



E. Baker

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

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RULES & DIR. DIVISION-2000-092
US NRC

65FR 6399

Feb. 9, 2000

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Mr. David L. Meyer
Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D59
Washington, DC 20555-0001

Re: Florida Power & Light Company Comments
Treatment of Allegations Under the New NRC Reactor Oversight Process
65 Fed. Reg. 6399 (Feb. 9, 2000)

Dear Mr. Meyer:

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 Federal Register notice concerning the treatment of allegations under the new NRC reactor oversight process. For the reasons set forth below, and for the reasons set forth in the comments of the Nuclear Energy Institute on this matter, we support adoption of Option 3 as presented in the above-referenced notice.

FPL believes that the current approach for treating allegations places undue weight on allegations regardless of their safety significance. In this regard, it is entirely consistent with the new reactor oversight process to apply the significance determination process to allegations. Implementation of Option 3 will ensure that the agency and licensees will prioritize their resources on those matters that have the highest risk significance. This should also conserve agency and licensee resources without compromising safety.

FPL does not share the concern that implementation of Option 3 would result in any increased risk from the current approach with respect to identity protection of alleged. As discussed in SECY-99-273, the Staff asserts that Option 3 may not effectively protect the identity of an alleged who previously raised the same concern with the licensee. Under the current approach, the NRC may send an inspector to review the issue. The fact that an inspector is looking at an issue that was previously the subject of a concern may be enough to identify someone as an alleged. We see no difference in such inspections under Option 3 so long as the inspections are performed in a manner that does not highlight the allegation.

The NRC should also ensure that its determinations of the risk significance of an allegation be promptly communicated to the alleged. While we disagree with the proposal in Option 4 that the Staff should follow-up on allegations if the alleged rejects

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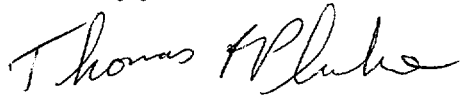
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the Staff's conclusion regarding the risk significance of an allegation, the Staff should consider the allegor's feedback in determining the risk significance of the allegation. This should help enhance public confidence in the allegations program.

In the Federal Register notice, the NRC asked for comment whether one of these options should be implemented in a pilot program before implementation. FPL supports swift implementation of a risk-informed allegations program without a pilot effort so that the agency and its licensees can focus resources on matters that are truly risk significant without delay.

We appreciate the opportunity to comment on this important issue.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas F. Plunkett". The signature is fluid and cursive, with the first name "Thomas" being more prominent.

Thomas F. Plunkett
President
Nuclear Division