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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEALS PANEL

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Christine N. Kohl, Chairman:<sup>1</sup>

February 11, 1991

_____	)	
In the Matter of	)	
FLORIDA POWER & LIGHT CO.	)	Docket Nos. 50-250-OLA-6
(Turkey Point Nuclear Generating	)	50-251-OLA-6
Plant, Units 3 and 4)	)	(Emergency Power System
_____	)	Enhancement)

ORDER

On February 8, 1991, the Appeal Panel received an "Appeal Request," dated February 4, 1991, from Thomas J. Saporito, Jr., in this proceeding.<sup>2</sup> Although this filing fails to identify the particular order being appealed, presumably it is the Licensing Board's January 23, 1991, Memorandum and Order denying Mr. Saporito's petition to intervene. See LBP-91-2, 33 NRC \_\_\_\_.

The Commission abolished the Atomic Safety and Licensing Appeal Panel in June 1990 and thereafter established a transition plan for handling appeals from Licensing Board decisions until the completion of a rulemaking proceeding for future direct Commission review. Under the interim procedures now in effect and subject to an

<sup>1</sup> Issued pursuant to 10 C.F.R. § 2.787(b)(2).

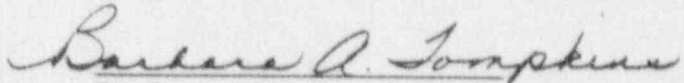
<sup>2</sup> This notice of appeal did not contain a certificate of service, but indicates that copies were sent to counsel for the applicant and NRC staff, among others.

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exception not pertinent here, Appeal Boards are authorized to decide only those appeals and related appellate matters pending before an Appeal Board on October 24, 1990. 55 Fed. Reg. 42,944, 42,945 (Oct. 24, 1990) ("Note" amending 10 C.F.R. § 2.785). Accordingly, Mr. Saporito's February 4 Appeal Request is referred to the Commission.

It is so ORDERED.

FOR THE APPEAL BOARD



Barbara A. Tompkins  
Secretary to the  
Appeal Board

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

FLORIDA POWER AND LIGHT COMPANY

Docket No. (s) 80-250/251-DLA-6

(Turkey Point Plant, Unit Nos. 3 & 4)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing AB ORDER DATED 2/11/91 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
John H. Frye, III, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Charles N. Kelber  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

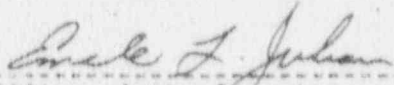
Administrative Judge  
David R. Schink  
Department of Oceanography  
Texas A&M University  
College Station, TX 77843

Patricia Jehle, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Thomas J. Saporito, Jr.  
Executive Director  
8135 S.W. 62nd Place  
S. Miami, FL 33143

Harold F. Reis, Esq.  
Newman & Holtzinger, P.C.  
Suite 1000  
1615 L Street, NW  
Washington, DC, 20036

Dated at Rockville, Md. this  
11 day of February 1991

  
Office of the Secretary of the Commission