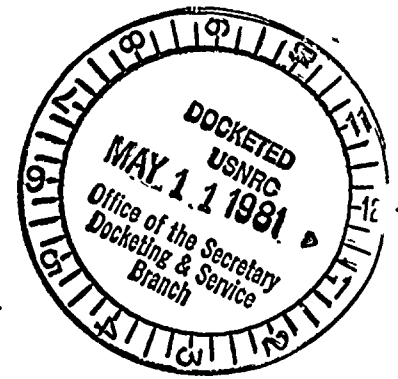


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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

MOTION OF FLORIDA POWER & LIGHT COMPANY FOR  
EXTENSION OF TIME TO ANSWER THE "PETITION TO  
INTERVENE AND REQUEST FOR HEARING" FILED OUT  
OF TIME BY PARSONS & WHITTEMORE, INC., AND  
RESOURCES RECOVERY (DADE COUNTY), INC., OR,  
IN THE ALTERNATIVE, FOR PERMISSION TO MAKE A  
SUPPLEMENTAL FILING WITH RESPECT TO THAT RESPONSE

On April 24, 1981, Parsons & Whittemore, Inc., and its subsidiary, Resources Recovery (Dade County), Inc., filed a document entitled "Petition for Leave to Intervene and Request for Hearing" (Petition). Florida Power & Light Company's (FPL) response to the Petition is now due May 11, 1981. FPL hereby requests an extension of time to file its response to that Petition as set forth below, or, in the alternative, permission of the Board to supplement its response.

The Petition is the second filing recently made by Petitioner whereby it seeks to intervene in an NRC licensing proceeding to raise antitrust issues respecting St. Lucie Unit No. 2. The first such request was filed in the proceeding which will deal with health, safety, and environmental issues associated with the operating license for St. Lucie Unit No. 2. Because in that request Petitioner made certain

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allegations with respect to its relationship and dealings with FPL, but omitted material facts bearing on those allegations, FPL requested an extension of time to file its response in order to supply to the Commission the pertinent facts.

FPL's attempts to determine the facts underlying Petitioner's assertions have been considerably hindered because FPL had not had access to certain documents, including contracts and amendments thereto, which would clarify questions with respect to Petitioner's interest. However, in its response filed in the operating license proceeding (and served on this Board) FPL was able to bring to the NRC's attention certain facts which raise serious questions as to whether Petitioner can maintain a legitimate interest with respect to the subject matter of this or any proceeding before the NRC.

Some of the contracts involved appear to be contracts between and among Petitioner, its various subsidiaries and/or affiliates, and Metropolitan Dade County, Florida. Disputes under those contracts led to the recent filing of suit by Dade County against Petitioner in the U. S. District Court for the Southern District of Florida. A copy of that Complaint is Attachment A.

FPL's counsel of record in this proceeding and its in-house counsel only this week obtained and examined that Complaint and thus became aware of the apparent existence of additional contracts between and among Petitioner and its

various subsidiaries and Dade County. It appears that, if the facts alleged with respect to the content of these additional contracts are true, such contracts render invalid certain claims of interest upon which Petitioner asserts the right to intervene in this proceeding. In this regard, paragraph 27 of the attached Complaint is especially pertinent.\*/

In order to present this Board a full and informed record upon which to dispose of the Petition, FPL is contemporaneously applying to this Board for subpoenas directing Parsons & Whittemore and its subsidiaries to produce for inspection by FPL all relevant contractual documents between and among Petitioner, its various subsidiaries, Dade County and FPL, along with documents which affect or relate to these contracts. However, it will not be until FPL has had an opportunity to examine those documents that it will with confidence be able to present this Board with an accurate and complete picture of the factual situation which underlies Petitioner's claims.

Therefore, for the reasons set forth above, FPL respectfully requests this Board to grant it an extension of time to respond to the Petition until 10 days after the requested subpoenas have been fully complied with. In the alternative,

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\*/ The attached Complaint indicates that many of the documents referred to therein are included in the court papers as exhibits to various pleadings. However, as the Order attached hereto as Attachment B reveals, these materials were released from the court's files with permission of the court.

should the Board decide not to grant this motion, FPL requests this Board to issue an order which will permit FPL, after reviewing the documents supplied in compliance with the requested subpoenas, to file a pleading which supplements its response to the Petition, which is now due on May 11, 1981.

Respectfully submitted,



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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

I hereby certify that copies of the foregoing Motion of Florida Power & Light Company for Extension of Time, dated May 8, 1981, were served upon the following persons, by hand \* or by deposit in the United States Mail, first class postage prepaid, this 8th day of May, 1981.

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DATED: May 8, 1981

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