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Mr. Edson G. Case

FROM:
Spiegel & McDiarmid
Washington, D. C.
Robert A. Jablon

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DESCRIPTION
RE J.A. Bouknight LTR 7-5-77...
Concerns Florida Cities request for antitrust relief.....

(2-P)

PLANT NAME: St. Lucie Unit No. 1

RJL 8/5/77

ENCLOSURE

ACKNOWLEDGED

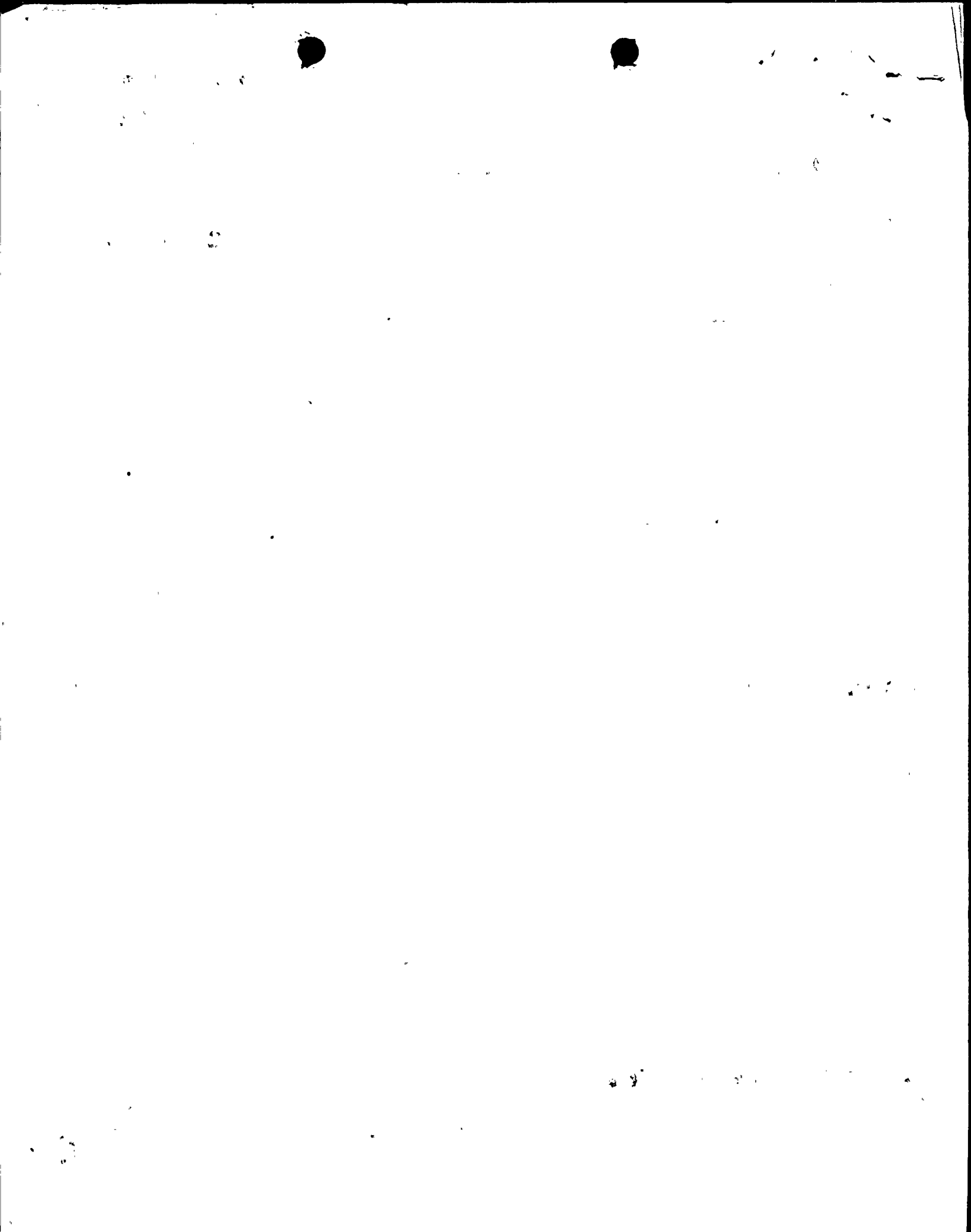
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HANAHER	KNIGHT	F. ROSA	ENVIRO TECH.
MTPC	BOSNAK		ERNST
CASE	SIHWELL	OPERATING REACTORS	BALLARD
BOYD	PAWLICKI	STELLO	YOUNGBLOOD
		EISENHUT	
PROJECT MANAGEMENT	REACTOR SAFETY	SHAO	SITE TECH.
SKOVHOLT	ROSS	BAER	
P. COLLINS	NOVAK	BUTLER	GAMMILL (2)
HOUSTON	ROSZTOCZY	GRIMES	
MELTZ	CHECK		SITE ANALYSIS
HELTEMES			VOLLMER
SK	AT&I		BUNCH
	SALTZMAN		J. COLLINS
	RUTBERG		KREGER

EXTERNAL DISTRIBUTION	
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August 1, 1977



Edson G. Case
Acting Director
Office of Nuclear Reactor
Regulation
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Florida Power & Light
Company (St. Lucie
Plant, Unit No. 1),
Docket Nos. 50-335A
et al.

Dear Mr. Case:

This is in response to the July 5, 1977, letter of J. A. Bouknight, Jr. and John E. Mathews, Jr. to you on behalf of the Florida Power & Light Company ("FP&L").

In general, FP&L takes the position that no matter how egregiously license applications misuse NRC-granted licenses, the Commission has no authority to do anything about it. The argument is directly contrary to the Atomic Energy Act, and in particular to Sect. 186. Since the positions of the parties are clear from the records in this proceeding, Florida Cities do not respond substantively. However, they assume that in your review of their request for antitrust relief that you will take into account the full records in Docket Nos. 50-335A, 50-250A and 50-251A, including all pleadings filed therein. They request that you do so.

To the extent that it would be helpful in your review to obtain further pleadings or information from the Cities, they of course desire to cooperate with you in every way.

Florida Cities note that FP&L appears to suggest at page 2, note 3, that before you find any basis for review, you ignore the existing record and start procedures from scratch. FP&L has actively opposed Florida Cities' requests for substantive relief from the moment it was made. It has had full opportunity to make any and all responses that it deemed appropriate. At this stage its suggestion that the existing record be ignored (if that is what FP&L means) is, to say the least, startling.

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1. The first part of the document
 discusses the general principles
 of the system. It is divided into
 two main sections: the first
 section deals with the basic
 concepts, and the second section
 deals with the practical aspects.

The second part of the document
 discusses the specific details of
 the system. It is divided into
 three main sections: the first
 section deals with the hardware
 requirements, the second section
 deals with the software requirements,

and the third section deals with
 the implementation. The first
 section deals with the hardware
 requirements, the second section
 deals with the software requirements,

We note that FP&L has contended vigorously that needs for certainty should foreclose relief, yet now it appears to seek ways of delaying decision. Procedures should not be so exhaustive as to "exhaust" those seeking relief "instead of the remedies." See NLRB v. Marine Workers, 391 U.S. 418, 425 (1968).

Sincerely,

Robert A. Jablon

Robert A. Jablon
Attorney for Florida
Cities

RAJ:tb

cc: All Parties

