

UNITED STATES NUCLEAR REGULATORY COMMISSION

Docket No. 50-389

St. Lucie Plant, Unit No. 2

RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that on July 2, 1993, Robert J. Jablon, Esq., on behalf of Florida Municipal Power Agency ("FMPA" or "Petitioner") submitted a Petition dated July 2, 1993, to the U.S. Nuclear Regulatory Commission (NRC) pursuant to 10 C.F.R. § 2.206 regarding the St. Lucie Plant, Unit No. 2, of the Florida Power & Light Company ("FPL" or "Licensee"). The Petition has been referred to the Office of Nuclear Reactor Regulation for preparation of a response.

The Petitioner requests that the NRC 1) declare that FPL is obligated to provide network transmission among geographically separated sections of FMPA without imposing multiple charges for transmission among multiple delivery points; 2) issue a Notice of Violation of that obligation; 3) impose a requirement by order directing FPL to file with the Federal Energy Regulatory Commission a rate schedule that provides for transmission in a manner that complies with the antitrust conditions; 4) take such other action as may be proper, including proposed imposition of civil monetary penalties; and 5) publish notice of the Petition including when the NRC expects to decide whether to take action in response to the Petition.

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Specifically, the Petitioner alleges that the antitrust license conditions for the St. Lucie Plant, Unit No. 2, require FPL to provide transmission of power over its network among the various sections of FMPA on a network basis, that is, without imposing multiple charges for transmission among multiple FMPA receipt and delivery points. Petitioner alleges that FPL has refused to provide such network transmission and is, thereby, in violation of the St. Lucie Plant, Unit No. 2, license conditions.

The Petitioner advises the NRC that proceedings are pending before the Federal District Court and the Federal Energy Regulatory Commission ("FERC"), which present issues overlapping with those presented in the Petition. The Petitioner states that FMPA filed a lawsuit in Florida state court on December 13, 1991, asserting FMPA's right to network transmission under contract law and Florida's antitrust statute and that FPL removed the case to the Federal District Court for the Middle District of Florida, where the case is docketed as Florida Municipal Power Agency v. Florida Power and Light Co., Case No. 92-35-Civ-Orl-3A22, and scheduled for trial to begin in September 1993. The Petitioner further states that FPL submitted a tariff filing to the FERC on March 19, 1993, FERC Docket No. ER93-465-000, to which FMPA has filed a protest alleging that FPL's failure to file for network transmission service is anticompetitive and inconsistent with FPL's obligations under the St. Lucie Plant, Unit No. 2, license conditions.

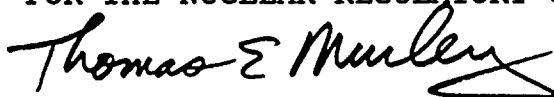
In accordance with 10 C.F.R. § 2.206, appropriate action with regard to the specific issues raised in the Petition will be taken within a reasonable time.

In accordance with NRC practice regarding petitions under 10 C.F.R. § 2.206 concerning antitrust license conditions, copies of the Petition and this Federal Register Notice will be sent to the Licensee and the Attorney General for information.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, DC 20555 and at the local public document room for the St. Lucie Plant, Unit No. 2, located at Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Dated at Rockville, Maryland, this 1st day of Sept. 1993.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation