

Reg Files

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Richard S. Salzman
Jerome E. Sharfman



In the Matter of)
)
FLORIDA POWER AND LIGHT COMPANY)
 (St. Lucie Plant, Unit No. 1))
)
FLORIDA POWER AND LIGHT COMPANY)
 (Turkey Point Plant, Units No.)
 3 and 4))
)

Docket No. 50-335A

Docket Nos. 50-250A
50-251A

ARGUMENT ORDER

July 14, 1977

The Board will hear oral argument in these proceedings at 10:00 a.m. on Wednesday, August 10, 1977 in the Commission's public hearing room, 5th floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland 20014. Argument will be confined to the following questions:

1. After a license to operate a nuclear power facility has been issued, what is the extent (if any) of the Commission's authority to modify, amend or revoke that license on antitrust grounds?
2. Assuming that the Commission has authority to amend, modify or revoke operating licenses on antitrust grounds, are there limits on the exercise of that authority depending upon

anti-trust
4 B

(a) the nature of the conduct charged or (b) when that conduct occurred?

3. Again assuming that the Commission has authority to amend, modify or revoke operating licenses on antitrust grounds, is the Director of Nuclear Reactor Regulation authorized under current regulations to order commencement of proceedings looking toward the possibility of such action?

4. Are not these proceedings mooted by our decision in ALAB-420, rendered July 12, 1977? That decision calls for an antitrust hearing on Unit 2 of FP&L's St. Lucie plant, and involves the identical petitions, parties, counsel, contentions and claims for relief.

In formulating answers to the foregoing, the parties should exclude from consideration the Commission's authority to enforce antitrust conditions made part of the operating licenses themselves and the Commission's authority to act after a licensee has been judicially found to have violated the antitrust laws.

Each side is allowed one hour for argument, the staff and the licensee to share their time equally unless they agree on some other division. The petitioners will open the argument and may reserve a portion of their time for rebuttal.

The parties shall advise the Secretary of this Board no later than August 3rd of the name of counsel who will present argument.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING
APPEAL BOARD

Margaret E. Du Flo
Margaret E. Du Flo
Secretary to the
Appeal Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

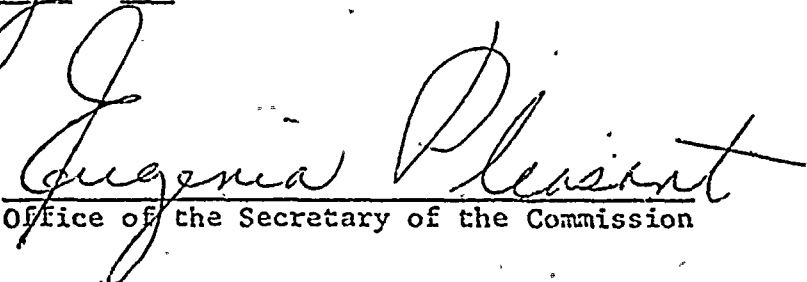
In the Matter of)	
)	
FLORIDA POWER AND LIGHT COMPANY)	Docket No. (s) 50-335A,
)	50-389A
(St. Lucie Plant, Units 1 & 2;)	50-250A
Turkey Point Plant, Units 3 & 4))	50-251A
)	
)	
)	

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

15th day of July 1977.


Eugenia Pleasant
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