



FPL Energy

AN FPL GROUP COMPANY

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June 25, 2003

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**DEPARTMENT OF
ENVIRONMENTAL SERVICES**

Mr. Michael Nolan
Chairman
New Hampshire Site Evaluation Committee
c/o Department of Environmental Services
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Re: Notice of Proposed Power Uprate of Seabrook Station

Dear Chairman Nolan:

FPL Energy Seabrook, LLC ("FPL Energy"), the majority owner and operator of Seabrook Station, hereby notifies the New Hampshire Site Evaluation Committee (the "Committee") that FPL Energy is engaged in an effort to make certain minor in-plant modifications and replacements to certain Seabrook Station equipment in order to increase the power output of that plant. FPL Energy believes that Committee approval of the proposed increase in power output is not required under RSA 162-H. The proposed plant modifications required to implement the uprate and the rationale for our conclusion that Committee approval for the uprate are not required is described below.

Given the objectives of FPL Energy and the joint owners of Seabrook Station,¹ we request a letter from the Committee confirming FPL Energy's understanding that Committee approval of the proposed uprate project is not required.

Background

On November 1, 2002, FPL Energy acquired an 88.23% ownership interest in Seabrook Station and became the managing agent with operational authority over the plant. FPL Energy's acquisition of a controlling interest in Seabrook Station followed receipt of a letter from the Committee dated June 21, 2002, in which the Committee advised FPL Energy that it was not necessary for the Committee to approve the transfer of the Certificate of Site and Facility for Seabrook Station (originally issued to Public Service Company of New Hampshire on January 29, 1974) to FPL Energy.

¹ The balance of Seabrook Station is owned by the Massachusetts Municipal Wholesale Electric Company, Taunton Municipal Lighting Plant, and Hudson Light & Power Department.

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Summary of Uprate Project

FPL Energy intends to make minor in-plant modifications and certain equipment changes at Seabrook Station to increase the power output of the plant. Following implementation of these plant modifications, FPL Energy expects to realize a maximum increase in output of 6.7 %. The uprate will have positive environmental impacts, by displacing more costly carbon-emitting fossil fuels with lower cost nuclear-fueled generation.

FPL Energy is required to obtain approval from the U.S. Nuclear Regulatory Commission ("NRC") before implementing the proposed uprate. NRC approval is required to change the maximum authorized power limitation in the current operating license for Seabrook. The NRC will conduct a nuclear safety review and a review of the radiological and non-radiological environmental impacts associated with the proposal. Other than changes to the NRC operating license for Seabrook, no changes to any federal, state, or local permits are expected for the uprate. No specifically prescribed protective actions associated with endangered wildlife will be required.² FPL Energy will continue to comply with all applicable Federal, State, and local agency environmental protection requirements.

The proposed minor in-plant physical modifications will enable the plant to generate additional power. The equipment proposed to be modified includes the moisture separator reheaters, the high pressure turbine, the condensate pump impellers, and the feedwater heater level control valves. All of this equipment is at the Seabrook site within the plant. No modifications to the Seabrook substation or any offsite locations are contemplated by the proposed uprate project.

Schedule

FPL Energy is in the process of contracting for the goods and services required to implement the uprate project. FPL Energy plans on submitting a license amendment application to the NRC for authority to implement the uprate project by the second quarter of 2004. Assuming timely receipt of NRC approval to implement the project, FPL Energy will make plant modifications during the Spring 2005 refueling and maintenance outage and return the plant to service with an uprate of 5.2 percent. Subsequently, during the Fall 2006 refueling and maintenance outage, FPL Energy will make minor modifications to feedwater flow instrumentation to improve its accuracy. These modifications will result in an additional uprate of 1.5 percent, bringing the total planned uprate to 6.7 percent.

² It is notable that the environmental impact statement (EIS) issued by the NRC for the initial licensing of Seabrook Station analyzed the environmental impacts of two operating nuclear units at the site (3411 Mwt each with a total output of 6822 Mwt). Therefore, any incremental environmental impacts resulting from a 6.7 percent uprate to the single operating unit at Seabrook are bounded by the environmental impacts as analyzed in the NRC's EIS.

Analysis

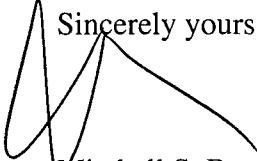
Under New Hampshire law, the Committee has jurisdiction to review “sizeable additions to existing facilities” for which a siting certificate was issued. Given the statutory purposes of the NHSEC, and because the proposed Seabrook uprate consists of relatively small-scale internal plant modifications that will not result in significant environmental impacts, the proposed uprate does not involve a “sizeable addition” to the generating capacity of Seabrook Station.

Based on a plain reading of the purposes of the statute creating the NHSEC, the legislature contemplated that Committee review is reserved for projects of a larger scale than the proposed Seabrook uprate. The siting law was enacted to create a single Committee to streamline a comprehensive review of large energy facility construction projects, not to review relatively small upgrades to existing generation projects. The proposed 6.7 percent uprate is an alteration or modernization of an existing facility rather than a large-scale project, or “sizeable addition.” The magnitude of the upgrade is apparent when the estimated cost of the project (approximately \$46 million) is compared with the billions of dollars spent on the construction of Seabrook Station.

Moreover, the uprate will be reviewed by other regulatory agencies. The nuclear safety aspects and environmental impacts of the uprate will be reviewed by the NRC. The environmental impacts of routine plant operations are regulated by other agencies and authorities. Additionally, FPL Energy has not identified any Committee decisions or orders where the Committee sought review of a project solely due to a modest uprate of an existing facility.

Based on the foregoing, FPL Energy hereby requests a letter from the Committee confirming FPL Energy’s understanding that Committee approval of this request is not required. For planning purposes, FPL Energy respectfully requests that such a letter be issued at the earliest possible time, but in no event, later than August 1, 2003.

Please contact us if there are questions regarding this submittal.

Sincerely yours,

Mitchell S. Ross
Senior Attorney

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