



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

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Ms. Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications Staff

OF
AD

DOCKET NUMBER
PROPOSED RULE **PR 72**
(64FR 59677)

Re: Florida Power & Light Company Comments
Notice of Proposed Rulemaking -10 CFR Part 72
Clarification and Addition of Flexibility
RIN 3150-AG15, 64 Fed. Reg. 59677 (Nov. 3, 1999)

Dear Ms. Vietti-Cook:

Florida Power & Light Company (FPL), the owner and operator of the St. Lucie Nuclear Plant, Units 1 and 2, and the Turkey Point Nuclear Plant, Units 3 and 4, hereby submits the following comments in support of the above-referenced notice of proposed rulemaking. In summary, the clarifications and flexibility proposed by the Commission will streamline the licensing process for independent spent fuel storage installations without any decrease in the level of protection of the public health and safety.

FPL suggests one change to the proposed rule. As proposed, the rule (10 CFR 72.46(e)) would eliminate consideration of storage cask designs from any public hearing held to consider an application for a site specific Part 72 license in cases where a certificate of compliance has been issued for the storage cask incorporated by reference in the application. The rationale for the proposed change is that storage cask designs that are included in Subpart L to Part 72 have already been the subject of public comment as part of the rulemaking conducted to review and approve that cask design. This is deemed acceptable because the public has already had a chance to meaningfully participate, by rulemaking, in the approval process for spent fuel storage casks.

In this regard, FPL suggests that the exclusion from the scope of the public hearing on a site specific Part 72 license in 10 CFR 72.46(e) should also extend to storage casks for which applications for a certificate of compliance have been filed with the Commission at the time the request for hearing is filed. The rationale stated by the Commission applies equally to this situation. The public will have an opportunity for meaningful participation in the rulemaking process for the referenced storage cask, regardless of whether the NRC's review of that application is pending or final at the time of the public hearing on the Part 72 license application.

We appreciate the opportunity to comment on the proposed changes to 10-CFR Part 72.

Sincerely yours,

Rajiv S. Kundalkar
Vice President
Nuclear Engineering

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