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 FACIL: 50-389 St. Lucie Plant, Unit 2, Florida Power & Light Co. 05000389
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 DENTON, H.R. Office of Nuclear Reactor Regulation, Director

SUBJECT: Requests exemption from 10CFR50.30 re submittal of antitrust info in connection w/issuance of OL & addl consideration of info per 10CFR2.101. Also requests exemption from requirement for formal no significant change determination.

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1. The first part of the report deals with the general situation of the country and the progress of the war.

2. The second part deals with the economic situation and the measures taken to improve it.

3. The third part deals with the social situation and the measures taken to improve it.

4. The fourth part deals with the cultural situation and the measures taken to improve it.

5. The fifth part deals with the political situation and the measures taken to improve it.

The first part of the report deals with the general situation of the country and the progress of the war. It is a very interesting and informative part of the report. It gives a clear picture of the current situation and the progress of the war. It is a very good starting point for the rest of the report.

The second part of the report deals with the economic situation and the measures taken to improve it. It is a very important part of the report. It gives a clear picture of the current economic situation and the measures taken to improve it. It is a very good starting point for the rest of the report.

The third part of the report deals with the social situation and the measures taken to improve it. It is a very important part of the report. It gives a clear picture of the current social situation and the measures taken to improve it. It is a very good starting point for the rest of the report.

The fourth part of the report deals with the cultural situation and the measures taken to improve it. It is a very important part of the report. It gives a clear picture of the current cultural situation and the measures taken to improve it. It is a very good starting point for the rest of the report.

The fifth part of the report deals with the political situation and the measures taken to improve it. It is a very important part of the report. It gives a clear picture of the current political situation and the measures taken to improve it. It is a very good starting point for the rest of the report.

The sixth part of the report deals with the international situation and the measures taken to improve it. It is a very important part of the report. It gives a clear picture of the current international situation and the measures taken to improve it. It is a very good starting point for the rest of the report.

The seventh part of the report deals with the future of the country and the measures taken to improve it. It is a very important part of the report. It gives a clear picture of the current future of the country and the measures taken to improve it. It is a very good starting point for the rest of the report.

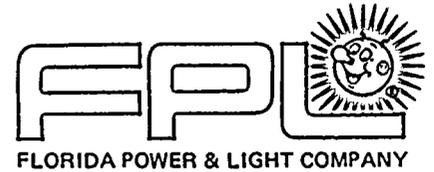
The eighth part of the report deals with the conclusion of the report. It is a very important part of the report. It gives a clear picture of the current conclusion of the report and the measures taken to improve it. It is a very good starting point for the rest of the report.

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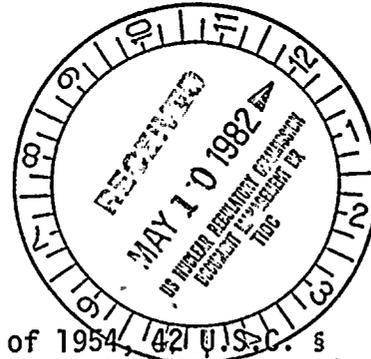
The twelfth part of the report deals with the conclusion of the report. It is a very important part of the report. It gives a clear picture of the current conclusion of the report and the measures taken to improve it. It is a very good starting point for the rest of the report.



May 5, 1982
L-82-184

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

Re: St. Lucie Unit 2, Docket No. 50-389;
Request Pursuant to 10 CFR § 50.12 from
Certain Requirements of 10 CFR 50.30



Dear Mr. Denton:

Under section 105(c)(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2135(c)(2), the NRC must forward to the Attorney General, for his anti-trust advice, a copy of an operating license application if the Commission determines that such review is advisable "on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and Commission...in connection with the construction permit for the facility." Operating License information for St. Lucie 2, as required by 10 C.F.R. § 50.30(d), was submitted to the Commission on March 24, 1980. At that time, however, information identified in Regulatory Guide 9.3 as being pertinent to a determination concerning whether or not an operating license ("OL") antitrust review would be advisable "on the ground that significant changes...occurred subsequent to the previous review...at the construction permit stage" (emphasis added) could not be provided due to the fact that the construction permit ("CP") antitrust review had not yet been completed.

The CP antitrust review, in fact, continued throughout almost the entire period of construction and was only recently completed with the issuance, on March 24, 1982, of a Memorandum and Order by the presiding Atomic Safety and Licensing Board. Although it is now, therefore, possible to assemble and submit the information identified in Regulatory Guide 9.3 as being relevant to the question of whether or not "significant changes... have occurred subsequent to the previous antitrust review conducted... at the construction permit stage," it is also clear -- from a practical standpoint -- that no such "significant changes" could have developed in the six weeks since the completion of the CP proceeding. On this basis, and in view of the closeness of the anticipated October 1982 operating license issuance date, Florida Power & Light Company ("FPL") requests, pursuant to 10 C.F.R. § 50.12, a specific exemption from so much of Section 50.30 of the Commission's regulations as would require: (1) further submittal of antitrust information in connection with the issuance of an operating license for St. Lucie 2; and (2) additional, formal consideration of such information by the Commission in making the "significant changes" determination. In the alternative, because the Commission is already aware of FPL's activities and cognizant of the fact that there are no significant changes, and since there is no statutory requirement for the

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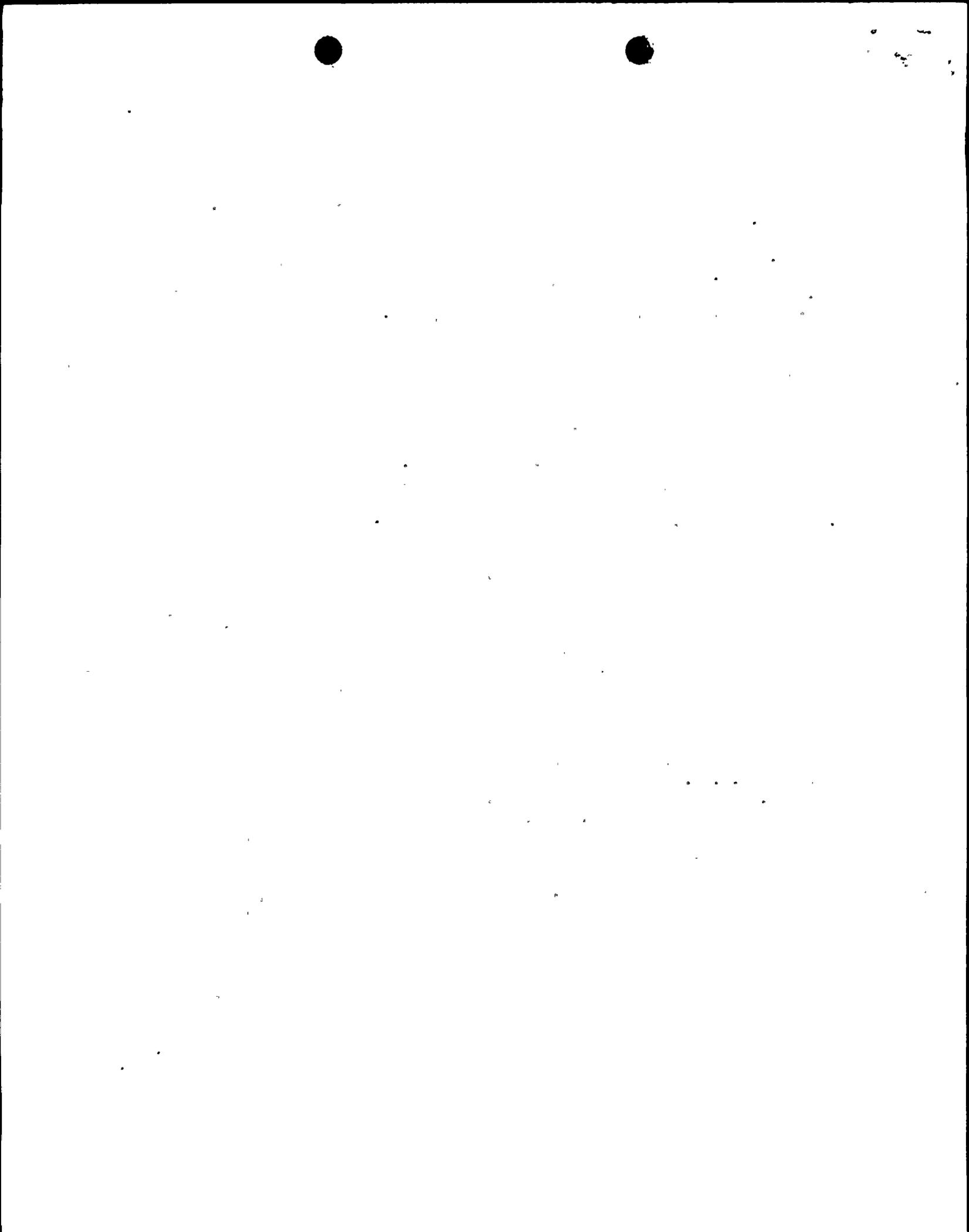
Commission to make a formal "no significant changes" determination, FPL requests an exemption from the NRC regulatory requirement for such a determination.

A brief review of the St. Lucie 2 antitrust proceeding is helpful in understanding the unique chronology and circumstances of the case which, in turn, underlie this request. In May of 1973, FPL submitted the anti-trust portions of its application for permission to build St. Lucie 2 to the Commission. In accordance with Section 105 (c) (1) of the Atomic Energy Act, 42 U.S.C. § 2135 (c) (1), a copy of the application was transmitted to the Attorney General requesting his advice on possible antitrust implications. Although the Attorney General did not recommend an antitrust hearing, such a proceeding was commenced in response to a petition filed by a group of Florida cities.

Once commenced, the construction permit antitrust proceeding stretched over almost the entire period of plant construction, beyond the submission of OL information, and -- as indicated above -- was only just completed in late March of this year. Included among the participants were the Attorney General and the NRC Staff. As a result of the proceeding, which extended almost 5 years beyond the issuance of the CP, all parties reached settlements. (See generally Atomic Safety and Licensing Board Memoranda and Orders dated April 24, 1981 and March 24, 1982.) Based on related agreements, an ownership interest has already been transferred to Orlando and detailed license conditions, developed in conjunction with the Attorney General and NRC Staff and approved by the Licensing Board on April 24, 1981, have been attached. (See Construction Permit CPRR-144, Amendment 2 (Nov 14, 1980), and Amendment 3 (May 26, 1981). In accordance with these conditions, FPL has contracted to transfer an ownership share in the unit to the Florida Municipal Power Agency ("FMPA"), subject to the Commission's approval. */.

Because of its involvement in the antitrust process the Commission is now in a position, without the need for additional information or evaluation, to make its operating license "significant changes" determination. As a result of the construction permit antitrust proceeding, the Commission is -- and has been on a continuing basis over a number of years -- fully appraised of all information relevant to antitrust matters pertaining to FPL and Orlando, the current construction permit holders. Insofar as FMPA is concerned, we understand that the Commission will conduct an additional review in connection with the application for an amendment to the construction permit to add FMPA as a permittee.

*/ An application for amendment of the construction permit providing for the transfer of an ownership interest to FMPA will be submitted to the Commission in the near future.



Harold R. Denton
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Owing to these circumstances, the assembling of the specific information itemized in Reg. Guide 9.3, and its formalized consideration by the NRC Staff, would serve no useful purpose. All relevant information is currently possessed by the Staff, and it is now fully equipped to proceed to a determination. Further, it is clear that since the CP antitrust proceeding only ended six weeks ago, there could not have been, from a practical standpoint, any "significant changes" since that time.

Based on the foregoing, FPL requests, pursuant to 10 C.F.R. § 50.12, a specific exemption from so much of Section 50.30 of the Commission's regulations as would require:

- (1) the further submittal of antitrust information in connection with the issuance of an operating license for St. Lucie 2; and
- (2) the additional consideration of such information under the formal procedures described in 10 C.F.R. § 2.101

In the alternative, because the Commission is already cognizant of the relevant information and aware of the fact that there are no significant changes, and since there is no statutory requirement for a formal "no significant changes" determination, FPL requests an exemption from the NRC regulatory requirement for such a determination.

Very truly yours,


Robert E. Uhrig
Vice President
Advanced Systems and Technology

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