



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

10/31/02
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Rules and Directives
Division

Mr. Michael T. Lesar
Chief, Rules and Directives Branch
Division of Administration Services
Office of Administration, Mail Stop: T6D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Florida Power & Light Company and FPL Energy Seabrook Comments
Revision of NRC Enforcement Policy (67 Fed. Reg. 66311, October 31, 2002)
10 CFR Part 26, Fitness-for-Duty Programs, Policy Statement Revision
Opportunity for Public Comment

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, and FPL Energy Seabrook (FPLE Seabrook) the licensee for Seabrook Station hereby submit the following comments on the above-referenced notice of revision of the NRC's Enforcement Policy. For the reason set forth below, FPL and FPLE Seabrook respectfully request that the Nuclear Regulatory Commission (NRC) change the effective date of this enforcement discretion to match the implementation date of the anticipated Order for the Interim Compensatory Measures (ICM) regarding Fitness-for-Duty matters.

As explained in the comments on this matter filed by the Nuclear Energy Institute (NEI) on November 21, 2002, the nuclear industry's primary concern with the proposed revision to the Enforcement Policy is one of timing. The proposed effective date for implementation of the NRC Enforcement Policy revision is December 30, 2002. While the Commission is expected to issue ICMs for access authorization in the near future, this ICM is expected to significantly change some Fitness-for-Duty program elements of 10 CFR Part 26 and, by extension, the proposed enforcement discretion would also be changed.

To avoid a situation where licensees would be required to prepare two separate changes in quick succession to FFD programs, FPL and FPLE Seabrook request that the effective date of the proposed enforcement discretion be changed to match the implementation date of the anticipated Order for the ICM.

We appreciate the opportunity to comment on the proposed rulemaking. Please contact us if there are questions concerning this comment.

Sincerely yours,

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

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F-RJDS = ADM-03
Call - G. West (EXW)
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