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STATE OF FLORIDA

E. LEON JACOBS, JR.,
CHAIRMAN

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DOCKET NUMBER
PROPOSED RULE PR 50
(66FR 29244)



Public Service Commission

DOCKETED
USNRC

October 2, 2001 (12:07PM)

September 28, 2001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

Re: Proposed rulemaking on decommissioning trust provisions (10 CFR, Part 50).

Dear Ms. Vietti-Cook:

We are pleased that the Nuclear Regulatory Commission (NRC) is seeking to codify its existing practice and consider enhancements to nuclear decommissioning trust agreements. The FPSC understands that changes in the electric industry could mean that some nuclear units may be divested by regulated utilities. The FPSC respectfully requests that the NRC clarify that nothing in its final rule will preempt any state authority from reviewing the transfer of a nuclear facility's assets out of rate base and the impact on ratepayers.

The NRC's present rules require a minimum amount for the decommissioning of nuclear plants. However, this minimum provision does not include costs such as returning the site to greenfield condition or costs related to on-site storage of spent fuel beyond the termination of the operating licenses. Florida's estimates for decommissioning do include these items and therefore exceed those of the NRC.

The FPSC asks that the NRC clarify that its proposed amendments establish only minimum requirements for decommissioning trusts and that a State commission is not preempted from requiring additional safeguards as it deems necessary. As stated, the FPSC presently requires commercial nuclear plants operating in Florida to have a decommissioning trust fund which is capable of funding non-radiological activities associated with decommissioning, such as restoring sites to greenfield condition and on-site storage of spent nuclear fuel. The FPSC wishes to ensure its continued ability to protect ratepayers from any financial risks associated with nuclear decommissioning.

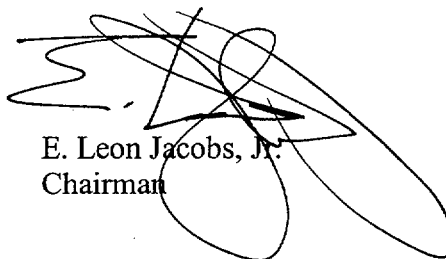
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We appreciate your consideration of this Federal-State concern.

Sincerely,

A handwritten signature in black ink, appearing to be "E. Leon Jacobs, Jr.", written over a printed name and title. The signature is stylized with several loops and a horizontal line across the middle.

E. Leon Jacobs, Jr.
Chairman