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

FPL

L-2002-026

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66 FR 64890
(7)

Mr. Michael Lesar
Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Mail Stop T-6 D59

Re: Florida Power & Light Company Comments
Enforcement Program and Alternative Dispute Resolution
66 Fed. Reg. 64890 (Dec. 14, 2001)

Dear Mr. Lesar:

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, provides the following comments on the above-referenced notice concerning the use of alternative dispute resolution (ADR) in NRC's enforcement process.

FPL supports a non-mandatory framework for resolving disputes in the enforcement process by ADR. We suggest that an initial attempt at the use of non-binding mediation should be available to parties throughout an enforcement proceeding. The mediator should be a neutral familiar with nuclear energy issues and with the NRC's adjudicatory process. The ADR process should not affect the schedule set by the Commission in completing an adjudicatory proceeding, so this process cannot be used by parties to delay the outcome of a proceeding. FPL believes that the structure of any ADR function, including confidential discussions among the parties, should be determined by the mediator and the parties, and should not be subject to binding regulatory requirements.

Additionally, FPL believes that ADR should be offered to the alleger and the licensee in cases involving allegations of discrimination in violation of 10 CFR 50.7. The root of many discrimination allegations is a misunderstanding or miscommunication between employer and employee. The use of ADR in discrimination cases could possibly bridge the gap between employers and employees and resolve disputes without the need for a formal investigation by the NRC's Office of Investigations. FPL respectfully suggests that the Commission reconsiders the conclusions of the Discrimination Task Group and provide for ADR in discrimination cases.

We appreciate the opportunity to comment on the use of ADR in the NRC's enforcement process.

Sincerely yours,

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

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