



JUL 26 2013

L-2013-229
10 CFR 50.75(f)(1)

Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

RE: NextEra Energy Seabrook, LLC
Seabrook Station
Docket No. 50-443

Request for Additional Information – 2013 Decommissioning Funding Status Reports

By letter dated June 28, 2013, NRC requested additional information related to NextEra Energy's 2013 Decommissioning Funding Status report for Seabrook Station, Unit 1 (NRC ADAMS Accession No. ML 13093A156).

Enclosed is the NextEra Energy Seabrook response to the subject request.

If you have any further questions, please contact Mark Dryden at (561) 694-4430 and/or Mark.Dryden@fpl.com.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Nicholson".

Larry E. Nicholson
Director of Licensing

Enclosure

A001
MLK

Enclosure - Seabrook Station, Unit 1- Request for Additional Information for
2013 Decommissioning Funding Status Report (TAC NO. MF2245)

NRC Request for Additional Information

Indicate what portion of the accumulated fund balances are for radiological decommissioning activities only. Specify, if any, of the \$460,911,928 for Seabrook is for non-radiological decommissioning costs such as spent fuel management or other non-radiological decommissioning activities.

On March 25, 2013, NextEra provided the amount accumulated in the decommissioning trust fund at the end of the calendar year preceding the date of the report for items included in 10 CFR 50.75 (b) and (c). Confirm that the dollar amounts identified above are exclusively for radiological decommissioning.

Per 10 CFR 50.75(f)(1), licensees must identify "the amount accumulated to the end of the calendar year preceding the date of the report." This actual amount is dedicated for NRC decommissioning activities, as defined in 10 CFR 50.2. Per phone conversation on May 30, 2013, between NRC and NextEra staff (meeting summary may be found at NRC ADAMS Accession No. ML 13158A 197), NRC indicated that it would generate an RAI in response to NextEra's 2013 DFS report submission for Seabrook. Specifically, it remained unclear to the NRC staff what portion of the trust fund balance for Seabrook was dedicated to NRC decommissioning activities, as defined in 10 CFR 50.2.

Response

In addition to NRC regulations governing decommissioning funding, the State of New Hampshire has a statutory nuclear decommissioning funding process overseen by its Nuclear Decommissioning Financing Committee (NDFC). While the NRC definition of decommissioning in 10 CFR 50.2 is limited to activities necessary for NRC license termination (radiological decommissioning), the state definition of decommissioning is broader and the NDFC decommissioning funding amount includes site restoration and spent fuel management costs. Funds within the Seabrook trust are not segregated or earmarked for these separate purposes. As the NRC instructed FPL in a letter dated November 26, 2008 (ADAMS No. ML082800278), because those separate cost components are not earmarked in the trust, the licensee should report all funds within the trust to the NRC as designated for radiological decommissioning purposes unless the state regulatory authority will not allow the use of certain funds for radiological decommissioning. While the Seabrook trust is being funded to cover all costs (radiological and otherwise), the New Hampshire NDFC has not restricted any portion of the trust from being used for radiological decommissioning. We understand that, in order to use non-earmarked funds within the trust for purposes other than radiological decommissioning, the NRC would need to grant an exemption from 10 CFR 50.82(a)(8)(i)(A) and would only grant such an exemption allowing the use of funds from the trust for spent fuel management or site restoration if sufficient funds would remain in the trust to cover the full estimated cost of radiological decommissioning.

As a result, the full fund balance identified in the biennial decommissioning funding report should be considered "exclusively for radiological decommissioning" subject to a potential future NRC exemption. In the event that a future order of the NDFC directs restriction of the use of certain funds within the Seabrook trust for radiological decommissioning and that order would result in a projected shortfall of funds for NRC radiological decommissioning funding, action to correct that projected shortfall would be required through one of the methods approved in 10 CFR 50.75, in accordance with Regulatory Guide 1.159, "Assuring The Availability of Funds for Decommissioning Nuclear Reactors."