

Adopt Dec 100, previously effective 9-18-00 (Doc. # 7366), and expired 3-17-01, to read as follows:

CHAPTER Dec 100 ORGANIZATIONAL RULES

PART Dec 101 PURPOSE AND SCOPE OF RULES

Dec 101.01 Purpose of Rules. These rules provide a procedure for determination of the amount of the decommissioning financing fund for each nuclear electric generating facility and the monthly schedule of payments of monies into the fund by the owner or owners of each such nuclear electric generating facility.

Dec 101.02 Scope of Rules. These rules shall govern the proceedings before the nuclear decommissioning finance committee in the conduct of its statutory responsibilities.

PART Dec 102 DEFINITIONS

Dec 102.01 "Adjudicative proceeding" means the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36 and the rules of the committee.

Dec 102.02 "Committee" means the nuclear decommissioning financing committee established pursuant to RSA 162-F:15.

Dec 102.03 "Decommissioning of a nuclear electric generating facility" means the permanent removal from service of any radioactive portion of a nuclear electric generating facility and includes, but is not limited to:

(a) Safe removal of the land, facility, or site from service, including, but not limited to, decontamination, stabilization, removal, relocation, shipment, containment, demolition, dismantling, or storage, or a combination thereof, of any buildings, structures, systems, components, materials, or debris containing activation products or radioactive contamination. This includes reduction of residual radioactivity to a level that permits release by the Nuclear Regulatory Commission of the property including land and structures for unrestricted use, and termination of the license issued by the Nuclear Regulatory Commission. Included is the removal of nuclear fuel, removal of the reactor containment building, and the dismantling of non-contaminated components required to obtain access to contaminated components;

(b) Restoration and rehabilitation of any site, including the physical and aesthetic appearance of the site subject to this chapter to permit non-nuclear commercial, industrial, or other similar use, consistent with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies; and

(c) Perpetual, continual control or surveillance of land and structures that the Nuclear Regulatory Commission has not released for unrestricted use.

Dec 102.04 "Facility" means any nuclear electric generating facility subject to decommissioning pursuant to RSA 162-F:14-27.

Dec 102.05 "Fund" means a nuclear decommissioning financing fund established pursuant to RSA 162-F:19.

Dec 102.06 "Issue date" means the date on which the committee gives actual notice to all parties of an order or other material issued by the committee, or transmits the same for mailing or delivery.

Dec 102.07 "Owner" means the owner or owners of a nuclear electric generating facility.

Dec 102.08 "Motion" means a request to the committee for an order or other ruling after the commencement of an adjudicative proceeding or non-adjudicative process pursuant to RSA 162-F:14-26 or the rules of the committee.

Dec 102.09 "Non-adjudicative processes" means all committee procedures and actions preceding and other than the commencement of an adjudicative proceeding.

Dec 102.10 "Order" means the whole or part of the committee's final disposition of a matter, other than a rule, the interim disposition of procedural matters and prehearing conferences, and the final disposition of any other matters before the committee but does not include an agency's decision to initiate, postpone, investigate or process any matter.

Dec 102.11 "Party" means "party" as defined in RSA 541-A:1,XII, namely "each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party."

Dec 102.12 "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character which appears before the committee for any purpose.

Dec 102.13 "Petition" means any written request filed with the committee for the purpose of seeking the approval, determination, consent, certification or authorization of the committee in connection with any matter or adjudicative proceeding and non-adjudicative processes pending before the committee.

Dec 102.14 "Petitioner" means any person on whose behalf a petition is filed with the committee.

Dec 102.15 "Presiding officer" means that individual appointed to be the presiding officer at the hearings in adjudicative proceedings as set forth in Dec 204.01 or a hearing officer appointed by the committee to preside over procedural matters and prehearing conferences.

PART Dec 103 DESCRIPTION

Dec 103.01 Committee Description.

(a) The nuclear decommissioning financing committee is a committee established for a nuclear electric generating facility, and delegated the responsibility of determining the amount of money needed to decommission that facility.

(b) The committee consists of 8 members as set forth in Dec 103.02.

(c) The committee's duties are to:

(1) Determine the projected cost of decommissioning the subject nuclear electric generating facility;

(2) Establish a nuclear decommissioning financing fund for that facility;

(3) Establish a regular monthly schedule for payments of money into the fund by the owner or owners of that facility; and

(4) Establish funding assurance that, in the aggregate, meets or exceeds the decommissioning funding requirements established by the committee.

(d) The fund shall be available to decommission the nuclear electric generating facility on a schedule established by the committee.

(e) Proceedings before the committee shall be governed by RSA 541-A and these rules.

Dec 103.02 Committee Members.

(a) The committee consists of 8 members as follows:

(1) A resident of the town or city where the nuclear facility is located and appointed by the town or the mayor and council of the city;

(2) The chairman of the public utilities commission;

(3) One senator to be appointed by the senate president;

- (4) One member of the house of representatives to be appointed by the speaker of the house;
 - (5) The state treasurer or designee;
 - (6) The commissioner of the department of health and human services or designee;
 - (7) The commissioner of the department of safety or designee; and
 - (8) The director of the governor's office of energy and planning or designee.
- (b) The committee shall select a chairman to serve for a 3-year term.

Dec 103.03 Method of Committee Operations.

(a) The committee performs its statutory responsibilities in determining and establishing a nuclear decommissioning financing fund and a schedule of payments of monies into such fund, by initiating proceedings for the specific nuclear electric energy facility and by holding all necessary meetings and hearings.

(b) The committee is assisted in carrying out these responsibilities by hiring clerical and technical assistance on a temporary basis, such as its administrative assistant and its special legal counsel, as provided in RSA 162-F:17, II.

Dec 103.04 Contact Information for the Committee.

(a) The committee operates out of the offices of the public utility commission at the following address:

N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

(b) Telephone inquiries may be made to the executive director of the public utilities commission at (603) 271-2431 or TDD Access-Relay NH: 1-800-735-296.

(c) The committee's website can be accessed through a link on the public utility commission website at www.puc.nh.gov.

PART Dec 104 REQUESTS BY PUBLIC FOR INFORMATION

Dec 104.01 Information Request by Public.

(a) General inquiries and requests for public information may be:

- (1) Directed by telephone to (603) 271-2431;
- (2) Made by facsimile transmission to (603) 271-3878;
- (3) Made by e-mail to puc@puc.nh.gov; or
- (4) Made by written communication to the attention of the executive director at the address provided in Dec 103.04 (a) above.

(b) Any member of the public may request photocopies of minutes and records of the committee in any proceeding or in any other matter before the committee pursuant to (a) above upon a determination by the presiding officer that such requested documents are not exempt from disclosure pursuant to RSA 91-A:5.

(c) The committee shall provide the requested documents to the person requesting them upon payment of the cost of copying such documents pursuant to (b) above and (d) and (e) below.

(d) Copies shall be free for requests of 10 pages or less.

(e) A charge of \$.10 per page shall be assessed for every copy over the first 10 pages.

Dec 104.02 Public Inspection of Minutes and Records. Pursuant to RSA 91-A:4, the records of the committee, including its minutes, shall be available for inspection and copying by any member of the public during regular business hours at the premises of the public utilities commission, located at 21 South Fruit Street, Suite 10, Concord, New Hampshire, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except for holidays.

Dec 104.03 Public Access to Committee Rules.

(a) The committee, pursuant to RSA 541-A, files its rules with the director of legislative services.

(b) Members of the public may call or write the committee as indicated in Dec 103.04 to obtain photocopies of the rules or may appear in person to inspect the rules.

(c) The committee shall provide copies of the rules to members of the public free of charge.

(d) The committee's rules shall also be posted on its website which is linked to the website of the commission at www.nh.puc.gov.

