



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 29, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gordon Johnston
Site Vice-President
Florida Power & Light Company
St. Lucie Nuclear Plant
700 Universe Boulevard
Juno Beach, Florida 33408

RE: Florida Power & Light Co. St. Lucie Plant
DEP Case Number PA74-02
(Post-certification Amendment dated June 8, 2009)

Dear Mr. Gordon:

On June 9, 2009, the Florida Department of Environmental Protection's (DEP's) Siting Coordination Office (Department) received a request for a post certification amendment to the Site Certification Application for Florida Power & Light Company's (FPL's) St. Lucie Plant for the addition of a Low Level Waste Storage (LLWS) building for the temporary storage of Class B and C waste within the existing certified area of the site.

All relevant agencies listed in 403.508, Florida Statutes (F.S.) were notified of the requested amendment, and affected agencies approved of the project as an amendment subject to the existing Conditions of Certification (COC). Based on DEP's review of the June 9, 2009 submittal and additional information received on August 27, 2009, the Department determined that the installation and operation of the LLWS building does not necessitate modification of the existing stormwater management system.

Based on agency recommendations and pursuant to Section 62-17.205(c), F.A.C., the Department has determined that this request is an amendment to the application that will not require modification to the COC for the facility. However, as a result of this review, the Department has identified opportunities for "clean-up" of existing language within the COC for which the Department will initiate a modification at a future date in accordance with 403.516(1)(c). Additionally, the South Florida Water Management District (SFWMD) has identified the need to update areas of its Conditions not necessarily related to this project. Those changes will be incorporated under the same Department initiated modification.

Accordingly, the Department has no objections to the above request as proposed in the June 9, 2009 submittal and subsequent additional information, provided that:

1. FPL shall continue to comply with all existing requirements of this license. Particularly:
 - In accordance with existing Condition of Certification VI.C., FPL shall submit an As-Built Certification (DEP Form 62-343.900(5), F.A.C.) to the DEP Southeast District Office.
 - In accordance with Condition of Certification IX.E., a site survey for threatened and endangered species shall be conducted prior to construction.
 - In accordance with Condition of Certification IV.T, FPL shall construct the new LLWS building as to comply with appropriate County flood protection requirements, which may include raising the elevation of the new or expanded facilities above the 100 year flood level.
2. Within 90 days following completion of construction, FPL shall submit an updated plot plan showing any changes to the boundaries of the certified area, if any, to the Siting Coordination Office.
3. If dewatering activities are required, prior to the commencement of construction of those portions of the project which involve dewatering activities, FPL shall submit a detailed plan for the proposed dewatering activities to the SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2, 40E-3 and 40E-20, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:
 - a. A detailed site plan which shows the location(s) for each proposed dewatering area;
 - b. The method(s) used for each dewatering operation;
 - c. The maximum depth for each dewatering operation;
 - d. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
 - e. The duration of each dewatering operation;
 - f. The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
 - g. An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;
 - h. The location of any infiltration trenches and/or recharge barriers; and
 - i. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.
4. FPL shall secure all necessary approvals from federal agencies including the U.S. Nuclear Regulatory Commission (NRC) prior to storage of any waste in the LLWS building. The Department recognizes that there are certain pre-emptive authorities granted unto the NRC. For example, the Department understands that the temporary storage of Class B and Class C

LLW at the St. Lucie Plant is in accordance with the plant's NRC operating license and applicable provisions of Title 10 CFR 50.59.

5. The Department notes that under Florida Statutes (403.511(4), F.S.) that nothing in this approval "affects the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes". Prior to construction, FPL shall submit an updated site plan to include the LLWS building to St. Lucie County, along with appropriate fees, in order for staff to review the building for compliance with St. Lucie County regulations and policies as part of the County's building code requirements.

The addition of the LLWS building may require a minor revision to the federal NPDES permit FL0002208-003-IW1S for the facility. Should such a revision be necessary, this office will initiate a modification to incorporate the modified NPDES permit into the COC once a final permit has been issued.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("F.S."), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department concerning the postcertification amendment you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within 21 days of receipt of this Order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to section 120.573, Florida Statutes ("F.S."), is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to rule 62-110.106(4), Florida Administrative Code ("F.A.C."), the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the

information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsections 120.54(5)(b)4 and 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

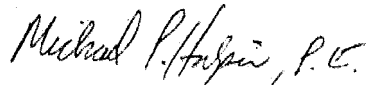
Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your postcertification amendment should be directed to Cindy Mulkey at (850) 245-2175. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

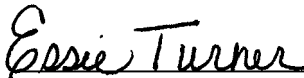
Sincerely,



Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.


Clerk

9-29-09
Date

CC by certified mail or email (return receipt requested):

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