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From: RulemakingComments Resource
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Subject: PR-51 Waste Confidence
Attachments: Comment from James Petro on behalf of Florida Power & Light, NextEra, etal received via mail.pdf

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December 20, 2013
L-2013-338

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: Request for Comment, "Waste Confidence - Continued Storage of Spent Nuclear Fuel," Proposed Rule (78 Fed. Reg. 56,776, Sept. 13, 2013); "Draft Waste Confidence Generic Environmental Impact Statement" 78 Fed. Reg. 56,621, Sept. 13, 2013 (Docket ID: NRC-2012-0246-0361, NRC-2012-0246-0362)

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 its affiliates, NextEra Energy Seabrook, LLC, the licensee for the Seabrook Station, NextEra Energy Duane Arnold, LLC, the licensee for the Duane Arnold Energy Center, and NextEra Energy Point Beach, LLC, the licensee for the Point Beach Nuclear Plant, Units 1 and 2 (hereafter referred to collectively as "NextEra"), hereby submit the following comments on the subject draft Generic Environmental Impact Statement ("GEIS") and proposed revisions to the Temporary Storage Rule ("TSR") published by the Nuclear Regulatory Commission in the *Federal Register* on September 13, 2013. Though the entire NextEra nuclear fleet has an intense interest in the timely resolution of these important industry issues, the matter is of special importance to FPL and NextEra Energy Seabrook, LLC due to the pendency of their applications for a combined construction and operating license for Turkey Point Units 6 and 7 and a renewed operating license for Seabrook Station, respectively. The Commission has suspended licensing decisions in these and other significant licensing dockets pending the resolution of this rulemaking proceeding. Accordingly, NextEra commends the NRC for assigning a high priority to completing this important work within the planned 24-month schedule.

NextEra endorses the comments of the Nuclear Energy Institute ("NEI") on these documents, dated December 20, 2013, and offers the following additional comments for the NRC's consideration.

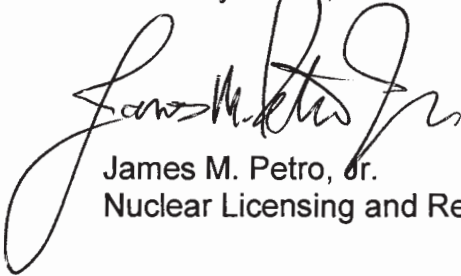
First, NextEra believes that its strong record of safely storing spent nuclear fuel, along with that of the rest of the nuclear industry, is compelling evidence that spent fuel can and will be stored safely and securely in the period following a reactor's period of licensed operations. The NRC's proposed TSR revision accurately reflects this high level of assurance in its finding that it is "feasible to safely store spent nuclear fuel following the licensed life for operation of a reactor."

Second, NextEra supports the NRC's decision to continue following its historical approach to this industry-wide issue by considering it generically, both through the GEIS and through the proposed rule. The decision to address this generic issue on a generic basis instead of in individual licensing proceedings continues to be the right choice.

Finally, NextEra concludes that the NRC adequately addressed the areas of concern identified by the Court in *New York v. NRC*. NextEra concurs with NEI that, though the need for indefinite storage is unlikely, the NRC's consideration of the indefinite storage scenario makes for a robust analysis that satisfies the Court's requirements. Similarly, the NRC's discussion of spent fuel pool leaks and fires is adequate to address the Court's stated concerns. NextEra agrees with the NRC's ultimate conclusion that the environmental impacts of spent fuel pool leaks and the probability-weighted consequence of spent fuel pool fires would be small.

We appreciate the NRC's consideration of NextEra's views on this important matter.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "James M. Petro, Jr.", written over a horizontal line.

James M. Petro, Jr.
Nuclear Licensing and Regulatory Compliance Director