

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 8110280134 DOC. DATE: 81/10/22 NOTARIZED: NO DOCKET #
 FACIL: 50-399 St. Lucie Plant, Unit 2, Florida Power & Light Co. 05000389
 AUTH. NAME: AUTHOR AFFILIATION
 BOUKNIGHT, J. A. Lowenstein, Newman, Reis, Axelrad & Toll
 BOUKNIGHT, J. A. Florida Power & Light Co.
 RECIPIENT NAME: RECIPIENT AFFILIATION
 DENTON, H. R. Office of Nuclear Reactor Regulation, Director

SUBJECT: Informs of util position that pendency of antitrust proceeding is no bar to issuance of OL. FL Cities estopped from interposing any objection to OL issuance due to previous representations & actions. Certificate of Svc encl.

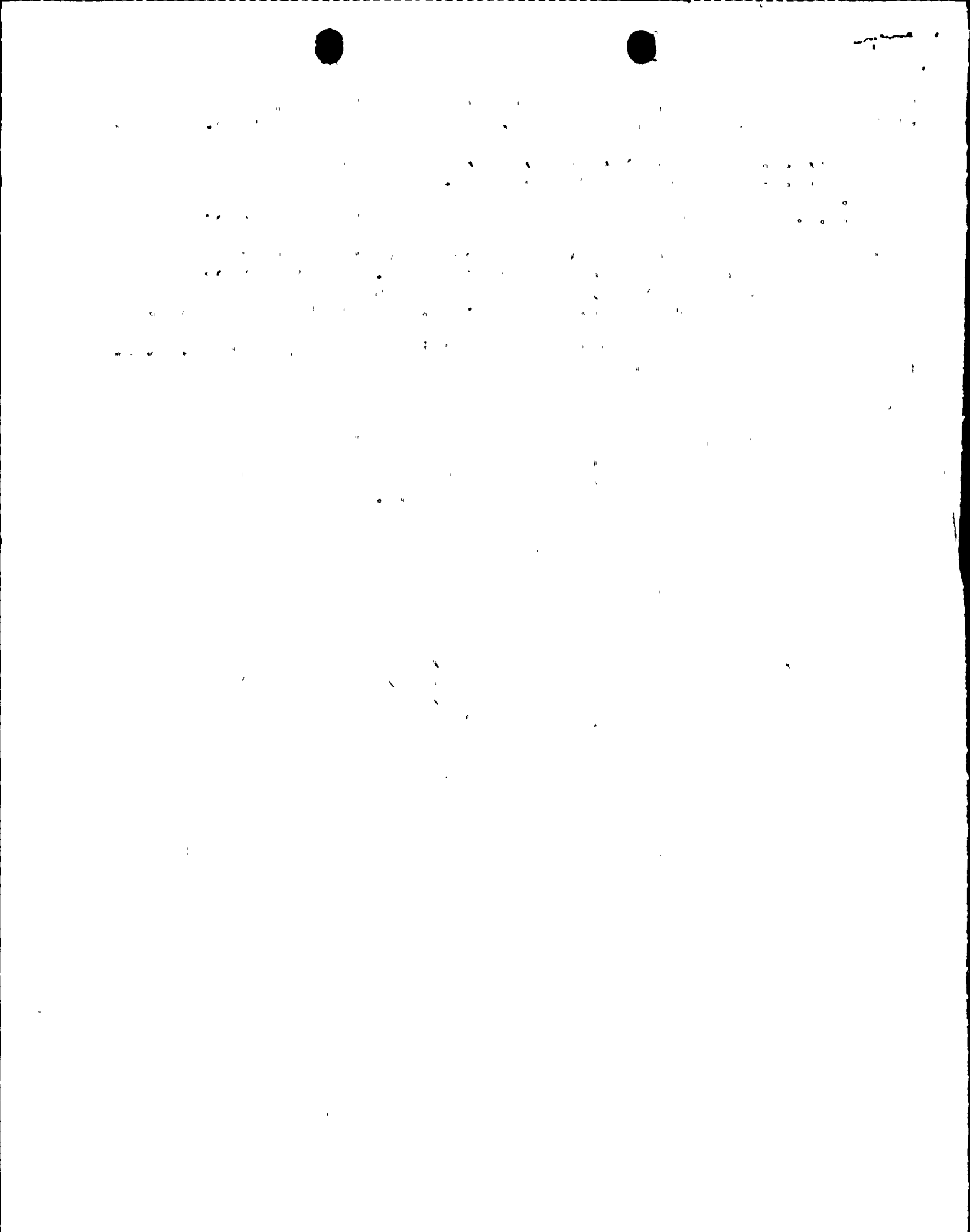
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	FEMA-REP	DIV 39	1	1	LPDR	03	1
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	NTIS		1	1			

July 6, 1981

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REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION: NBR: 8110280134 DOC. DATE: 81/10/22 NOTARIZED: NO DOCKET #
 FACIL: 50-389 St. Lucie Plant, Unit 2, Florida Power & Light Co. 05000389
 AUTH. NAME: AUTHOR AFFILIATION
 BOUKNIGHT, J. A. Lowenstein, Newman, Reis, Axelrad & Toll
 BOUKNIGHT, J. A. Florida Power & Light Co.
 RECIP. NAME: RECIPIENT AFFILIATION
 DENTON, H. R. Office of Nuclear Reactor Regulation, Director

SUBJECT: Informs of util position that pendency of antitrust proceeding is no bar to issuance of OLI, FL. Cities estopped from interposing any objection to OLI issuance due to previous representations & actions. Certificate of Svc encl.

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	UT FIN BRI	1	1			
EXTERNAL:	LPDR	1	1	NRCI PDR	1	1
	NSIC	1	1	NTIS	1	1



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October 22, 1981



Mr. Harold Denton
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Florida Power & Light Company (St. Lucie
Plant, Unit No. 2), Docket No. 50-389A

Dear Mr. Denton:

On October 7, 1981, counsel for a group of Cities that are intervenors in this proceeding wrote you concerning the effect of pending construction permit antitrust review proceedings on issuance of the operating license for St. Lucie Unit No. 2. The letter states Cities' view that an operating license cannot be issued during the pendency of these proceedings over their objections, but indicates that those objections could be withdrawn "under appropriate circumstances." Florida Power & Light Company ("FPL") offers the following in response to the Cities' letter.

First, the October 7 letter evidences Cities' tactic of attempting to jeopardize operation of this plant in order to extract unwarranted economic concessions from FPL, a tactic that is deplorable and, moreover, will not succeed. The Cities persist in these tactics notwithstanding that the City of Orlando owns 6% of St. Lucie Unit No. 2 and that another 15% of the ownership of the unit has been offered to other municipalities and cooperatives, including some Cities on behalf of which the October 7, 1981, letter is written.

Second, it is FPL's position that the pendency of anti-trust proceedings is no bar to issuance of the operating

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Mr. Harold Denton
October 22, 1981
Page Two

license, in the particular circumstances of this case. Moreover, FPL believes that the Cities are estopped, by their previous representations and actions, from interposing any objection to issuance of an operating license. To put it simply, they were allowed to intervene in this proceeding 31 months late on the basis of their promises that they would not seek delay. FPL has moved the Atomic Safety and Licensing Board for a declaratory order ruling that the Cities are so estopped. FPL's motion is pending before the Licensing Board, which has indicated that it will hold its ruling in abeyance for the time being.*/
The Cities' letter omits any reference to these matters. FPL questions the propriety of the Cities' expressing their objection to you while the question of whether they are estopped from doing so is pending before the Licensing Board.

Sincerely,



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Attorneys for Florida Power &
Light Company

cc: Attached Service List

*/ Memorandum and Order Concerning Florida Power & Light Company's Motion for a Declaratory Order (August 4, 1981), Florida Power & Light Company (St. Lucie Plant, Unit No. 2), Docket No. 50-389A.



1955

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 the foregoing letter to Harold Denton from J.A. Bouknight, Jr. and Herbert Dym, were served upon the following persons by hand delivery (*) or by deposit in the U.S. Mail, first class, postage prepaid this 22nd day of October, 1981.

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DATED: October 22, 1981

