

5898

DOCKETED  
USNRC  
March 14, 1988  
'88 MAR 21 P4:18

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket No. 50-335 OLA
FLORIDA POWER AND LIGHT COMPANY	)	
(St. Lucie Plant, Unit No. 1)	)	ASLBP No. 88-560-01-LA

LICENSEE'S OPPOSITION TO PETITIONER'S  
REQUEST FOR 92-DAY POSTPONEMENT  
OF PREHEARING CONFERENCE

Florida Power & Light Company ("FPL" or "Licensee") hereby submits its opposition to Petitioner's request, received today, for a 92-day postponement, until June 29, 1988, of the prehearing conference now scheduled to be conducted on March 29, 1988.

At the outset, FPL notes that it would not ordinarily oppose a postponement request for a reasonable period of time based on the usual reasons for such requests: e.g., unavoidable schedule conflict, illness, urgent personal business, etc. However, underlying the instant request seems to be the assumption that the proceeding which Mr. Campbell Rich

8803230031 880314  
PDR ADOCK 05000335  
G PDR

503

has requested be initiated should be conducted on a schedule which does not significantly inconvenience him with respect to his other pursuits. Rather, he seems to suggest that the proceeding be conducted in a manner which makes it possible for him to prepare for it without interfering with his routine activities, including his employment "in a full-time position during normal business hours . . . ."

Obviously, a proceeding purportedly affecting the public safety which may involve prehearing conferences, discovery, motions for summary disposition, the conduct of hearings and filing of proposed findings of fact and conclusions of law would be unduly protracted if so conducted. It would clearly be inconsistent with the public interest for the Nuclear Regulatory Commission to conduct a proceeding in such a manner. The public interest is best served if administrative proceedings involving allegedly significant safety issues are conducted as expeditiously and efficiently as is consistent with giving the parties a reasonable opportunity to be heard. And it is difficult to see how Licensing Boards could conduct their affairs efficiently if proceedings were not conducted on a full time basis. It is also in the interest of FPL to complete this proceeding as rapidly as possible in order to eliminate the likelihood of, or to comply expeditiously

with, any change or modification of its plans which might result from the proceeding. For this reason FPL has devoted considerable resources to preparing for the March 29 prehearing conference.

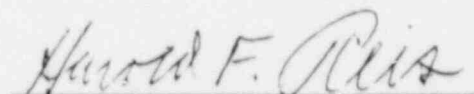
Probably because of this mix of considerations, the Commission has said in its Statement of Policy on the Conduct of Licensing Proceedings, CLI-81-8, 13 NRC 452, 454 (1981):

Fairness to all involved in NRC's adjudicatory procedures requires that every participant fulfill the obligations imposed by and in accordance with applicable law and Commission regulations. While a board should endeavor to conduct the proceeding in a manner that takes account of the special circumstances faced by any participant, the fact that a party may have personal or other obligations or possess fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations.

Two additional points appear to be appropriate. First, the request indicates that the hours during which the Public Document Room are available to Mr. Rich "are too restrictive." We are informed that the Public Document Room referred to is maintained by the Indian River Junior College at Ft. Pierce, Florida and that, other than during holidays, it is open to the public Monday through Thursday from 7:45 a.m. to 9:30 p.m., and Friday from 7:45 a.m. to 5:00 p.m.

Second, Petitioner claims "there was inadequate advance notice of the proposed hearing . . . ." In fact, the Memorandum and Order of February 18, 1988, setting the time and place of the hearing, was served on February 22, more than five weeks before the scheduled March 29 date. Even assuming delays in the post, it seems likely that the Petitioner will have had more than four weeks to prepare for the prehearing conference if it is held as scheduled.

Respectfully submitted,



Harold F. Reis  
Michael A. Bauser

Newman & Holtzinger, P.C.  
1615 L Street, N.W.  
Washington, D.C. 20036

Telephone: (202) 955-6600

Counsel for  
Florida Power & Light Company

Dated: March 14, 1988

DOCKETED  
March 14, 1988

'88 MAR 21 P4:18

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

_____ )	
In the Matter of )	Docket No. 50-335 OLA
FLORIDA POWER AND LIGHT COMPANY )	
(St. Lucie Plant, Unit No. 1) )	ASLBP No. 88-560-01-LA
_____ )	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "License Opposition to Petitioner's Request for 92-Day Postponement of Prehearing Conference" were served on the following by deposit in the United States mail, first class, postage prepaid and properly addressed, on the date shown below:

B. Paul Cotter, Jr., Chairman\*  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Glenr O. Bright\*  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Richard F. Cole\*  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Chief, Docketing and  
Service Section  
(Original plus two copies)

Mitzi A. Young, Esq.\*  
Office of Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Campbell Rich\*\*  
4626 S.E. Pilot Ave.  
Stuart, Florida 34997

Dated this 14th day of March, 1988.

  
Harold F. Reis

Newman & Holtzinger, P.C.  
1615 L Street, N.W.  
Washington, D.C. 20036

Telephone: (202) 955-6600

Counsel for  
Florida Power & Light Company

---

\* Additional service by messenger.

\*\* Additional service by Federal Express.