

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

rec'd w/ltc 12/29/77

COMMISSIONERS:

Joseph M. Hendrie, Chairman
Victor Gilinsky
Richard T. Kennedy
Peter A. Bradford

In the Matter of
FLORIDA POWER & LIGHT COMPANY
(St. Lucie Plant, Unit Nos. 1 & 2)
(Turkey Point Plant, Unit Nos. 3 & 4)

Docket Nos. 50-335A
50-389A
50-25CA
50-251A

ORDER

The intervenors in the above-captioned matter, known collectively as the "Florida Cities"^{1/} have filed a motion with the Commission requesting permission to lodge certain documents and make them part of the decisional record." This motion is opposed by the applicant and the staff. The motion is denied for the reasons stated below.

By order dated October 25, 1977, the Commission declined to review ALAB-428, an Appeal Board decision affirming the Licensing Board's decision to deny the antitrust review requested by Florida Cities as to St. Lucie Unit No. 1 and Turkey Point, Unit Nos. 3 & 4, all of which are

1/ Florida Cities consist of the Fort Pierce Utilities Authority of the City of Fort Pierce, the Gainesville-Alachua County Regional Electric Water and Sewer Utilities, the Lake Worth Utilities Authority, the Utilities Commission of the City of New Smyrna Beach, 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.

operating facilities. The decision of the Licensing Board dismissing the Florida Cities' petition to intervene has therefore become final; no proceeding involving those plants is presently before the Commission. We also note that our order of October 25, 1977 directed NRC staff promptly to refer to the Attorney General the antitrust allegations of the Florida Cities, as well as any related information staff may have which may support such allegations. 42 U.S.C. 2135(b). The material referenced by the Florida Cities in its motion may contain such information. Staff is therefore directed to include the documents cited in the motion of the Florida Cities' among the materials forwarded to the Attorney General for any possible enforcement action.

As to St. Lucie Unit No. 2, the Commission has requested briefing by parties on questions raised by a petition to intervene filed by the Orlando Utilities Commission some 31 months after the statutory period established by Section 105 of the Atomic Energy Act, as amended, for opportunity to petition for antitrust review of a license application. The issues for briefing established by the Commission's order dated October 19, 1977 do not involve substantive antitrust issues; and thus the documents offered by the Florida Cities are not relevant to the issues before the Commission at this time.

It is so ORDERED..

By the Commission.



SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.

this 9th day of December, 1977.