

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'81 NOV -9 P12:18

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

Docket No. 50-389A

November 6, 1981

APPLICATION FOR ISSUANCE OF SUBPOENAS

Florida Power & Light Company (FPL), pursuant to 10 C.F.R. §§ 2.720, 2.740 and 2.741, applies for the issuance of the attached three Subpoenas, which call for depositions requiring the attendance of the persons listed, and for production of documents by each such person. The testimony and document production sought encompasses, but is not limited to, matters relating to FPL's application to the Federal Energy Regulatory Commission to purchase the electric facilities of the City of Vero Beach, Florida.

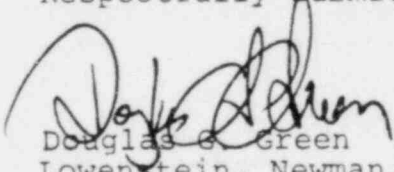
Subpoena

John B. Dawson, Vero Beach, Florida

Eugene Lyon, Vero Beach, Florida

Fred Gossett, Vero Beach, Florida

Respectfully submitted,

  
Douglas S. Green  
Lowenstein, Newman, Reis & Axelrad  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Herbert Dym  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 7566  
Washington, D.C. 20044

November 6, 1981

Attorneys for Florida Power  
& Light Company

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PDR ADOCK 05000389  
M PDR



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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SUBPOENA

TO: John B. Dawson  
935 East Causeway Boulevard  
Apartment 604  
Vero Beach, Florida 32960

YOU ARE HEREBY COMMANDED, pursuant to the Atomic Energy Act of 1954, as amended, and 10 C.F.R. § 2.720, to appear at Vero Beach Holiday Inn, 3384 Ocean Drive, in Vero Beach, Florida on December 8, 1981 at 9:30 a.m. to testify by deposition on oral examination in the above-entitled action, said deposition to continue from day to day until completed, and to bring with you the documents described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY  
AND LICENSING BOARD

Dated \_\_\_\_\_, 1981 By \_\_\_\_\_  
\_\_\_\_\_

J. A. Bouknight, Jr.  
Attorney for Florida Power  
& Light Company  
LOWENSTEIN, NEWMAN, REIS &  
AXELRAD  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 862-8400

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms. 10 C.F.R. § 2.720(f).

SCHEDULE TO SUBPOENA OF JOHN B. DAWSON

1. This Subpoena applies to all documents, records, and files in your possession, custody or control.
2. The period of time for which documents are requested includes the entire period from January 1, 1955 to the date on which documents are made available for inspection and copying to Florida Power & Light Company (FPL) or its representatives.
3. "Documents" as used in this Subpoena means, without limiting the generality of its meaning, all of original (or copies where originals are unavailable) and non-identical copies (whether different from originals by reason of notation made on such copies or otherwise) of all written, recorded or graphic matters, however produced or reproduced, whether or not now in existence, of correspondence, telegrams, notes or sound recordings of any type of conversation, meeting or conference, minutes of directors' or committee meetings, memoranda, inter-office communications, studies, analyses, notes, books, records, reports, summaries and results of investigations and tests, reviews, contracts, agreements, pamphlets, diaries, calendar or diary entries, maps, graphs, charts, statistical records, computer data or papers similar to any of the foregoing, however denominated, including preliminary versions, drafts or revisions of any of the foregoing and any supporting, underlying or preparatory material.
4. "Person", as used in this Schedule, refers to, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association, joint venture, cooperative, municipality, commission, governmental body or agency.
5. "Relate to" means refer or relate to in any way, comprise or constitute, or contain any information bearing upon.

Description of Documents

1. All documents that relate to your intervention, or the decisions of other persons to intervene or not to intervene in response to FPL's application to the Federal Energy Regulatory Commission docketed E-9574, to purchase the electric facilities owned by the City of Vero Beach, Florida.
2. All documents that relate to communications with any other person regarding the possible sale or lease of electric facilities owned by the City of Vero Beach, Florida.

3. All documents that relate to communications with any officer, director, agent, employee, or member city of the Florida Municipal Utilities Association (FMUA), or any officer, director, employee or agent of any member city of FMUA.
4. All documents that relate to the Florida Cities Nuclear Intervenors' Group or any other group of persons formed to finance, plan, or coordinate litigation against FPL.
5. All documents that relate to management, planning or operation of the City of Vero Beach electric system.

RETURN ON SERVICE

Received this subpoena at.....On  
.....and on.....at.....  
.....served it on the within named.....  
.....by delivering a copy to h...and  
tendering to h...the fee for one day's attendance and the  
mileage allowed by law.

Date.....19..... By.....

Service Fees

Travel.....\$

Services.....\$

.....

Total.....\$

Subscribed and sworn to before me, a .....  
this .....day of....., 19.....

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SUBPOENA

TO: Eugene Lyon  
1597 Pelican Lane  
Vero Beach, Florida 32960

YOU ARE HEREBY COMMANDED, pursuant to the Atomic Energy Act of 1954, as amended, and 10 C.F.R. § 2.720, to appear at Vero Beach Holiday Inn, 3384 Ocean Drive, in Vero Beach, Florida on December 9, 1981 at 9:30 a.m. to testify by deposition on oral examination in the above-entitled action, said deposition to continue from day to day until completed, and to bring with you the documents described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY  
AND LICENSING BOARD

Dated \_\_\_\_\_, 1981 By \_\_\_\_\_  
\_\_\_\_\_

J. A. Bouknight, Jr.  
Attorney for Florida Power  
& Light Company  
LOWENSTEIN, NEWMAN, REIS &  
AXELRAD  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 862-8400

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms. 10 C.F.R. § 2.720(f).



## SCHEDULE TO SUBPOENA OF EUGENE LYON

1. This Subpoena applies to all documents, records, and files in your possession, custody or control.
2. The period of time for which documents are requested includes the entire period from January 1, 1955 to the date on which documents are made available for inspection and copying to Florida Power & Light Company (FPL) or its representatives.
3. "Documents" as used in this Subpoena means, without limiting the generality of its meaning, all of original (or copies where originals are unavailable) and non-identical copies (whether different from originals by reason of notation made on such copies or otherwise) of all written, recorded or graphic matters, however produced or reproduced, whether or not now in existence, of correspondence, telegrams, notes or sound recordings of any type of conversation, meeting or conference, minutes of directors' or committee meetings, memoranda, inter-office communications, studies, analyses, notes, books, records, reports, summaries and results of investigations and tests, reviews, contracts, agreements, pamphlets, diaries, calendar or diary entries, maps, graphs, charts, statistical records, computer data or papers similar to any of the foregoing, however denominated, including preliminary versions, drafts or revisions of any of the foregoing and any supporting, underlying or preparatory material.
4. "Person", as used in this Schedule, refers to, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association, joint venture, cooperative, municipality, commission, governmental body or agency.
5. "Relate to" means refer or relate to in any way, comprise or constitute, or contain any information bearing upon.

### Description of Documents

1. All documents that relate to your intervention, or the decisions of other persons to intervene or not to intervene in response to FPL's application to the Federal Energy Regulatory Commission docketed E-9574, to purchase the electric facilities owned by the City of Vero Beach, Florida.
2. All documents that relate to communications with any other person regarding the possible sale or lease of electric facilities owned by the City of Vero Beach, Florida.

3. All documents that relate to communications with any officer, director, agent, employee, or member city of the Florida Municipal Utilities Association (FMUA), or any officer, director, employee or agent of any member city of FMUA.
4. All documents that relate to the Florida Cities Nuclear Intervenors' Group or any other group of persons formed to finance, plan, or coordinate litigation against FPL.
5. All documents that relate to management, planning or operation of the City of Vero Beach electric system.



RETURN ON SERVICE

Received this subpoena at.....On  
.....and on.....at.....  
.....served it on the within named.....  
.....by delivering a copy to h...and  
tendering to h...the fee for one day's attendance and the  
mileage allowed by law.

Date.....19..... By.....

Service Fees

Travel.....\$

Services.....\$

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Total.....\$

Subscribed and sworn to before me, a .....  
this .....day of....., 19.....

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SUBPOENA

TO: Fred Gossett  
6025 Atlantic Boulevard  
Vero Beach, Florida 32960

YOU ARE HEREBY COMMANDED, pursuant to the Atomic Energy Act of 1954, as amended, and 10 C.F.R. § 2.720, to appear at Vero Beach Holiday Inn, 3384 Ocean Drive, in Vero Beach, Florida on December 10, 1981 at 9:30 a.m. to testify by deposition on oral examination in the above-entitled action, said deposition to continue from day to day until completed, and to bring with you the documents described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY  
AND LICENSING BOARD

Dated \_\_\_\_\_, 1981 By \_\_\_\_\_  
\_\_\_\_\_

J. A. Bouknight, Jr.  
Attorney for Florida Power  
Light Company  
LOEWENSTEIN, NEWMAN, REIS &  
AXELRAD  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 862-8400

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On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms. 10 C.F.R. § 2.720(f).

## SCHEDULE TO SUBPOENA OF FRED GOSSETT

1. This Subpoena applies to all documents, records, and files in your possession, custody or control.
2. The period of time for which documents are requested includes the entire period from January 1, 1955 to the date on which documents are made available for inspection and copying to Florida Power & Light Company (FPL) or its representatives.
3. "Documents" as used in this Subpoena means, without limiting the generality of its meaning, all of original (or copies where originals are unavailable) and non-identical copies (whether different from originals by reason of notation made on such copies or otherwise) of all written, recorded or graphic matters, however produced or reproduced, whether or not now in existence, of correspondence, telegrams, notes or sound recordings of any type of conversation, meeting or conference, minutes of directors' or committee meetings, memoranda, inter-office communications, studies, analyses, notes, books, records, reports, summaries and results of investigations and tests, reviews, contracts, agreements, pamphlets, diaries, calendar or diary entries, maps, graphs, charts, statistical records, computer data or papers similar to any of the foregoing, however denominated, including preliminary versions, drafts or revisions of any of the foregoing and any supporting, underlying or preparatory material.
4. "Person", as used in this Schedule, refers to, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association, joint venture, cooperative, municipality, commission, governmental body or agency.
5. "Relate to" means refer or relate to in any way, comprise or constitute, or contain any information bearing upon.

### Description of Documents

1. All documents that relate to your intervention, or the decisions of other persons to intervene or not to intervene in response to FPL's application to the Federal Energy Regulatory Commission docketed E-9574, to purchase the electric facilities owned by the City of Vero Beach, Florida.
2. All documents that relate to communications with any other person regarding the possible sale or lease of electric facilities owned by the City of Vero Beach, Florida.

3. All documents that relate to communications with any officer, director, agent, employee, or member city of the Florida Municipal Utilities Association (FMUA), or any officer, director, employee or agent of any member city of FMUA.
4. All documents that relate to the Florida Cities Nuclear Intervenors' Group or any other group of persons formed to finance, plan, or coordinate litigation against FPL.
5. All documents that relate to management, planning or operation of the City of Vero Beach electric system.

RETURN ON SERVICE

Received this subpoena at.....on  
.....and on.....at.....  
.....served it on the within named.....  
.....by delivering a copy to h...and  
tendering to h...the fee for one day's attendance and the  
mileage allowed by law.

Date.....19..... By.....

Service Fees

Travel.....\$

Services.....\$

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Total.....\$

Subscribed and sworn to before me, a .....  
this .....day of....., 19.....

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Application for Issuance of Subpoenas dated November 6, 1981, were served upon the following persons by hand delivery (\*) or by deposit in the U.S. Mail, first class, postage prepaid this 6th day of November, 1981.

\*Peter B. Bloch, Esquire  
Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Michael A. Duggan, Esquire  
College of Business Administration  
University of Texas  
Austin, Texas 78712

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

Docketing and Service Station  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Thomas Gurney, Sr., Esquire  
203 North Magnolia Avenue  
Orlando, Florida 32802

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

Atomic Safety and Licensing Appeal  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Robert E. Bathen  
Fred Saffer  
R.W. Beck & Associates  
P.O. Box 6817  
Orlando, Florida 32803

Robert A. Jablon, Esquire  
Alan J. Roth, Esquire  
Spiegel & McDiarmid  
2600 Virginia Avenue, N.W.  
Washington, D.C. 20037

William C. Wise, Esquire  
Suite 500  
1200 18th Street, N.W.  
Washington, D.C. 20036

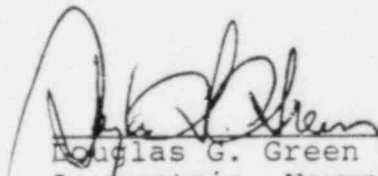
Janet Urban, Esquire  
P.O. Box 14141  
Washington, D.C. 20044

William H. Chandler, Esquire  
Chandler, O'Neal, Avera, Gray &  
Stripling  
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Gainesville, Florida 32602

Donald A. Kaplan, Esquire  
Robert Fabrikant, Esquire  
Antitrust Division  
U.S. Department of Justice  
Washington, D.C. 20530

Benjamin H. Vogler, Esquire  
Ann P. Hodgdon  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Charles R.P. Brown, Esquire  
Brown, Paxton and Williams  
301 South 6th Street  
P.O. Box 1418  
Fort Pierce, Florida 33450



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Douglas G. Green  
Lowenstein, Newman, Reis & Axelrad  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036

(202) 862-8400

DATED: November 6, 1981