

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

FLORIDA POWER CORPORATION
(Crystal River Unit 3 Nuclear
Generating Plant)

Docket No. 50-302

CERTIFICATE OF SERVICE

I hereby certify that copies of an ORDER GRANTING PETITION SEEKING INTERVENTION AND DENYING MOTION TO BROADEN ISSUES, issued by the Atomic Safety and Licensing Board June 28, 1968, have been served on the following by deposit in the United States Mail, first class or air mail, this twenty-eighth day of June, 1968:

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ATOMIC ENERGY COMMISSION

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ORDER

GRANTING PETITION SEEKING INTERVENTION
AND DENYING MOTION TO BROADEN ISSUES

The City of Gainesville, Florida, and Gainesville Utilities Department (Gainesville) on June 14, 1968, filed a Petition for Leave to intervene in this proceeding and a Motion to broaden the issues prescribed for consideration. In the Petition, Gainesville alleged that it expected to become a customer of Florida Power Corporation (Florida Power) upon the basis of an initial decision issued by the Federal Power Commission which directed an interconnection of facilities. The Petitioner further alleged that the nuclear reactor facility proposed to be constructed by Florida Power was not an experimental reactor, as Florida Power contends, but rather Gainesville believes the facility will be of substantial commercial value in view of the anticipated addition of energy supply to the Florida Power system. Gainesville believes that the reactor facility should not be authorized pursuant to Section 104b of the

Atomic Energy Act, as amended (the Act), which relates to facilities involved in the conduct of research and development activities leading to a demonstration of the practical value of such facilities for industrial or commercial purposes.

The Motion seeks to broaden the issues to be considered to include provision for Gainesville to share in the ownership of the proposed nuclear facility. The Motion also seeks a determination whether the facility will have practical value needing authorization pursuant to Section 103 of the Act, and whether terms and conditions should be added to prevent development of a monopoly in nuclear generation or other anti-competitive acts.

Florida Power Corporation opposes both the Petition and the Motion by alleging that no customer relationship presently exists and by indicating that many determinations are yet to be made before such a relationship is established. In addition, Florida Power opposes the Motion upon several grounds including lack of jurisdiction.

The Regulatory Staff, in its answer to the Petition, contends that Gainesville has a status, for all practical purposes, similar to an established customer, which warrants, as a matter of administrative discretion, the granting of the petition to intervene on the Section 104b issue. While the Staff statement is that it "consents" to the granting of the petition to intervene, this consent

is construed as requesting the Board to grant the petition. The Staff indicates that the policy of the Commission encourages the participation of a party such as Gainesville on this issue.

Respecting the Motion to broaden the issues, however, the Staff opposes the Motion upon the same ground as does Florida Power.

At the prehearing conference which convened on June 19, 1968, the Board indicated a tentative determination that both the Petition and the Motion should be denied upon the basis of prior Commission determinations. The Board further indicated, however, that any change or in any event the formal order to be issued respecting the Petition and Motion would await the formal answers filed by Florida Power and the Staff.

Upon a consideration of the record in this proceeding, including the contentions of the parties as well as the request of the Staff, it appears to this Board that its tentative determination regarding a denial of the Petition should be and is hereby rescinded and that the Commission, in granting discretion to a Board, has reflected a policy to permit participation by petitioners such as Gainesville. While the Board believes that the position asserted by Gainesville is somewhat alternative in view of its statement that if it cannot agree with Florida Power respecting the electric service contemplated by the Federal Power Commission order for a

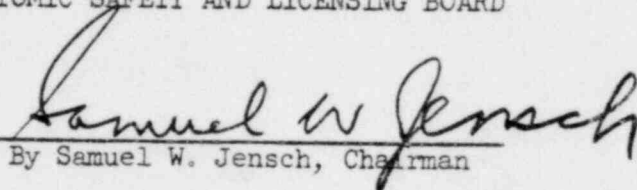
facility interconnection, that then Gainesville will look to some terms and conditions in an Atomic Energy Commission license, nevertheless, upon the basis of the arguments and the request of the Staff herein, the Board has decided, in the exercise of discretion, to grant the Petition to intervene to permit participation by Gainesville respecting the Section 104b contentions which relate to the jurisdictional issue, which is necessary for determination in the proceeding in any event. In the opinion of the Board, the exercise of discretion can be guided to a substantial degree by the requests of the parties. Respecting the Motion to broaden the issues, however, the Board has determined that the issues sought to be added in this proceeding, and as described by Gainesville, are beyond the jurisdiction of this Board and that the Motion should be denied.

WHEREFORE, pursuant to the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, IT IS ORDERED by this Atomic Safety and Licensing Board that the Petition to intervene filed by the City of Gainesville, Florida, and Gainesville Utilities Department be and it is hereby granted, limited to the issue whether the nuclear reactor facility proposed to be constructed and operated by Florida Power can be authorized pursuant to Section 104b of the Act, and

IT IS FURTHER ORDERED that the City of Gainesville, Florida, and Gainesville Utilities Department are hereby admitted as parties to the proceeding with the rights, among others, to introduce evidence, cross-examine witnesses, file proposed findings and conclusions and briefs and arguments and to take such actions as may be taken by any other party, and

IT IS FURTHER ORDERED that the Motion to broaden issues filed by Gainesville be and it is hereby denied.

ATOMIC SAFETY AND LICENSING BOARD


By Samuel W. Jensch, Chairman

Issued:
June 28, 1968
Germantown, Maryland