



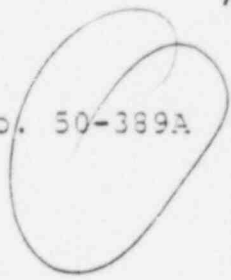
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-389A

11/9/78



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JOINT REPORT OF THE PARTIES IN  
RESPONSE TO THE BOARD'S SPECIAL  
PREHEARING CONFERENCE ORDER AND  
JOINT REQUEST FOR RULING ON  
SCHEDULE FOR DISCOVERY

As directed in the Board's Special Prehearing Order of October 26, 1978, the parties exchanged discovery requests on October 31, 1978. A meeting of all counsel was held on November 3, 1978, to consider discovery questions and to discuss the other matters identified in the October 26 order. The parties were able to agree on a number of matters, and those agreements are reflected below.

Issues in Controversy

On October 30, 1978, the NRC Staff submitted certain additional issues which are proposed by the Staff, the Antitrust Division and the Intervenor, together with one additional issue which is proposed by the Intervenor alone. The parties are in the process of discussions which they believe may be productive of some form of agreement on this matter, and it is agreed that the Applicant should defer any filing in response to the

October 30 letter until completion of these discussions. The Board can expect to receive, during the month of November, notification of the results of these discussions, along with any filing by Applicant in response to the October 30 letter which may be appropriate in light of the results of the discussions which are now in progress. It is requested that the Board take no action in response to the October 30 letter until it receives these materials.

Request for Extension of Time in Which to File Objections

The Board's order of October 26, 1978 directed that objections to interrogatories and document requests be filed on or before November 17, 1978. All parties to this proceeding respectfully request that the Board extend its deadline until December 8, 1978.

The parties are confident that many of the objections to interrogatories and document requests may be resolved through the process of negotiation. The interests of expediency and clarification of the areas of disagreement would not be well served if each party were to file a lengthy list of objections with the Board on November 17. Accordingly, all parties respectfully request an extension of the deadline for filing objections until December 8, 1978.

A Schedule for Discovery

The Board's order of October 26, 1978 requested that the parties report to the Board concerning the status of negotiations

toward a discovery schedule. The parties have agreed upon the following procedural dates:

- December 8, 1978 - final date for filing objections to interrogatories and requests for the production of documents served on October 31;
- December 22, 1978 - final date for filing responses to objections filed on December 8
- A date early in January, 1979, at the discretion of the Board - prehearing conference to include argument on objections to interrogatories and document requests.

If the Board accepts these suggestions, the parties intend to meet promptly after receiving the Board's rulings on objections to develop a schedule for further proceedings. That schedule would be submitted promptly to the Board. The parties believe that it would not be productive to fix further dates at this time but rather to wait until either agreement is reached or rulings are obtained on the scope of discovery. In particular, the parties now disagree significantly on the period which will be covered by discovery, and it is recognized that no meaningful estimate of the time required for document production can be made until this disagreement is resolved.

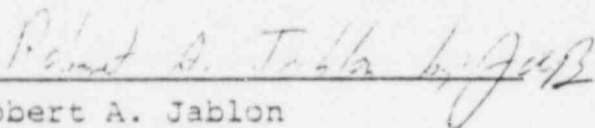
For the reasons already discussed, all parties respectfully move that the Board:

- 1) take no action at this time in response to the Staff's October 30 letter,
- 2) grant an extension of time for filing objections to interrogatories and document requests until

December 8, 1978, and,

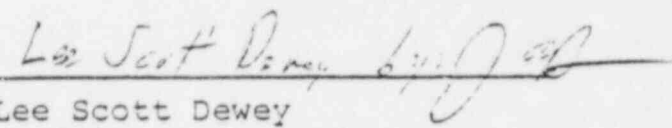
- 3) approve the procedural dates suggested above.

Respectfully submitted,



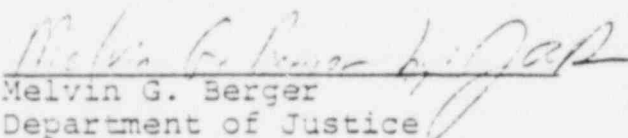
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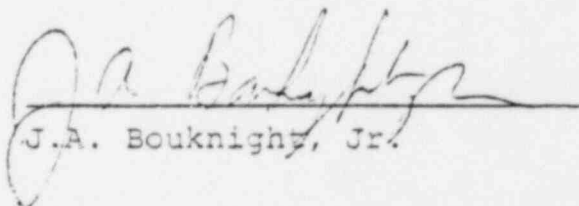


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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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) )

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the following: JOINT REPORT OF THE PARTIES IN RESPONSE TO THE BOARD'S SPECIAL PREHEARING CONFERENCE ORDER AND JOINT REQUEST FOR RULING ON SCHEDULE FOR DISCOVERY have been served on the persons shown on the attached list by hand delivery\* or deposit in the United States mail, properly stamped and addressed on November 9, 1978.



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