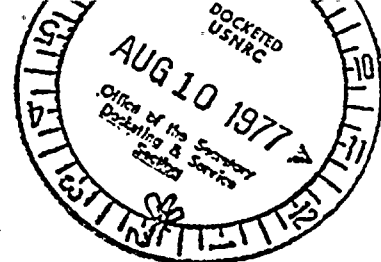


SECRET NUMBER

REG & UTIL, EAC 50-335A-387A
50-250A, 251A

Reg. File



LAW OFFICES
SPIEGEL & MCDIARMID
2600 VIRGINIA AVENUE, N. W.
WASHINGTON, D. C. 20037
TELEPHONE (202) 333-4500

GEORGE SPIEGEL
ROBERT C. MCDIARMID
SANDRA J. STREBEL
ROBERT A. JABLON
JAMES N. HORWOOD
ALAN J. ROTH
FRANCES E. FRANCIS
DANIEL I. DAVIDSON
THOMAS N. MCHUGH, JR.

August 1, 1977

PETER K. MATT
DANIEL J. GUTTMAN
DAVID R. STRAUS
BONNIE S. BLAIR
DAVID A. GIACALONE
ROBERT HARLEY BEAR
JAMES CARL POLLOCK

Samuel J. Chilk
Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chilk:

This letter is written on behalf of the Ft. Pierce Utility Authority of the City of Ft. Pierce, the Gainesville-Alachua County Regional Electric Water and Sewer Utilities, the Lake Worth Utilities Authority, the Orlando Utilities Commission, the Sebring Utilities Commission and the Cities of Alachua, Bartow, Fort Meade, Key West, Mount Dora, Newberry, St. Cloud and Tallahassee, Florida, and the Florida Municipal Utilities Association, referred to collectively as "Florida Cities."

The Commission has modified 10 CFR §2.206(c) to make "clear that the Commission will not entertain petitions for Commission review of a Director's denial of enforcement requests." The effective date of such change is August 15, 1977.

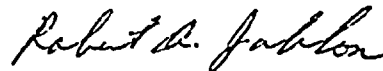
Florida Cities respectfully request that either the regulation be rescinded or deferred pending comments.

Interested parties will no longer be able to petition the Commission for review of a Director's decision on a petition to modify, suspend or revoke a license, or to seek review by a licensing or appeals board. As a result, the Director's decision on what may be matters of great impact may become final decisions. Such change may result in court litigation over major matters without focusing the Commission on matters in controversy. As the Commission is aware, the Florida Cities have requested modification of certain Florida Power & Light Company licenses, and their right could well be affected by this proposed change. Florida Power & Light Company (St. Lucie Unit No. 1), NRC Docket Nos. 50-335A et al. See, e.g., "Motion for Commission Clarification of Procedures" (March 29, 1977).

The new regulation seems contrary to the purpose of §2.206, which expressly provides for participation by third persons in the initiation of §2.202 proceedings. By narrowly circumscribing the rights of interested persons under §2.206, and making participation more burdensome, the new regulations are contrary to encouraging effective participation of all interested persons in carrying out the Commission's statutory mandates. See United Church of Christ v. FCC, 359 F.2d 994, 425 F.2d 543 (D.C. Cir. 1966, 1969).

In view of the possibly negative consequences of a final unreviewed decision without hearing or review by a licensing or appeal board, binding the Commission on important matters, its effect on the administrative process and its potential limitation of due process rights of parties, Florida Cities urge the Commission to reconsider its promulgation of 10 CFR §2.206(c).

Very truly yours,



Robert A. Jablon

RAJ:tb

cc: Martin G. Malsch, Office of the Executive
Legal Director
J. A. Bouknight, Jr., Esquire, Counsel,
Florida Power & Light Company

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

FLORIDA POWER AND LIGHT COMPANY)

(St. Lucie Plant, Units 1 & 2;)

Turkey Point Plant, Units 3 & 4))

Docket No.(s) 50-335A
50-389A
50-250A
50-251A

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

10th day of Aug 1977.

PA Downing
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

FLORIDA POWER AND LIGHT
COMPANY

(St. Lucie Plant, Units 1 and 2;
Turkey Point Plant, Units 3
and 4)

Docket No. (s) 50-335A and 50-389A
50-250A and 50-251A

SERVICE LIST

Ivan W. Smith, Esq., Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

John M. Frysiak, Esq.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Robert M. Lazo, Esq.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Joseph Rutberg, Esq.
Antitrust Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Jerome Salzman, Chief
Office of Antitrust and Indemnity
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Joseph J. Saunders, Esq.
Antitrust Division
U.S. Department of Justice
Washington, D.C. 20530

John E. Matthews, Jr., Esq.
Matthews, Osborne, Ehrlich, McNatt,
Gobelman and Cobb
1500 American Heritage Life Building
Jacksonville, Florida 32202

J.A. Bouknight, Jr., Esq.
Linda L. Hodge, Esq.
Lowenstein, Newman, Reis and Axelrad
1025 Connecticut Avenue, N.W.
Suite 1214
Washington, D.C. 20036

Tracy Danese, Esq.
Vice President
Public Affairs
Florida Power and Light Company
P.O. Box 013100
Miami, Florida 33101

Robert A. Jablon, Esq.
Spiegel and McDiarmid
2600 Virginia Avenue, N.W.
Washington, D.C. 20037

Indian River Junior College Library
3209 Virginia Avenue
Ft. Pierce, Florida 33450

Environmental and Urban Affairs
Library
Florida International University
Miami, Florida 33199

William H. Chandler, Esq.
Chandler, O'Neal, Avera, Gray,
Lang and Stribling
P.O. Drawer 0
Gainesville, Florida 32602

William C. Wise, Esq.
1019 - 19th Street, N.W., Suite 200
Washington, D.C. 20036