



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

April 26, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, D.C. 20554

Reference: In the Matter of **Aeronautical Radio, Inc.** (Application for Private Land Mobile Radio Services, Ft. Lauderdale, Florida, and Request for Waiver of Short-Spacing Requirements and Inter-Category Sharing Freeze), FCC File No. 0000820555

Dear Ms. Dortch:

It has been brought to our attention by Florida Power & Light Company (FPL), a licensee of the Nuclear Regulatory Commission (NRC), that the Federal Communications Commission is considering the referenced application. The NRC, through its staff, wishes to bring to your attention its concern about the potential impact of the FCC's resolution of this matter on the ability of FPL to comply with NRC requirements regarding the security of FPL's Turkey Point and St. Lucie nuclear facilities and FPL's ability to satisfy emergency preparedness requirements applicable to those facilities.

I and other NRC officials with responsibility for NRC's regulatory requirements and oversight programs regarding physical protection and safeguards of nuclear facilities and materials and emergency planning have carefully read FPL's Petition to Deny filed on April 22, 2002, in this matter. In particular, we have read FPL's statements in the Summary and sections II.B. and III.A. of its Petition to Deny regarding NRC requirements relevant to this matter. We wish to confirm the accuracy of those statements summarizing NRC's security and emergency preparedness regulation.

We have also carefully read FPL's statements in those sections describing the adverse affects on FPL's ability to satisfy those requirements if FPL does not have continuously available to it a reliable frequency to communicate regarding security and emergency preparedness, for both routine communications and in the event an actual threat, attack or safety event. The NRC strongly agrees with and shares FPL's concerns in these regards.

Finally, we have carefully read in those sections FPL's brief description of the NRC's enforcement authority if FPL does not fully comply with applicable requirements, and we agree with those statements.

As you undoubtedly are aware, the NRC has taken significant steps since the tragic terrorist attacks of September 11th to enhance security around the Nation's nuclear facilities. These steps include the issuance on February 25, 2002, of orders to all operating nuclear power reactor licensees, such as FPL, requiring substantial upgrades of security. Now, more than ever, we cannot risk any degradation of the ability of nuclear reactor or other nuclear licensees

to protect the public health and safety and common defense and security. The inability of FPL to satisfy NRC's security and emergency preparedness requirements due to the unavailability of continuous and reliable communications would constitute an unacceptable risk.

In summary, the NRC urges the FCC to consider the adverse impact on FPL's ability to protect public health and safety in accordance with NRC requirements if FPL does not have available to it a means of continuous and reliable communication to satisfy NRC's security and emergency preparedness requirements.

Sincerely,

(/RA by Michael F. Weber for R. Zimmerman)

Roy P. Zimmerman, Director
Office of Nuclear Security
and Incident Response

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