

THE STATE OF NEW HAMPSHIRE
NUCLEAR DECOMMISSIONING FINANCING COMMITTEE
DOCKET NO. NDFC 2006-1

PRELIMINARY REPORT AND ORDER

Concord, New Hampshire
October 9, 2006

1
2
3
4
5
6
7
8
9

**THE STATE OF NEW HAMPSHIRE
NUCLEAR DECOMMISSIONING FINANCING COMMITTEE
DOCKET NO. NDFC 2006-1**

PRELIMINARY REPORT AND ORDER

10
11
12
13
14

I. SUMMARY OF FINDINGS

15
16
17
18
19
20
21
22
23
24
25
26

The Nuclear Decommissioning Funding Committee (NDFC or Committee) conducted the annual review of the Decommissioning Trust Fund (Decommissioning Trust or Fund) as required by RSA 162-F:22. The Committee considered the evidence presented and made the following findings to ensure that prompt, safe, and orderly decommissioning of Seabrook Station can occur.

1. The funding date will remain 2026.
2. The projected cost of decommissioning is \$699.7 million, when expressed in 2006 dollars.
3. The inflation adjustment applied to the schedule of payments will remain 3.0%, as set in NDFC Docket 2003-1.
4. The escalation adjustment applied to the cost of decommissioning will remain 4.5%, as set in NDFC Docket 2003-1.
5. The funding assurances from FPLE Seabrook, LLC, established in NDFC Docket 2002-2 will remain unchanged.
6. The funding assurance escrow account established in NDFC Docket 2003-1 will continue to be used, with the termination date and the contributions in 2007 modified as set forth in this Order.

27
28
29

The Committee's findings are discussed in detail below.

1 II. PARTIES AND THEIR POSITIONS

2 The entities granted full party status were the Massachusetts Municipal Wholesale
3 Electric Company (MMWEC), the Seacoast Anti-Pollution League (SAPL), and FPL
4 Energy Seabrook, LLC as managing agent of Seabrook Station (FPLE or Managing
5 Agent). The parties produced a Stipulation addressing all issues (Exhibit No. 2), with
6 FPLE and SAPL supporting all provisions of the Stipulation. MMWEC supported all
7 provisions of the Stipulation except the recommendation that FPLE's current funding
8 assurances are sufficient. Exhibit No. 2.

9 Taunton Municipal Lighting Plant (Taunton) and Hudson Light and Power
10 Department (Hudson), both owners of minority interests in Seabrook Station, were
11 notified of the Docket by the Order of Notice and NDFC Docket 2006-1 Order No. 1, but
12 did not choose to participate. In the absence of direct participation, the NDFC assumes
13 that Taunton and Hudson were represented by the Managing Agent for Seabrook Station.

14

15 III. PROCEDURAL HISTORY

16 On March 31, 2006, the Seabrook Station 2006 Annual Report (2006 Annual
17 Report) was filed (Exhibit No. 1). The Order of Notice for this docket was issued on
18 April 27, 2006. Timely notice of the Docket was provided to the public by publication in
19 newspapers on May 9, 2006, and filed with the Town of Seabrook Selectmen's Office on
20 May 8, 2006. The first pre-hearing conference was held on May 30, 2006. On August 14,
21 2006, the NDFC issued Order No. 1 adopting the procedural schedule and scope
22 suggested by the parties. The parties held pre-hearing conferences prior to the public
23 hearing for the purpose of identifying areas of agreement. A Stipulation of the Parties was
24 filed on September 7, 2006, and the signed Stipulation (Exhibit No. 2) was presented at

1 the hearing on September 21, 2006. Final exhibits from FPLE in response to requests of
2 the Committee at the hearings are to be filed prior to the public hearing in Seabrook
3 scheduled for November 9, , 2006.

4 A public hearing was held on September 21, 2006, at the Public Utilities
5 Commission in Concord. One witness appeared during the public hearing: James Peschel,
6 FPLE Seabrook Regulatory Programs Manager. Mr. Peschel testified to the substance of
7 the Stipulation (Exhibit No. 2), and addressed questions from the NDFC Members. In
8 lieu of additional testimony, the NDFC accepted the following sworn Affidavits:

- 9 • Affidavit of James Peschel, Regulatory Programs Manager, FPL Energy,
10 Seabrook, LLC (Exhibit No. 3, Attachment D)
11
- 12 • Affidavit of Moray P. Dewhurst, Vice President, Finance, and Chief Financial
13 Officer, FPL Group, Inc. (Exhibit No. 2, Attachment C)
14

15 The exhibits accepted at the hearing were:

- 16 Exhibit 1. FPL Energy Seabrook Station 2006 Annual Filing
- 17 Exhibit 2. Stipulation of the Parties, Docket 2006-1
- 18 Exhibit 3. January 20, 2006 Independent Auditor's Report on
19 Seabrook Nuclear Decommissioning Financing Fund,
20 December 31, 2005
21
- 22 Exhibit 4. January 20, 2006 Independent Auditor's Report on
23 Seabrook Nuclear Decommissioning Financing Fund,
24 Trust B (Fund #2), December 31, 2005
25
- 26 Exhibit 5. January 20, 2006 Independent Auditor's Report on
27 Seabrook Nuclear Decommissioning Escrow Fund,
28 December 31, 2005
29

30 IV. DISCUSSION

31 Each year the Committee must review certain assumptions and, among other
32 things, the Decommissioning Trust performance, and the adequacy of funding assurances.

1 As a result of this review the Committee may alter the payment schedule or require a
2 change in any funding assurance to ensure adequate funding for decommissioning as
3 provided for by RSA 162-F:22, II. During this annual review the schedules of payments
4 are adjusted to ensure full funding of the decommissioning obligation for the prompt
5 decommissioning of Seabrook Station at the end of its operating life. Ibid. Each of the
6 areas reviewed is discussed in the following sections.

7 A. The Projected Cost of Decommissioning

8 The projected cost of decommissioning was established in NDFC Docket 2003-1
9 at the completion of a comprehensive review of the Seabrook Station decommissioning
10 plan and cost estimate, pursuant to RSA 162-F:22, I. The projected cost of
11 decommissioning is defined as the current best estimate of the cost to promptly
12 decommission Seabrook Station at the end of its expected operating life in 2026, as
13 determined in NDFC Docket No. 2003-1. The decommissioning cost is escalated
14 annually to maintain a current projected cost of decommissioning. The decommissioning
15 plan accepted in NDFC Docket 2003-1 will next be reviewed in 2007.

16 In NDFC Docket 2005-1, the NDFC directed FPLE to address the reasonableness
17 of the completion assumptions of the Yucca Mountain repository, the adequacy of the
18 planned capacity to accommodate Seabrook Station spent fuel, and alternatives to Yucca
19 Mountain. The purpose of this review was to provide the NDFC with additional
20 information needed to determine if there should be any changes in the funding schedule's
21 assumptions regarding the availability of a Federal repository for Seabrook spent fuel and
22 high-level radioactive waste. The Committee also stated that it would address FPLE
23 Seabrook's planning for an expanded Independent Spent Fuel Installation (ISFSI) in 2006,
24 since (Docket 2005-1 Final Order at 6). Under current design capacity, the Department of

1 Energy (DOE) Yucca Mountain repository will not have sufficient capacity to accept
2 waste from Seabrook Station. The NDFC is required to ensure that the full cost of
3 prompt decommissioning is paid by the Seabrook owners. RSA 162-F:21-C. Planning
4 for a larger ISFSI, and determining the associated costs, will meet that obligation, even if
5 DOE fails to meet its obligations to accept Seabrook spent fuel and GTCC waste on a
6 schedule the NDFC can accept as reasonable and reliable.

7 FPLE Seabrook asserts it expects DOE to meet its obligations to accept transfer of
8 spent fuel from the Seabrook Station. To meet concerns of the NDFC, the parties'
9 Stipulation (Exhibit 2) proposes that the 2007 Decommissioning Plan assume the ISFSI
10 operates until 2101. The Committee finds this is an appropriate way to ensure full
11 funding of decommissioning, even with continued delays by the federal government in
12 meeting the obligation to provide a repository for spent fuel and GTCC waste.

13 In the Final Report and Order in NDFC Docket 2005-1 FPLE was instructed to
14 advise the Committee of efforts to inform the public of ISFSI plans. During the public
15 hearing Mr. Peschel testified about FPLE Seabrook's communication efforts to date with
16 local and state officials regarding an expanded ISFSI. The Committee urges FPLE
17 Seabrook to expand its communication with citizens, town and state officials so plans for
18 the ISFSI and the limited risks of dry cask storage will be widely understood. The
19 Committee directs FPLE to include an update on this public information program in each
20 future annual report.

21 B. Funding Date

22 The Committee must establish the funding date for which the schedule of
23 payments is designed. The funding date is the day on which contributions into the
24 Decommissioning Trust may end because the NDFC believes "the fund shall have

1 sufficient monies to complete decommissioning” on the schedule approved by the NDFC.
2 RSA 162-F:14, V. In NDFC Docket 2003-1, the Committee established the funding date
3 as October 2026, the projected date of the expiration of the Seabrook Station operating
4 license at that time. The Committee also held that if a request to change the funding date,
5 based on a later license termination date, were made after December 31, 2005, the request
6 would be considered if accompanied by a revised decommissioning study. NDFC Docket
7 2003-1 Final Order at 46. In the 2005 docket, the NDFC stated that it would approve a
8 decommissioning funding schedule premised on termination of the operating license in
9 2026 or on a later date if approved by the Nuclear Regulatory Commission (NRC) prior to
10 filing of the 2007 annual report. 2005-1 Final Order at 18. In their stipulation, the parties
11 recommend that no change to the funding date be made before the 2007 comprehensive
12 review, notwithstanding the current license termination date of March 15, 2030. The
13 Committee accepts the recommendation.

14 In December 2005, the NRC reissued the Seabrook Operating License with a
15 termination date of 2030. This change reflects the so-called “recapture” of license life that
16 expired before the unit began commercial operation. The parties request that the 2030
17 license termination date be incorporated in the 2007 decommissioning plans in place of
18 the current termination date of 2026.

19 The Committee finds it appropriate for the 2007 decommissioning plan to use
20 2030 as the date when Seabrook Station will end its operating life. As part of the 2007
21 comprehensive review, the NDFC will determine the funding date for each Seabrook
22 owner.

23 C. Earnings and Inflation Assumptions: Escalation Adjustment

24 The parties recommend that the NDFC continue using an inflation assumption of

1 3% for annual contributions with an escalation adjustment of 4.5% applied to the
2 decommissioning cost estimate, as adopted in NDFC Docket 2003-1. Exhibit No. 2. The
3 reasons for adopting each assumption and escalation adjustment are fully detailed in the
4 Final Report and Order, NDFC Docket 2003-1, and will not be repeated here.

5 The parties request that the Committee change the earnings assumption for equity
6 investments available to Seabrook owners from 9.5% to 9.8%. This change is proposed to
7 reflect a gradual conversion of the portfolio to include greater diversification of equity
8 investments that are assumed to have higher earnings. Specifically, the revised
9 investment guidelines approved by the Treasurer in August, 2006, now allow investments
10 in large cap, small cap and international equities. In support of this change, an Affidavit
11 from Moray P. Dewhurst, Vice President and Chief Financial Officer of FPL Group, was
12 proffered. (Stipulation Attachment C). FPLE proposed that the Committee recognize its
13 plans for a two-year conversion of its portfolio to include these new investment options.
14 Mr. Dewhurst provided an overview of FPLE's program to move investments to meet the
15 target equity allocation. Dewhurst Affidavit, Par. 18, 19. FPLE proposed to assume
16 earnings of 9.5% through 2007, and 9.8% starting January 1, 2008.

17 The NDFC accepts that FPLE intends to reallocate investments to meet the target
18 allocations but finds the requested change in earnings assumptions to be premature. As
19 presented, FPLE's program consists of an identified goal but the Committee is not
20 satisfied that a fully developed plan exists that will, in fact, meet that goal. FPLE has yet
21 to take affirmative steps to implement a program for systematic transition of investments.
22 The NDFC will entertain future requests for recognition of different earning assumptions
23 when a Seabrook Owner demonstrates execution of a plan for achieving the investments
24 that will support a requested assumed return on investments. Until modified by the

1 NDFC, the investment earnings assumptions for each Decommissioning Trust fund will
2 continue to be:

Fund	Investments	Nominal	Real	Basis
1A	Taxable Bonds	6.0%	3.0%	Pre-tax
1B	Core Stocks	9.5	6.5	Pre-tax
2	Taxable Bonds	6.0	3.0	After-tax
3	Tax-Exempt Bonds	4.8	1.8	After-tax
4	Cash/Short-Term	3.5	0.5	After-tax
5	Core Stocks	9.5	6.5	After-tax
Inflation		3.0		Pre-tax

3

4 D. Schedule of Payments: December Re-set and Earnings Assumptions

5 In NDFC Docket 2002-2, the NDFC established the practice of setting the
6 schedule of payments beginning on January 1 of the following year based on a November
7 30 actual Fund balance, adjusted to estimate the end-of-year balance as closely as
8 possible. In NDFC Docket 2004-1 the year-end calculation was further refined. This
9 approach permits the best full-year estimate of earnings and expenses during the year to
10 be recognized when setting contribution requirements for the next year and the NDFC
11 will continue this practice.

12 Consistent with prior orders, the calculation of the 2007 funding schedules will be
13 based on the Decommissioning Trust and funding assurance escrow balances as of
14 November 30, 2006, plus the December contribution to the funding assurance escrow,
15 plus assumed earnings for December on both the Decommissioning Trust and funding
16 assurance escrow balances, minus the estimated expenses applicable to both.

17

1 E. Funding Insurance Escrow

2 The parties request the following changes to the Funding Assurance Escrow
3 (Escrow):

- 4 • Extension of the termination date of the escrow from 2007 to the
5 end of license life.
- 6 • Application of the Investment Guidelines of the Decommissioning
7 Trust to the Escrow.
- 8 • Automatic release of 80% of a Seabrook Owner’s Escrow if
9 ○ The NRC extends the Operating License to 2050, and
10 ○ The Owner’s Decommissioning Trust balance in 2050 is
11 projected to be 133% of that owner’s decommissioning
12 obligation (designated as “TLG Estimate”) in 2050.

13
14 Also, the parties request that MMWEC, Taunton, and Hudson be required to
15 deposit 25% of their 2007 obligation into the Escrow, and that FPLE be directed to
16 deposit 100% of its 2007 obligation in the Escrow.

17 The NDFC finds it appropriate to continue the Escrow for the license life of
18 Seabrook. The Escrow provides a vehicle for a prompt infusion of money into the
19 Decommissioning Trust. Also, with the Escrow funding assurance in place, the NDFC
20 can immediately modify contributions into the Escrow in response to a change in
21 circumstances with a public meeting, rather than needing to complete a full evidentiary
22 hearing process. RSA 162:F22 III. Also, the Escrow provides the means for collection of
23 decommissioning funds that can be returned to Seabrook owners should the NDFC
24 determine the funds will not be needed to meet decommissioning obligations. The
25 alternative to depositing money in the Escrow is making contributions to the
26 Decommissioning Trust, where the funds must be held until all decommissioning
27 activities are completed.

28 The Committee does not adopt the proposed change in investment standards. The

1 Escrow is a funding assurance and is intended to be ready cash, available for transfer into
 2 the Decommissioning Trust in the event of premature permanent cessation of operation or
 3 other significant change in circumstances. Permitting the investment of these monies in
 4 other instruments could delay transfers to the Decommissioning Trust. Also, the
 5 Committee is, at this time, unwilling to have this funding assurance experience the
 6 fluctuation in value that can occur with the Decommissioning Trust. As we have seen in
 7 the past few years, market performance rarely meets expectations. While the following
 8 chart reflects incorporates changes in contributions due to adjustments in assumptions
 9 approved by the NDFC, and in particular the change in investment strategies post-
 10 shutdown, it demonstrates the near-term volatility of earnings of the Decommissioning
 11 Trust.

YEAR	ACTUAL	2002 ORDER UPDATE (MARCH)	2003 ANNUAL REPORT PROJECTED	2004 ANNUAL REPORT PROJECTED	2005 ANNUAL REPORT PROJECTED	2006 ANNUAL REPORT PROJECTED
2006	365.2 ¹	406.2	370.4	370.5	369.8	365.2
2005	339.5	362.1	340.3	339.3	343.5	
2004	321.9	321.8	312.5	310.3		
2003	294.8	285.0	286.6			
2002	246.7	251.4				

12
 13 Where the Decommissioning Trust is invested with a forty-year plan, the Escrow is
 14 expected to be available for immediate use. The different purposes for these deposited
 15 funds requires different investment strategies. As for the requested automatic release
 16 feature of the escrow, the Committee recognizes that, if Seabrook operates until 2050, the
 17 additional twenty years of earnings will likely grow the fund well past the projected cost
 18 of decommissioning at the end of licensed life. However, the Committee also notes that
 19 Seabrook Station will not seek that twenty-year license extension until 2009, and that,
 20 typically, the NRC review process takes two years. With the determination of license

¹ This is actually a September 2006 projection for the ¹⁰end of the year.

1 extension at least five years away, the Committee is presently disinclined to establish a
2 formula for releasing Escrow funds.

3 While the parties provided a thoughtful method for release of Escrow monies, the
4 Committee concludes that it is premature to consider adopting a formula for automatic
5 release from the Escrow at this time. The Committee believes it should retain full
6 discretion to determine when the Escrow money should be returned to Seabrook owners.
7 At the same time, the NDFC may employ the proposed release formula as a *guideline* for
8 future release of Escrow funds.

9 The Committee finds it appropriate for Taunton, Hudson and MMWEC to deposit
10 25% of their 2007 decommissioning contribution in the Escrow. At this time, the
11 Committee is reluctant to have 100% of FPPE's obligation deposited in the Escrow.
12 Although it appears that FPPE may have excess funds in the Decommissioning Trust at
13 the end of license life, the magnitude of excess funds in the decommissioning fund are
14 better considered after the findings of this order are applied. Accordingly, the NDFC
15 finds it appropriate for FPPE to deposit 75% of its 2007 obligation in the Escrow, and
16 25% in the Decommissioning Trust. All payments directed to the Decommissioning Trust
17 are to be made before monies are deposited in the Escrow.

18 F. Premature Cessation of Operation

19 The Committee requires the owners of Seabrook Station to provide funding
20 assurances sufficient to ensure payment of their proportionate share of the full
21 decommissioning cost of the facility, including full funding for decommissioning in the
22 event of a premature cessation of operations. RSA-F:21. In prior dockets, the NDFC
23 established funding assurances for FPPE (NDFC Docket 2002-2 Final Report and Order)
24 and for all Seabrook Station owners (NDFC Docket 2003-1 Final Report and Order). In

1 2001, the Committee decided that, in the event of a premature shutdown before 2015, the
2 actual demolition of the Seabrook Station could be delayed until 2015. NDFC Docket
3 2001-1 Final Report and Order. As that date nears, the Committee will consider adjusting
4 the assumed commencement of physical decommissioning, but for this docket it will
5 continue to use this planning tool to address the possibility of premature cessation of
6 operations. Based on the record, the NDFC is unaware of any reason to expect premature
7 cessation of operation of the Seabrook Station.

8 G. FPLE Funding Assurances

9 Funding assurances are required of all non-utility owners of Seabrook Station.
10 RSA 162-F:21-a, III. The NDFC may impose a funding assurance requirement to ensure
11 recovery of decommissioning costs in the event there is a premature permanent cessation
12 of operation. RSA 162-F:19, IV. In NDFC Docket 2002-2, the NDFC established
13 funding assurance requirements for FPLE, which included a guaranty by its indirect parent
14 company, FPL Group Capital, Inc., which in turn is backed by a guaranty by the holding
15 company, FPL Group, Inc. The NDFC monitors the strength of all funding assurances to
16 determine whether any of the “triggers” established in NDFC Docket 2002-2, which
17 would result in immediate payments by FPLE, are likely to be activated. The Committee
18 is satisfied that the financial health of FPL Group, Inc. and its utility subsidiary, Florida
19 Power and Light Company, remains strong. Dewhurst Affidavit. Similarly, Seabrook
20 Station continues to perform better than the industry averages. Based on the record, the
21 NDFC holds that the existing FPLE funding assurances will remain in place until next
22 reviewed by the NDFC, and finds that the funding assurances are adequate to meet
23 FPLE’s obligations, even in the event of a premature cessation of operation.

24 H. FPL/Constellation Merger

1 FPL Group and Constellation Energy announced merger plans early in 2006, but it
2 is uncertain when, or if, the merger will occur. Dewhurst Affidavit at 4. Because a
3 merger date can not be identified, FPLE committed to inform the Committee when the last
4 regulatory approval is received. Stipulation (Exhibit 2) at 9, 8, 3, 12. The Committee will
5 need to review final merger terms, and the new corporate structure, before the merger is
6 completed to ensure the parental guarantees, funding assurances, and submission to the
7 New Hampshire Courts survive the corporate reorganization. The NDFC finds FPLE's
8 commitment to inform the NDFC upon receipt of the last regulatory approval to be
9 acceptable. The Committee expects the companies to let all appeal periods run before
10 merging, which will provide sufficient time for the NDFC to have its concerns addressed.
11 To ensure adequate time for review, FPLE is directed to provide a copy of the last
12 regulatory approval within five business days of issuance. Further, FPLE shall provide a
13 written statement on the status of the merger at the start of each fiscal quarter.

14 I. 2006 Filing Requirement & 2007 Comprehensive Review

15 FPLE is to file, no later than March 1, 2007, an independent auditors' report of the
16 Seabrook Nuclear Decommissioning Financing Fund and Escrow Fund as of December
17 31, 2006. In 2007, the NDFC will conduct the comprehensive review of decommissioning
18 planning and cost projections required under RSA 162-F:22 I. In NDFC Docket 2005-1,
19 FPLE was requested to submit the 2007 annual report including the decommissioning plan
20 on March 1, 2007. The NDFC expects FPLE to advise the Committee by the time of the
21 Seabrook hearing on whether that remains a reasonable date for submission. In addition to
22 information previously required to be included, the annual report shall address fund
23 performance through 30 days prior to its filing date.

24 The 2007 decommissioning plan should include the following assumptions:

- 1 ○ License termination of 2030
- 2 ○ ISFSI in operation until 2100 and all spent fuel and greater-than-class C waste
- 3 remove by 2100 and 2101, respectively.
- 4
- 5 ○ Costs should be presented in 2007 dollars.

6 The 2007 decommissioning plan should include a chart identifying every change from the
7 2003 decommissioning plan, the cost impact of the change, and the source of the change,
8 such as, NRC requirement, FPLE requested change, etc.

9

10 V. CONCLUSION

11 Based on this Preliminary Report and Order, the Committee finds that the
12 requirements of RSA 162-F for funding decommissioning will be met.

13

14 **Based on the foregoing, it is hereby**

15

16 **ORDERED**, that the funding assurance provided by FPLE approved in the Docket
17 2002-2 Final Report and Order shall remain in place and unchanged; and it is

18

19 **FURTHER ORDERED**, that the payments into the Decommissioning Trust and
20 funding assurance escrow from Seabrook Station owners for 2007 shall be calculated in
21 accordance with this Report and Order, the total of which will be determined by the
22 calculation of a revised schedules of payments, and it is

23

24 **FURTHER ORDERED**, that the schedules of payments for 2007 will be
25 established in December 2007 using the assumptions and terms identified in this
26 Preliminary Report and Order as recalculated using the Decommissioning Fund and
27 Funding Assurance Escrow account market values as of November 30, 2006, plus the
28 escrow account contributions scheduled to be made in December 2006, plus the estimated
29 earnings assumptions for December 2006 approved in NDFC Docket 2005-1, minus the
30 December 2006 estimated expenses approved in NDFC Docket 2005-1; and it is

31

32 **FURTHER ORDERED**, that the 2007 contributions into the Funding Assurance
33 Escrow for Taunton, Hudson and MMWEC shall be 25% of their respective total 2007
34 contribution obligation and shall be paid into the Escrow only after all contributions to the
35 decommissioning trust have been made for 2007; and it is

36

37 **FURTHER ORDERED**, that the 2007 contribution into the Funding Assurance
38 Escrow by FPLE shall be 75% of its total 2007 contribution obligation, and shall be paid
39 into the Escrow only after all contributions to the decommissioning trust have been made

1 for 2007; and it is
2

3 **FURTHER ORDERED**, that payments into the Funding Assurance Escrow are
4 funding assurance obligations, and are not a schedule of payment obligations of the
5 Seabrook owners. Payments into the Escrow are obligations imposed by the NDFC and
6 fully enforceable by the Committee; and it is
7

8 **FURTHER ORDERED**, that FPLE is to file, no later than March 1, 2007, an
9 independent auditors' report on the Seabrook Nuclear Decommissioning Financing Fund
10 and the Seabrook Escrow Fund as of December 31, 2006; and it is
11

12 **FURTHER ORDERED**, that FPLE is to file the 2007 comprehensive report,
13 including the decommissioning study conforming to this Order, no later than March 1,
14 2007. The 2007 annual report is to include all information previously required by the
15 NDFC in annual updates and detail on the Decommissioning Fund performance through a
16 date that is 30 days prior to the filing of the annual report, and a detailed report on the
17 public information program concerning the Seabrook ISFSI and the safety of dry cast
18 storage; and it is
19

20 **FURTHER ORDERED**, that FPLE shall file with the Committee, on or before
21 December 22, 2006, revised schedules of payments and funding assurance schedules
22 conforming to the requirements of this Report and Order; and it is
23

24 **FURTHER ORDERED**, that the Seabrook Owners shall provide a revised
25 Escrow Agreement conforming to the findings herein by December 22, 2006; and it is
26

27 **FURTHER ORDERED**, that any party to this proceeding wishing to comment on
28 this Preliminary Report and Order shall file written comments with the NDFC no later
29 than October 30, 2006, and provide a copy to all parties on the same date; and it is
30

31 **FURTHER ORDERED**, that FPLE shall give notice causing a copy of the Notice
32 of Public Hearing that is Attachment 1 to be published in a newspaper having general
33 circulation in that portion of the State in which operations are conducted, and a newspaper
34 having state-wide circulation, the last such publication to be not later than October 18,
35 2006. FPLE shall confirm publication by affidavit to be made on a copy of this notice
36 and filed with the NDFC on or before November 9, 2006.
37

38 This is a Preliminary Report and Order of the NDFC prepared in conformity with
39 RSA 162-F:21, III. A Final Report and Order will be issued after the Committee has
40 reviewed all comments received regarding this Preliminary Report and Order, and after
41 the review of all comments submitted at the hearing to be held in the Town of Seabrook,
42 New Hampshire on November 9, 2006.
43

44 This Preliminary Report and Order is released on October 9, 2006.
45

1
2
3
4
5
6
7
8
9
10 THE STATE OF NEW HAMPSHIRE
11 NUCLEAR DECOMMISSIONING FINANCING COMMITTEE
12 NDFC 2006-1
13

14 Notice is hereby given that the Nuclear Decommissioning Financing Committee
15 (“NDFC”), established pursuant to RSA 162-F:21, IV, shall, in accordance with the
16 provisions of RSA 162-F, and RSA 541-A, et seq., hold a public hearing on December 6,
17 2006 at 7:00 P.M. at the Seabrook Town Offices. The purpose of the hearing will be to
18 receive the views of the public on the Preliminary Report and Order of the NDFC, which
19 establishes a new level of funding of the Nuclear Decommissioning Fund for the Seabrook
20 Nuclear Power Station as of January 1, 2007.

21 The Preliminary Report and Order of the NDFC, the transcript of the public
22 hearing and the record of the docket upon which the NDFC based its determinations are
23 available for public review in the Seabrook Town Clerk’s office, starting on October 9,
24 2006.

25 A copy of this notice shall be published in a newspaper having general circulation
26 in that portion of the State in which operations are conducted and a newspaper having
27 state-wide circulation, the last such publication to be not later than October 18, 2006, and
28 a copy of this notice shall be posted by that date in at least two places in the Town of
29 Seabrook, New Hampshire.
30
31
32
33
34
35