



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

November 30, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Barbara P. Linkiewicz
Director, Environmental Licensing
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

RE: Florida Power & Light Co. St. Lucie Plant
Request for Amendment to PA74-02 dated November 3, 2010
NRC Required Security Upgrades

Dear Ms. Linkiewicz:

On November 3, 2010, the Florida Department of Environmental Protection's (DEP's) Siting Coordination Office 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 installation of security upgrades pursuant to U.S. Nuclear Regulatory Commission (NRC) regulation 10CFR 73.55. Upgrades will consist of:

- New ROCA (Restricted Owner Controlled Area) access points at the east and north entrances containing hand readers, turnstiles, remote camera, and other required security equipment. Equipment will be under roof, but will be contained in an open air, walk-through type structure.
- New Protected Area fence tying into new ROCA structures.
- Construction of numerous Defensive Position (DP) structures primarily attached to existing plant structures.
- Additional security camera facilities.
- Existing fence and gate enhancements.

All relevant agencies listed in 403.508, Florida Statutes (F.S.), were notified of the requested amendment, and affected agencies recommended approval of the project as an amendment subject to the existing Conditions of Certification (COC). Based on agency recommendations and pursuant to Rule 62-17.205, Florida Administrative Code (F.A.C.), DEP has determined that this request is an amendment to the application that will not require modification to the COC for the facility.

Accordingly, DEP has no objections to the above request as proposed in the November 3, 2010 submittal, provided that:

1. FPL shall continue to comply with all existing requirements of this license, particularly:
 - In accordance with existing COC VI.C., FPL shall submit an As-Built Certification (DEP Form 62-343.900(5), F.A.C.) to the DEP Southeast District Office and copy the Siting Coordination Office.
 - In accordance with COC IV.T, FPL shall construct the new security structures 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. Any demolition necessary for this project shall be in accordance with 40 CFR Part 61, Subpart M – National Emission Standards for Hazardous Air Pollutants for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C.
3. On June 29, 2010 FPL and the DEP entered into Amended Agreement 05-0242 and Amended Consent Order 93-2924 (AAACO) for remediation of all environmental contamination, within and outside the St. Lucie Plant's property boundary. Considering the recent AAACO, if, during ground disturbance, indicators of unidentified solid/hazardous waste such as discolored soils or odors are found, a hazardous waste determination should be conducted to identify any potential hazardous wastes in accordance with Title 40 Code of Federal Regulations (C.F.R.) Part 262.11.
4. The DEP 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 St. Lucie County to include the security upgrades, along with appropriate fees, in order for staff to review the structures for compliance with regulations and policies as part of the County's building code requirements.
5. The DEP recognizes that there are certain pre-emptive authorities granted unto the NRC. FPL shall secure all necessary approvals from federal agencies including the NRC for the security upgrades.

The DEP's Order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, 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 DEP 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 DEP'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 DEP'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 DEP 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, F.S., is not available.

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

For good cause shown, pursuant to subsection 62-110.106(4), F.A.C., DEP may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by DEP's Office of General Counsel 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) by DEP's Office of General Counsel 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 sections 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 DEP's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by DEP'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 DEP's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of DEP's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes DEP to take with respect to DEP'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 DEP issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to DEP pursuant to meetings with DEP.

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 DEP 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 DEP (see below).

Questions

Any questions regarding DEP'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 DEP'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



Date

11/30/10

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

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