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Mr. Samuel J. Chilk
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Docketing and Services Branch

SUBJECT: Ohio Citizens for Responsible Energy, Inc.
Receipt of Petition for Rulemaking
59 Fed. Reg. 30308, June 13, 1994
Request for Comments

On June 13, 1994 (59 FR 30308), the Nuclear Regulatory Commission (NRC) published for public comment a receipt of petition from the Ohio Citizens for Responsible Energy, Inc. (OCRE). This petition requests the NRC to revise its regulations of 10 CFR Part 9 to provide public access to information that is held by licensees, but not submitted to the NRC. Florida Power & Light Company (FPL), a licensed operator of two nuclear power plant units in Dade County, Florida and two units in St. Lucie County, Florida offers the following comments.

The Nuclear Energy Institute (NEI) and the Nuclear Utility Backfit and Reform Group (NUBARG) are offering comments on the petition. FPL endorses the NEI and NUBARG comments and recommendations. Additionally, FPL submits the following comments which highlight the NEI and NUBARG letters.

It is the NRC's responsibility to perform oversight functions to ensure the safe operation of nuclear power plants to protect the public health and safety. FPL believes that OCRE has not demonstrated that the public's additional oversight of the NRC and licensees, through massive document requests, would enhance the protection of the public's health and safety. The Freedom of Information Act (FOIA), to which the OCRE petition refers, was not intended to provide the public with unrestricted and limitless access to any document in any way related to government action or held by any entity affected by government regulation. Additionally, the FOIA does not grant the NRC authority to require licensees to respond to public request for internal licensee documents. FPL believes that the current regulations of 10 CFR Part 9 provide for a proper balance between the public's access to information and the rights of licensees.

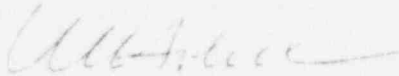
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Another component to consider is that the OCRE's proposal would constitute a backfit and would require a backfitting analysis since it would require licensees to change both the procedures and organization necessary to operate their facility. Changes that would result are: 1) additional personnel would be required to respond to requests for documents, 2) a review of all licensee's records would be required to determine which records are considered privileged under the exceptions listed in the OCRE proposal, and 3) development of new procedures for dealing with the requests and appeals that arise because of denial of requests. Accordingly, before any of the changes proposed by OCRE could be adopted, the NRC would need to perform a backfitting analysis demonstrating that a substantial increase in safety would result and that the costs are justified by that increase in safety.

FPL makes the recommendation that the NRC deny this petition, and appreciates the opportunity to comment on this issue.

Very truly yours,



W. H. Bohlke
Vice President
Nuclear Engineering and Licensing

WHB/spt