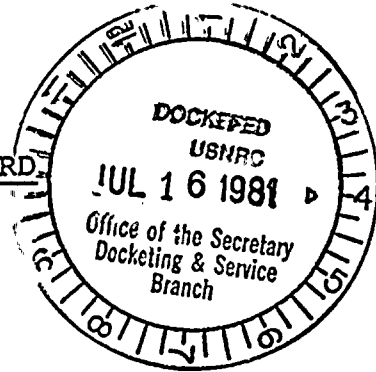


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

MOTION TO ADD QUESTIONS TO  
THE JUNE 20, 1981, CONFERENCE AGENDA



This Board's July 7, 1981, order set a conference on July 20 on the Parsons & Whittemore (P&W) petition to intervene.<sup>1/</sup> The order (p. 14) provides that "[a]dditional questions may be added to the agenda by written motion filed no later than three days before the conference." We respectfully request that the following questions be added to the conference agenda:

1. As to the "contract" points raised by FPL in its challenge to Parsons & Whittemore's standing, does FPL contend (a) that Dade County has a present, unconditional obligation to pay Parsons & Whittemore the agreed upon price for the facility; (b) that Parsons & Whittemore has a present, unconditional obligation to transfer title to the EGF to FPL; or (c) that FPL has a present, unconditional obligation to accept title to the EGF if title were tendered to it by Parsons & Whittemore?

<sup>1/</sup> The order indicates that it was served on July 8, but we have not received the service copy. After learning of the order on July 13, we obtained a copy that afternoon from the NRC Public Docket Room.

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2. If the answer to question 1(a), (b) or (c) is negative, how does the conditional nature of the parties' alleged obligation(s) affect Parsons & Whittemore's present standing?

These questions are relevant to FPL's allegations summarized at pages 9-10 of the order, as well as to the Board's observation (at p. 11) that --

even if we accept FPL's version of the facts, it appears likely that RRD has a sufficient interest to be affected by these proceedings.

FPL has not explained the nature and timing of its claimed "valid legal right to the generating facility and its output" (see Order, p. 10), and P&W has not yet had an opportunity to respond to FPL's factual allegations.<sup>2/</sup> In these circumstances, we believe that answers to the above questions would facilitate argument on the standing issue, by illuminating how FPL and P&W each view their present obligations in connection with the facility and how those obligations affect the legal right claimed by FPL. For example, if FPL claims the right to reject P&W's tender of the EGF, that fact would be important in evaluating whether P&W's present interest in the EGF and the facility is sufficient to warrant protection in this proceeding.

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<sup>2/</sup> We read the Board's order as indicating that P&W will be allowed to respond if it so wishes. We therefore request that P&W be authorized to file a written response no later than fourteen days after the August 17-18, 1981, conference involving the summary judgment issues raised by the Cities-Intervenors.

CONCLUSION

P&W's motion to add questions to the June 20, 1981, conference agenda should be granted.

Respectfully submitted,

  
George R. Kucik

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Ellen E. Sward

ARENT, FOX, KINTNER, PLOTKIN  
& KAHN  
1815 H Street, N.W.  
Washington, D.C. 20006  
(202) 857-6000

Counsel for Petitioners

UNITED STATES OF AMERICA  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Motion to Add Questions to the June 20, 1981, Conference Agenda" was served upon the following persons by hand delivery\* or by deposit in the U.S. Mail, first class, postage prepaid this 16th day of July 1981.

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|--|--|
| * Peter B. Bloch, Esquire<br>Chairman<br>Atomic Safety and Licensing Board<br>U.S. Nuclear Regulatory Commission<br>Washington, D.C. 20555 | Atomic Safety and Licensing Board<br>U.S. Nuclear Regulatory Commission<br>Washington, D.C. 20555                                  |
| * Robert M. Lazo, Esquire<br>Atomic Safety and Licensing Board<br>U.S. Nuclear Regulatory Commission<br>Washington, D.C. 20555             | Robert E. Bathen<br>Fred Saffer<br>R.W. Beck & Associates<br>P.O. Box 6817<br>Orlando, Florida 32803                               |
| Michael A. Duggan, Esquire<br>College of Business Administration<br>University of Texas<br>Austin, Texas. 78712                            | * Robert A. Jablon, Esquire<br>Alan J. Roth, Esquire<br>2600 Virginia Avenue, N.W.<br>Washington, D.C. 20037                       |
| * Ivan W. Smith, Esquire<br>Atomic Safety and Licensing Board<br>U.S. Nuclear Regulatory Commission<br>Washington, D.C. 20555              | William C. Wise, Esquire<br>Suite 500<br>1200 18th Street, N.W.<br>Washington, D.C. 20036  |
| Docketing and Service Station<br>Office of the Secretary<br>U.S. Nuclear Regulatory Commission<br>Washington, D.C. 20555                   | William H. Chandler, Esquire<br>Chandler, O'Neal, Avera,<br>Gray & Stripling<br>Post Office Drawer 0<br>Gainesville, Florida 32602 |
| Jerome Saltzman, Chief<br>Antitrust & Indemnity Group<br>U.S. Nuclear Regulatory Commission<br>Washington, D.C. 20555                      |  |

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

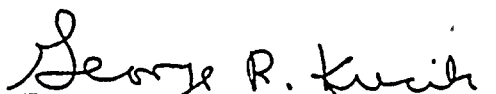
Charles R.P. Brown, Esquire  
Brown, Paxton and Williams  
301 South 6th Street.  
P.O. Box 1418  
Fort Pierce, Florida 33450

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

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

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George R. Kucik, Esquire  
Arent, Fox, Kintner, Plotkin & Kahn  
1815 H Street, N.W.  
Washington, D.C. 20006