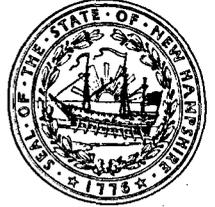




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 26, 2004

Mitchell S. Ross
Senior Attorney
FPL Energy, LLC
PO Box 14000
Juno Beach, Florida 33408-0420

Dear Mr. Ross:

On December 1, 2003, the New Hampshire Site Evaluation Committee (Committee), in public session, considered the jurisdictional inquiry contained in your letter of June 25, 2003. As you know FPL Energy, LLC (FPL) was permitted to make a presentation to the Committee at that meeting. The Committee also considered questions raised by various agencies and the public regarding the inquiry.

After careful consideration the Committee voted to allow me to respond to your request in the following fashion.

Based upon the representations contained in your letter of June 25, 2003; the information contained in your supplemental filings of September 19, 2003 and December 11, 2003; and the information provided at the public meeting on December 1, 2003; it appears that the proposed upgrade of the Seabrook Station nuclear power facility does not trigger the jurisdiction of the Committee under RSA 162-H. The Committee understands that FPL intends to replace and/or upgrade certain equipment throughout Seabrook Station, which will increase the overall production capacity of the facility by approximately six percent (6%). Seabrook Station has a present generating capacity of 1206 MWe. The proposed upgrade will increase that generating capacity to 1308 MWe.

The Committee further understands that any and all construction necessary to the proposed upgrade will occur within the footprint of the presently existing facility. Thus, there will be no impact on the orderly development of the region, and there will be no unreasonable adverse impacts on aesthetics, historic sites, air and water quality, the natural environment or public health and safety. More specifically you have represented that the plant will continue to operate within the terms and conditions of its National Pollutant Discharge Elimination System (NPDES) permit and that no amendment of that permit will be necessary.

Given the overall existing capacity of the facility, the Committee does not find that the upgrade detailed in your request is a sizeable change or addition to the facility requiring the filing of a formal application and compliance with the statutory mandates of

RSA 162-H. The Committee recognizes that the existing unit was only certificated for a generating capacity of 1100 MWe. To the extent necessary, the Committee authorizes the increase in generating capacity.

You should be advised that the Committee's action in this regard is based upon the representations made by FPL. Should a change of circumstances occur the Committee might, indeed, advise FPL that a formal application and compliance with the requirements of RSA 162-H is required. Please note that the decision contained in this letter should not be considered as precedent and may not be relied upon by FPL with regard to future upgrades or construction at Seabrook Station or any other facility.

Please note that nothing contained in this letter should be construed to relieve FPL from the applicable requirements of other existing state, federal and local regulatory agencies, including but not limited to the United States Nuclear Regulatory Commission, the United States Environmental Protection Agency, the State of New Hampshire Department of Environmental Services, and the Town of Seabrook.

Sincerely,



Michael P. Nolin, Chairman
New Hampshire Site Evaluation Committee

MPN/hyv

cc: Site Evaluation Committee Members
G. Dana Bisbee, Pierce Atwood
Jennifer Patterson, Attorney General's Office