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

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Rules and Directives

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67 FR 70468

(7)

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
Solicitation of Public Comments on the Third Year of Implementation of the
Reactor Oversight Process (67 FR 70468, dated November 22, 2002)

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 solicitation of public comments on the Reactor Oversight Process (ROP). The Nuclear Energy Institute (NEI) has generated industry comments on each of the questions posed in the federal register. FPL and FPLE Seabrook endorse these industry comments and highlight several of the comments below.

FPL and FPLE Seabrook believe that the ROP provides a uniform, consistent process by which the NRC deploys its inspection activities to determine whether plants are being operated safely. Through the use of performance indicators and inspection finding safety determinations, the ROP provides for a consistent, measurable, and objective assessment of nuclear power plant safety.

Overall, there has been a reduction in regulatory burden on FPL/FPLE Seabrook. The burden has primarily been reduced due to the Significance Determination Process (SDP) and the new Enforcement Policy that is aligned with the SDP. In most cases, the SDP assessment of inspection findings has had the positive effect of placing minor issues and minor violations in a proper risk perspective. These issues can be placed in the corrective action program, and NRC and FPL/FPLE Seabrook's time and effort can be devoted to more risk important issues. The greatest improvement has been in the reactor safety area where the performance indicators and reactor SDP permits the allocation of resources based on safety significance. The non-reactor safety SDPs offer significantly more consistency to the process when compared to the prior inspection process. However, these SDP's did not benefit from the same review and use during the pilot process, as did the reactor SDP. As a result, problems have arisen in the physical security, ALARA, and Fire Protection areas that need to be resolved in a public and controlled manner. A process similar to that used to manage change in the performance indicators should be applied to changes in SDPs, to include setting clear criteria for change, table-top testing and piloting, and training for NRC and industry before implementation.

With the merging of many licensed operators into larger multi-site companies that can share common programs and procedures, efficiency can be gained by combining programmatic inspections. A single inspection can review a common program used by multiple sites. This

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common inspection will reduce the inspection resources and the fee billed while still providing adequate assurance of program wellness. Industry efforts in the area of self-assessment could also provide an opportunity for more efficient use of NRC resources and burden reduction. For example, NRC could participate as an evaluator on a site assessment team rather than send its own team. The evaluator could determine if the assessment approach, methodology and results meet NRC standards such that the assessment could replace an NRC inspection.

FPL and FPLE Seabrook appreciate NRC's openness and willingness to consider stakeholders' comments and recommendations on the ROP. The continuing degree of public interaction has allowed the process to effectively address most emerging questions and unforeseen concerns in a timely and fair manner. Without forsaking its responsibility to make the final decision, NRC has been willing to openly share its ideas and to allow public comment on a real-time basis. The result has been a far better product than could have been achieved in the past. This new standard of communication and understanding between the regulator, licensees and the non-industry public is to be commended.

Please contact us if there are questions concerning these comments.

Sincerely yours,



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