

U.S. NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-389AFLORIDA POWER & LIGHT COMPANYST. LUCIE PLANT, UNIT 2ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR § 2.206

(DD-95-10)

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has issued the Director's Decision concerning the petition dated July 2, 1993, filed by Robert A. Jablon, Esq., et al., on behalf of the Florida Municipal Power Agency (petitioner). The petitioner requested that the NRC take certain enforcement actions against the Florida Power & Light Company (FPL) for allegedly violating the antitrust license conditions applicable to Unit 2 of the St. Lucie plant.

After consideration and careful review of the facts available to the staff and the decision reached in a parallel proceeding involving the same parties and similar issues before the Federal Energy Regulatory Commission (FERC), the Director has determined that the issues raised by the petitioner that could be remedied by the NRC have been addressed and resolved in the FERC proceeding(s) so as to require no further action by the NRC. As a result, no proceeding in response to the petition will be instituted. The reasons for this decision are explained in the "Director's Decision under 10 CFR § 2.206" (DD-95-10), which is published below.

A copy of the Director's Decision has been filed with the Secretary of the Commission for Commission review in accordance with 10 CFR 2.206(c). The Decision will become the final action of the Commission 25 days after issuance, unless the Commission on its own motion institutes review of the Decision within that time as provided in 10 CFR 2.206(c).

Copies of the Petition, dated July 2, 1993, and the Notice of Receipt of Petition for Director's Decision under 10 CFR 2.206 that was published in the Federal Register on September 23, 1993 (58 FR 47919), and other documents related to this Petition are available in the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W. (Lower Level), Washington, DC 20555 and Local Public Document Room at the Indian River Community College, 3209 Virginia Avenue, Ft. Pierce, FL 33450.

Dated at Rockville, Maryland, this 26th day of May 1995.

FOR THE NUCLEAR REGULATORY COMMISSION



William T. Russell, Director
Office of Nuclear Reactor Regulation