FPL requests that the Board order that discovery be resumed and that the Cities and FPL be directed to respond to the outstanding interrogatories by August 31, 1981.

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

DATED: June 12, 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. 50-389A
(St. Lucie Plant, Unit No. 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "MOTION OF FLORIDA POWER & LIGHT COMPANY FOR RESUMPTION OF DISCOVERY" was served by hand delivery* or by deposit in the U.S. Mail, first class, postage prepaid this 12th day of June, 1981.

* Ivan W. Smith, Esquire
Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Robert M. Lazo, Esquire
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Robert E. Bathen
Fred Saffer
R.W. Beck & Associates
P.O. Box 6817
Orlando, Florida 32803

Michael A. Duggan, Esquire
College of Business Administration
University of Texas
Austin, Texas 78712
*Robert A. Jablon, Esquire
Alan J. Roth, Esquire
2600 Virginia Avenue, N.W.
Washington, D.C. 20037

Docketing and Service Station
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
William C. Wise, Esquire
Suite 500
1200 18th Street, N.W.
Washington, D.C. 20036

Jerome Saltzman, Chief
Antitrust & Indemnity Group
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
William H. Chandler, Esquire
Chandler, O'Neal, Avera,
Gray & Stripling
Post Office Drawer 0
Gainesville, Florida 32602

Thomas Gurney, Sr., Esquire
203 North Magnolia Avenue
Orlando, Florida 32802

* 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

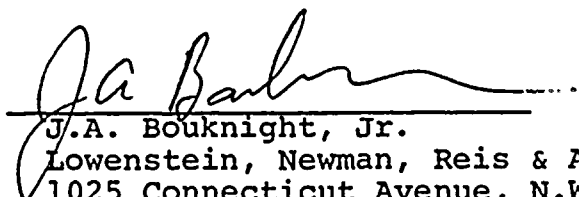
Charles R.P. Brown, Esquire
Brown, Paxton and Williams
301 South 6th Street
P.O. Box 1418
Fort Pierce, Florida 33450

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

* Benjamin H. Vogler
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Ann P. Hodgdon, Esquire
Office of the Executive Legal
Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

*George R. Kucik, Esquire
Marc Gary, Esquire
Ellen E. Sward, Esquire
Arent, Fox, Kintner, Plotkin
& Kahn
1815 H. Street, N.W.
Washington, D.C. 20006



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

(202) 862-8400

DATED: June 12, 1981

