DOCKETED
USNRC

'81 NOV 25 P2:23

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SERVED NOV 25 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Victor Gilinsky
Peter A. Bradford
John F. Ahearne
Thomas M. Roberts

RECEIVED
NOV 27 1981
NUCLEAR REGULATORY COMMISSION

In the Matter of	
FLORIDA POWER AND LIGHT COMPANY	Docket Nos. 50-250
(Turkey Point Plant, Units 3 & 4)	50-251

ORDER

On July 10, 1981, the Director of the Division of Licensing, Office of Nuclear Reactor Regulation, issued an order confirming Florida Power & Light Company's commitment to comply with requirements related to the TMI Action Plan (NUREG-0737). By way of an undated postcard and pursuant to an opportunity for a hearing provided in the order (46 Fed. Reg. 37110, July 17, 1981), Mr. Jaffer requested a hearing on the order. The Federal Register notice directed that anyone other than the licensee requesting a hearing should "describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected" by the order.

D502
S
1/D

8111300162 811125
PDR ADOCK 05000250
G PDR

In order to be granted a hearing of right on an enforcement order, a party must show that it has an interest adversely affected by the order. Public Service Company of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), CLI-80-10, 11 NRC 438, 439 (1980). The petitioner's request objects to "delay and deviation from the guidance of NUREG-0737" for implementation of plant modifications regarding the TMI Action Plan. The July 10, 1981 order does not grant any relief or modifications from any legally enforceable TMI Action Plan requirements, but imposes those requirements and an implementation schedule for the first time. Thus, the petitioner's letter does not allege any interest which would be adversely affected by the imposition of the terms of the order itself. Mr. Jaffer also states that he had previously requested a hearing on "major license amendment applications in 1979." Those license amendments, apparently a reference to amendments permitting steam generator repairs at Turkey Point, are unrelated to the July 10, 1981 order.

In addition, the petition is deficient in that it does not address the criteria specified in the order under 10 CFR 2.714(a)(2). 10 CFR 2.714(a)(2) requires a petitioner to "set forth with particularity" certain factors regarding the petitioner's interest in the proceeding, and to address the criteria of 10 CFR 2.714(d).

For the reasons given above, the request provides an insufficient basis for a hearing. Moreover, based upon the petitioner's postcard request and the record in this enforcement action, the Commission does not believe that a discretionary hearing is warranted. See Portland General Electric Co.

(Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 613-14 (1976).

It is so ORDERED.

For the Commission

SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.
this 25th day of November, 1981