

**FPL**

Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420

**DOCKET NUMBER**

L-2001-248

PERMISSION FILE # 52-2

NOV - 6 2001

(66FL 48828)

DOCKETED
USNRC

Ms. Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings and Adjudications Staff

January 18, 2002 (9:37AM)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**Re: Florida Power & Light Company Comments
NEI Petition for Rulemaking – Alternative Sites
66 Fed. Reg. 48828 (September 24, 2001)**

Dear Ms. Vietti-Cook:

Florida Power & Light Company (FPL), the licensee for the St. Lucie Nuclear Plant, Units 1 and 2, and the Turkey Point Nuclear Plant, Units 3 and 4, hereby submits the following comments in support of the above-referenced Petition for Rulemaking filed by the Nuclear Energy Institute (NEI).

Dramatic changes in the electric power industry toward a restructured, competitive electricity marketplace and the prospect of new nuclear power plant orders highlight the need for the NRC to reconsider the implementation of its responsibilities under the National Environmental Protection Act of 1969 (NEPA). As emphasized by NEI, in implementing NEPA, the NRC has imposed requirements on the content of environmental impact reviews that are unnecessary under the statute, unduly burdensome to both industry and the NRC, and outside the scope of the agency's mission. Specifically, the NRC should not be conducting reviews for alternative sites, alternative generating sources, and need for power. FPL supports and endorses NEI's petition to eliminate these NRC reviews for early site permit and combined license activities.

Matters of alternative sites and need for power determinations appear fundamentally to be market decisions in deregulated markets and the business of state public utility commissions in regulated markets. It is not clear in either case that these impact reviews support or reflect the NRC mission or that the NRC possesses the information and experience of the public utility commissions or the markets. As stated by Chairman Meserve in his February 28, 2001 letter to Senator Domenici, Chairman of the U.S. Senate Committee on Appropriations Subcommittee on Energy and Water Development, need for power and alternative generating source reviews are "distant from NRC's mission."

The NEI proposal is consistent with NEPA, which requires consideration of alternatives, but does not specifically require the NRC to consider alternative sites, alternative generating sources, and need for power. Adoption of the NEI proposal would clarify the NRC obligation and objective in either early site permit or combined license reviews to determine whether specific applications meet all applicable safety and environmental requirements. Implementation of the proposal would avoid NRC consideration of matters determined by other processes or outside the NRC's mission and expertise.

The proposal constitutes an appropriate change in NRC practice with respect to its environmental reviews under NEPA. Elimination of these NRC reviews is responsive to the expressed Commission interest to improve regulatory processes for new plants. FPL believes that resolution of this petition should be integrated with the upcoming notice of proposed rulemaking on Part 52.

We appreciate the opportunity to comment on NEI's petition for rulemaking.

Sincerely yours,

J. A. Stall
Senior Vice President, Nuclear
and Chief Nuclear Officer

an FPL Group company *Template = SECY-067*

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