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Mr. Edson G. Case

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DESCRIPTION

RE J.A. Bouknight LTR 7-5-77...

Concerns Florida Cities request for  
antitrust relief.....

(2-P)

ENCLOSURE

ACKNOWLEDGED

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PLANT NAME: St. Lucie Unit No. 1

RJL 8/5/77

## SAFETY

## FOR ACTION/INFORMATION

## ENVIRONMENTAL

ASSIGNED AD:

BRANCH CHIEF:

PROJECT MANAGER:

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Edson G. Case  
Acting Director  
Office of Nuclear Reactor  
Regulation  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Florida Power & Light  
Company (St. Lucie  
Plant, Unit No. 1),  
Docket Nos. 50-335A  
et al.

Dear Mr. Case:

This is in response to the July 5, 1977, letter of J. A. Bouknight, Jr. and John E. Mathews, Jr. to you on behalf of the Florida Power & Light Company ("FP&L").

In general, FP&L takes the position that no matter how egregiously license applications misuse NRC-granted licenses, the Commission has no authority to do anything about it. The argument is directly contrary to the Atomic Energy Act, and in particular to Sect. 186. Since the positions of the parties are clear from the records in this proceeding, Florida Cities do not respond substantively. However, they assume that in your review of their request for antitrust relief that you will take into account the full records in Docket Nos. 50-335A, 50-250A and 50-251A, including all pleadings filed therein. They request that you do so.

To the extent that it would be helpful in your review to obtain further pleadings or information from the Cities, they of course desire to cooperate with you in every way.

Florida Cities note that FP&L appears to suggest at page 2, note 3, that before you find any basis for review, you ignore the existing record and start procedures from scratch. FP&L has actively opposed Florida Cities' requests for substantive relief from the moment it was made. It has had full opportunity to make any and all responses that it deemed appropriate. At this stage its suggestion that the existing record be ignored (if that is what FP&L means) is, to say the least, startling.

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THE  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. 20535

TO : DIRECTOR, FBI  
FROM : SAC, NEW YORK  
SUBJECT: [Illegible]

RE: [Illegible]

" Page 2

We note that FP&L has contended vigorously that needs for certainty should foreclose relief, yet now it appears to seek ways of delaying decision. Procedures should not be so exhaustive as to "exhaust" those seeking relief "instead of the remedies." See NLRB v. Marine Workers, 391 U.S. 418, 425 (1968).

Sincerely,

*Robert A. Jablon*

Robert A. Jablon  
Attorney for Florida  
Cities

RAJ:tb

cc: All Parties

