

P&W - 9/1/81



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY) Docket No. 50-389A
)
(St. Lucie Plant, Unit No. 2) Dated: September 1, 1981

MOTION FOR AN EXTENSION OF TIME

Parsons and Whittemore, Inc. ("P&W") and Resources Recovery (Dade County), Inc. ("PRD"), by and through their undersigned counsel, submit this Motion for an additional extension of time in which to file an appeal from the August 5, 1981 Order of the Atomic Safety and Licensing Board denying their Petition to Intervene. Petitioners originally requested and were granted an extension of time to the following extent:

In the event that, on or before September 4, 1981, the movants file objections to the August 5 Order with the Licensing Board (see 10 CFR 2.751a(d)), the time for the filing of their appeal from that Order (as prescribed in 10 CFR 2.714a) shall not be deemed to commence to run until service of the action taken by the Licensing Board upon those objections.

In the event that the movants elect not to file objections to the August 5 order, their appeal from that order will be due on or before September 8, 1981.

The ground for this extension was that the August vacation schedules of the undersigned counsel made it impossible for them to file any objections within the five-day time period

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allowed. Since that Motion was filed, the undersigned counsel have each suffered injuries that have required or may require surgery as well as follow-up medical treatment. This further extension of time is required due to the partial incapacitation of the undersigned counsel. Petitioners request that they be given until ten days after service of the action taken by the Licensing Board on the objections, or if no objections are filed, until September 28, 1981.

This Motion parallels a Consent Motion for Extension of Time filed with the Atomic Safety and Licensing Board on August 25, 1981. That Motion, which had the consent of counsel for the other parties, was granted on August 26, 1981. A copy of Petitioners' Motion before the Atomic Safety and Licensing Board and a copy of the Order of August 26, 1981 are attached.

CONCLUSION

Petitioners' Motion for an Extension of Time should be granted and Petitioners should be given until September 28, 1981 to file their appeal from the Order denying their Petition to Intervene, or until ten days after service of the action of the Licensing Board if objections are filed.

Respectfully submitted,

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Counsel for Petitioners

September 1, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

I hereby certify that copies of the foregoing Motion for Extension of Time were served upon the following persons via first-class mail, postage-prepaid, or by hand, this 1st day of September, 1981.

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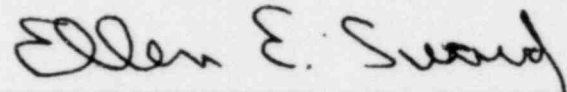
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One of Counsel for Petitioners

extension and have authorized counsel for Petitioners to state that they have given their consent to this Motion.

1. J.A. Bouknight, Jr., Esquire
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2. Robert R. Nordhaus, Esquire
Van Ness, Feldman, Sutcliffe, Curtis
& Levenberg
(Counsel for Metropolitan Dade County, Florida)
3. Robert A. Jablon, Esquire
Spiegel & McDiarmid
(Counsel for Florida Cities)
4. Ann P. Hodgdon, Esquire
Office of the Executive Legal Director
(Counsel for the NRC Staff)

Because counsel for the parties involved have consented to this Motion, there will be no prejudice arising from this additional three-week extension period. The undersigned counsel further note that they have agreed to consent to any Motion that Florida Power & Light may make for leave to respond to Petitioners' objections.

CONCLUSION

Petitioners' Consent Motion for an Extension of Time should be granted and Petitioners should be given an additional three weeks, or until September 25, 1981, with the parties then to have a corresponding time to file a response, if any.

Respectfully submitted,

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August 25, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Peter B. Bloch, Chairman
Michael A. Duggan
Robert M. Lazo
Ivan W. Smith, Alternate



SERVED AUG 27 1981

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

Docket No. 50-389A

August 26, 1981

ORDER

Parsons and Whittemore, Inc. and Resources Recovery (Dade County), Inc. ("RRD") have, on August 25, 1981, filed an unopposed motion for an extension of time to and including September 25, 1981 for the filing of objections to this Board's Order of August 5, 1981 denying their petition to intervene. For good cause shown, it this 26th day of August 1981

ORDERED

That the RRD motion is granted.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Robert M. Lazo
Robert M. Lazo
ADMINISTRATIVE JUDGE

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