



**FPL**

PR 1,2,10,19,20,21,25,26,50,51,52,54,55, et. al.  
(71FR12781)

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Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

DOCKETED  
USNRC

ATTN: Rulemakings and Adjudications Staff

June 2, 2006 (2:51pm)

Re: St. Lucie Units 1 and 2  
Docket Nos. 50-335 and 50-389  
Turkey Point Units 3 and 4  
Docket Nos. 50-250 and 50-251  
Seabrook Station  
Docket No. 50-443  
Duane Arnold Energy Center  
Docket No. 50-331

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

NRC Proposed Rule, "Licenses, Certifications, and Approvals for Nuclear Power Plants"  
(71 FR 12782; March 13, 2006)

Florida Power & Light Company (FPL), the owner and operator of the St. Lucie Nuclear Plant, Units 1 and 2, and Turkey Point Nuclear Plant, Units 3 and 4; FPL Energy Seabrook, LLC, the owner of a controlling interest in and operator of Seabrook Station; and FPL Energy Duane Arnold, LLC, the owner of a controlling interest in and operator of Duane Arnold Energy Center (collectively FPL), submit these comments on the above-referenced rulemaking concerning changes to Nuclear Regulatory Commission (NRC) requirements for Combined Operating License (COL) applications.

Energy companies nationwide are taking significant steps to preserve the benefits of the nuclear power option. These actions are part of a commitment to a diverse mix of fuels and to providing economically and environmentally responsible electricity to meet future customer needs. Many licensees, including FPL, are considering the submittal of COL applications to the NRC. In this regard, FPL has submitted a letter to NRC dated April 3, 2006 stating its intention to submit a COL application for a site in Florida in 2009. Accordingly, FPL has a direct and substantial interest in the outcome of this rulemaking.

FPL supports and endorses the comprehensive comments submitted by the Nuclear Energy Institute on behalf of the nuclear industry. In addition to the potential of financial incentives and investment protection for new nuclear power plants, which derive from the Energy Policy Act of 2005, the nuclear industry is anticipating the NRC's improvements in effectiveness and efficiency of the licensing and approval process for future COL applicants. In summary, FPL's comments below concern the need for streamlined Part 52 licensing reviews and an efficient COL hearing process.

FPL joins in the call for streamlined NRC Part 52 licensing reviews, which would:

- Allow greater flexibility for site/construction preparation. Pre-construction activities currently outlined in 10 CFR 50.10(b) and 50.10(e)(1) should be authorized without the need for a prior permit or LWA. NRC approval of pre-construction activities should focus solely on matters pertaining to safety.

- Allow phased submittal of COL application to permit NRC review to begin licensing review at an earlier date, e.g., portions of the application related to environmental and siting issues. See 10 CFR 2.101 (clarifying revisions would be needed). This approach would give the NRC greater flexibility in allocating its resources to licensing reviews.
- Avoid reopening of issues already resolved as a result of NRC's design-centered approach or as a result of reviews of Early Site Permit (proposed 10 CFR 52.27(c)) or Design Certification (proposed 10 CFR 52.55(c)) applications.
- Provide additional protection in Part 52 against backfitting. FPL supports the NRC's proposed language for 10 CFR 50.109 cross-references to the applicable provisions of Part 52, which would provide the same backfitting protections for Part 52 licensing processes. An alternative would be for the NRC to include backfitting standards in each subpart of Part 52.
- Provide clear NRC guidance for verifying completion of ITAAC, given the central importance of ITAAC to the Part 52 licensing process in which the Commission may find, in deciding to issue a COL, that ITAAC criteria have been satisfied and may be excluded from the COL (proposed 10 CFR 52.97(a)(2)). This would include guidance on expediting ITAAC verification and on special processes for managing ITAAC verification in the last six months prior to fuel load, pursuant to the ongoing NEI-NRC joint discussions and as described in NEI 06-01, "COL Implementation Guideline."
- Eliminate ambiguities between Part 50 substantive safety requirements and Part 52 licensing processes. A COL applicant should be able to credit existing operational programs supporting approval of the COL without ITAAC for such operational programs. FPL supports the NRC proposed language to allow COL applicants to describe existing (Part 50) operational programs in a COL application (proposed 10 CFR 52.79), thereby eliminating the need for duplicative information submittals and NRC reviews.

FPL supports NRC measures to establish an efficient COL hearing process, including measures to:

- Affirmatively control the COL hearing process including use of Commission-imposed and enforced firm schedules for completion of hearings and timely issuance of decisions. FPL commends the Commission's effectiveness in controlling the LES uranium enrichment facility licensing by the adoption of detailed adjudicatory milestones in that case (CLI-04-03, dated January 30, 2004).
- Clearly specify what items are properly included in the scope of COL hearings, by placing proper limits on issues resolved in ESP proceedings to eliminate redundant litigation of ESP siting issues in COL or other future licensing proceedings involving a referenced ESP.

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- Carefully control the procedures and schedule for completion of any pre-operational hearing contemplated by 10 CFR 52.103. The current framework in Part 52 establishes a very compressed schedule (180 days to render a decision from the notice of intended operation) and creates the risk of delaying fuel load and plant startup.

FPL is supportive of NRC's efforts to improve its processes for licensing and approval of new nuclear plants. We appreciate the opportunity to comment on this important rulemaking.

Sincerely yours,



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