



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

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DEC 21 1999

Mr. Jack R. Goldberg
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

**Re: Florida Power & Light Company Comments
Antitrust Review Authority: Clarification
64 Fed. Reg. 59671 (Nov. 3, 1999)**

**DOCKET NUMBER
PROPOSED RULE PR 2+50
(64FR59671)**

Dear Mr. Goldberg:

Florida Power & Light Company (FPL), the owner and operator of the St. Lucie Nuclear Plant, Units 1 and 2, and the Turkey Point Nuclear Plant, Units 3 and 4, hereby submits the following comments on the above referenced revision to the Nuclear Regulatory Commission's (NRC) regulations clarifying its limited antitrust review authority.

In summary, FPL agrees with NRC's decision in the Wolf Creek license transfer proceeding¹ that its limited antitrust authority does not extend to consideration of the antitrust implications of license transfer applications. FPL supports the proposed rulemaking and urges the Commission to issue a final rule and a final Standard Review Plan on Antitrust Reviews as proposed. In the antitrust context, FPL further encourages NRC to continue its efforts to seek legislation from Congress to divest NRC of its antitrust authority, deferring instead to other federal and state agencies that have antitrust jurisdiction.

FPL commends the NRC for its willingness to reconsider a long-standing agency practice that was found ultimately to be inconsistent with the antitrust authority in the Atomic Energy Act. Such an open-minded approach to reevaluating its statutory responsibilities will help lead to streamlining of agency practices and will lead to a more efficient NRC, thereby improving in its mission to protect the public health and safety.

We appreciate the opportunity to comment on the above referenced rulemaking.

Sincerely yours,

Thomas F. Plunkett
President
Nuclear Division

¹ Kansas Gas & Elec. Co. (Wolf Creek Generating Station, Unit 1), CLI-99-19, 49 NRC 441, 446 (1999).

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