

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
FLORIDA POWER & LIGHT COMPANY)
(St. Lucie Nuclear Power)
Plant, Unit No. 2))
_____)

Docket No. 50-389



APPLICANT'S OPPOSITION TO "INTERVENORS'
MOTION FOR LEAVE TO FILE"

On January 30, 1979, Intervenor served a "Motion for Leave to File" and a proposed "Intervenors' Response to 'Opposition of Florida Power & Light Company to 'Motion for a New Contention' and 'Motion for Stay''". The latter document contains a 42 page attachment consisting of pleadings filed by Intervenor in the U. S. Court of Appeals in case numbers 76-1709, 78-1149, District of Columbia Circuit, in September 1978.^{1/}

Apparently assuming that the instant pleadings were entitled to be filed as a matter of right, Intervenor's counsel spends considerable time suggesting various reasons why he failed to file such pleadings in September of 1978. However, Rule 2.730 of the Commission's Rules of Practice provides, with respect to answers to motions, that "The moving party shall have no right to reply, except as permitted by the presiding officer or the secretary

^{1/} Those cases were decided adversely to Intervenor by a judgment entered December 26, 1978. A Petition for Rehearing and Suggestion for Rehearing En Banc served January 10, 1979 were denied by Orders entered January 30, 1979.

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or the assistant secretary." The Motion for Leave to File does not advance any reason why Rule 2.730 should not be followed by this Board. The claim by Intervenors' counsel that the Appeal Board should allow the response to be filed "as a matter of equity" or "in defense of my personal honor" clearly demonstrates that the proposed "Intervenors' Response" is irrelevant to any of the issues in these proceedings presently pending before the Appeal Board.

Applicant respectfully submits that the "Motion for Leave to File" should be denied.

Respectfully submitted,

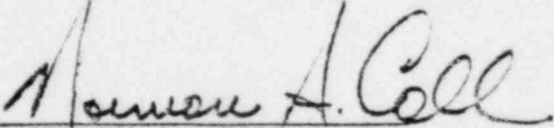
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By


NORMAN A. COLL

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing was mailed this 1st day of February, 1979, to the persons listed on the attached Service List.


NORMAN A. COLL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of)
FLORIDA POWER & LIGHT COMPANY) Docket No. 50-389
(St. Lucie Nuclear Power Plant)
Unit 2)

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