

## NRR-PMDAPEm Resource

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**From:** Gratton, Christopher  
**Sent:** Wednesday, May 21, 2014 2:53 PM  
**To:** Westcott, Daniel (Daniel.Westcott@duke-energy.com)  
**Cc:** Broaddus, Doug  
**Subject:** Request for additional information - Decommissioning Trust Fund Exemption request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Westcott,

By letter dated March 28, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14098A037), Duke Energy Florida, Inc. (DEF, or the licensee) submitted an exemption request regarding Crystal River Nuclear Plant Unit 3 (CR-3) Facility Operating License. The proposed exemption would allow the CR-3 decommissioning trust funds (DTFs) held by DEF and the co-owners to be used for spent fuel management and site restoration activities. DEF also requested, on behalf of itself and the CR-3 co-owners, pursuant to 10 CFR 50.12, an exemption from 10 CFR 50.75(h)(2) to allow CR-3 DTF disbursements for spent fuel management and site restoration activities to be made without prior notice, similar to withdrawals in accordance with 10 CFR 50.82(a)(8).

The Nuclear Regulatory Commission (NRC) staff has performed a preliminary review of the request and found that some further information is needed to complete the staff's review. The staff's draft information request is included below. The NRC considers that timely responses to request for additional information (RAIs) help ensure sufficient time is available for the NRC staff review and contribute toward the NRC's goal of efficient and effective use of staff resources.

Please provide your response by July 3, 2014.

You may request a conference call to discuss the contents of this draft RAI with the NRC staff, including any change to the proposed schedule. Please send me an email if you do not need a conference call to clarify the draft RAI. If you do not require a call to clarify the draft RAI, the information request will be considered final.

Respectfully,

Christopher Gratton  
Sr. Project Manager  
PM Crystal River Nuclear Generating Plant  
NRR/DORL/LPL 4-2 and Decommissioning Transition Branch  
301-415-1055  
Mail Stop O-8G9a  
[Christopher.Gratton@nrc.gov](mailto:Christopher.Gratton@nrc.gov)

REQUEST FOR ADDITIONAL INFORMATION  
OFFICE OF NUCLEAR REACTOR REGULATION  
CRYSTAL RIVER UNIT 3  
DOCKET NO. 50-302

### Background

The U.S. Nuclear Regulatory Commission (NRC) staff is currently reviewing Duke Energy Florida's (DEF) Crystal River Unit 3 (CR-3) exemption request from Title 10 of the *Code of Federal Regulations* (CFR) Part 50, Sections 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2), dated March 28, 2014 (Agencywide Documents Access and Management System (ADAMS))

Accession No. ML14098A037). The staff determined the following information is needed:

**Request for Additional Information #1:**

Florida Public Service Commission (FPSC) Order No. PSC-13-0452-FOF-EI permits DEF to allocate its decommissioning trust fund among the three categories of license termination, spent fuel management, and site restoration. However, when requested by the licensee, the FPSC did not issue a declaratory statement prohibiting spent fuel management and site restoration funds to be used for license termination costs without FPSC approval. By letter dated March 31, 2014, DEF submitted its Annual Decommissioning and Irradiated Fuel Management Financial Status Report for 2013 (ADAMS Accession No. ML14089A039). In that report, DEF indicated that 62.86%, or \$520,973,000, of the decommissioning trust fund is designated for radiological decommissioning. However, in the exemption request, DEF performed a cash flow analysis based on 100% of the decommissioning trust fund, or \$824,788,000, and on expenses unrelated to decommissioning as defined in 10 CFR 50.2.

According to 10 CFR 50.82(8)(i)(A), "Decommissioning trust funds may be used by licensees if the withdrawals are for expenses for legitimate decommissioning activities consistent with the definition of decommissioning in §50.2." It is not clear to the NRC staff what portion of the nuclear decommissioning trust fund is meant for decommissioning as defined in 10 CFR 50.2. Please provide the amount in the nuclear decommissioning trust fund dedicated for decommissioning, as defined in 10 CFR 50.2, and provide an updated cash flow analysis.

**Hearing Identifier:** NRR\_PMDA  
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**From:** Gratton, Christopher

**Created By:** Christopher.Gratton@nrc.gov

**Recipients:**

"Broaddus, Doug" <Doug.Broaddus@nrc.gov>

Tracking Status: None

"Westcott, Daniel (Daniel.Westcott@duke-energy.com)" <Daniel.Westcott@duke-energy.com>

Tracking Status: None

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