ATTACHMENT I

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In Re:	]
	]
Florida Power & Light Company	]
St. Lucie Power Plant Unit	]
No. 2;	]
Modification of Terms and	]
Conditions of Certification	]
No. PA-74-02,	]
St. Lucie County, Florida.	]
	]

FINAL ORDER
MODIFYING CONDITIONS OF CERTIFICATION

The Florida Department of Environmental Regulation after notice and opportunity for hearing modifies the conditions of certification for the St. Lucie Power Plant Unit No. 2 pursuant to Section 403.516(1), Florida Statutes, and Section 10 of the General Conditions of Certification, which delegated modifications of conditions to the Department.

1. On September 1, 1981, Florida Power and Light Company submitted a petition to the Department requesting modification of the existing Conditions of Certification for St. Lucie Power Plant Unit No. 2.

2. On October 29, 1981 a Notice of Proposed Agency Action was served on all parties with a provision that a hearing would be held if requested on or before November 16, 1981. No hearing was requested, therefore the Department adopts the proposed agency action as final.

3. After review of the petition and its exhibits, the draft National Pollutant Discharge System permit, and biological monitoring reports, the Department grants relief to Florida Power and Light by making the following

State Conditions
See Certification

modifications to the Conditions of Certification:

a. Condition II.A.2.

2. ~~12-Ft.-Zone~~
Thermal Mixing Zone

~~At 12 feet from the point of discharge, as measured along the axis of the discharge from each port, the heated water will not exceed 17°F above ambient.~~

The heated water discharged from the multiport diffuser shall not exceed 17°F above ambient outside of a thermal mixing zone of 10.7 acre-feet. The mixing zone shall be bounded by an area 1385.5 feet long extending seaward from the most landward discharge port, 21.0 feet to either side of the discharge pipe axis and 8.0 feet in height above the bottom of the discharge ports.

b. Condition II.B.

II.B. Chemical

Liquid wastes discharges shall not contain concentrations of pollutants ~~at the point of discharge which may be measured in the discharge canal~~ in excess of the following limitations:

1. Chlorine (Free Available Chlorine):		
	at condenser discharge	0.2 mg/l average 0.5 mg/l maximum (For no more than two hours per day)
	at end of discharge canal	0.1 mg/l
2. Oil and Grease:		15 mg/l Daily average from low volume waste, pre-operational metal cleaning wastes, and radwaste discharges
3. Polychlorinated biphenyls or other polycyclic Halogenated compounds:		None
~~4. Copper~~		~~20 ppb~~
~~5.~~ 4. Boron:		4 mg/l (net)
~~6. Cyclohexylamines~~		~~0.5 mg/l~~
~~5.~~ 7. TSS:		30 mg/l Daily average 100 mg/l Daily maximum at the discharge from the low volume wastes, metal cleaning wastes, and radwastes discharges

c. Condition III.A.1.

1. Chemical - the following parameters shall be monitored ~~in the intake and/or discharge~~ and reported to the Department quarterly:

Parameter	Sampling Location	Type of Sample	Frequency of Sampling
Flow	**Intake	Pump Logs	hourly
Temperature	**Intake/POD	- -	hourly
~~pH~~	*POD	Grab	weekly
~~TDS~~	*POD	Grab	monthly
TSS	Neutralization Basin	Composite	weekly
Oil and Grease	POD	~~8-hr. composite~~	weekly
	Neutralization Basin	Grab	
~~Dissolved~~ Oxygen	*POD	Grab	weekly
Free and ~~Total~~ Chlorine Residual	*POD. Condenser Outlet	Multiple Grabs	weekly during chlorination
Total Chlorine Residual	*POD	Multiple Grabs	weekly during chlorination
Boron	*POD	Grab	when batch discharges are required ***
~~Copper~~	*POD	Grab	monthly

* May be monitored in discharge canal at the location specified in III.A.2.b.

** May be monitored in intake canal (Plant Intake Structure)

*** From the refueling water storage tank and nonaerated waste hold up tanks (4).

d. Condition III.A.2.

2. Thermal - The monitoring of the thermal discharge shall be accomplished ~~by supplementing the program required by the NPDES Permit No. PA0002208 for Unit No. 1 by adding two recording thermographs~~ as follows:

At the surface of the water ~~at-a-point-of maximum-surface-temperature-of-a~~ the discharge from Unit No. 2 the temperature shall be monitored twice annually in August and September by boat or by thermal image photography.

e. Condition VIII

Delete existing language and replace with: Sanitary wastes shall be collected and treated in accordance with Chapter 17-6, FAC, and DER permits DO56-34536 and DC56-37127 or such permits as may be subsequently reissued or modified.

f. Condition III.B.

B. Biological Monitoring Program

The following constitutes the biological monitoring program: Delete all existing language and add
The biological monitoring program shall be performed in accordance with the attached Exhibit B.

DONE AND ORDERED this 7 day of December, 1981.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Victoria J. Tschinkel
VICTORIA J. TSCHINKEL
Secretary

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FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to §120.52 (9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Linda Rockwell 12-9-81
Clerk Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION were furnished by United States Mail, to all counsel of record listed on the attached service list, on this 9TH day of December, 1981.

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State of FLorida Department of Pollution Control
Florida Power & Light Company
St. Lucie Unit No. 2
Case No. PA-74-02
CONDITIONS OF CERTIFICATION (Revised 3-12-80)

SPECIAL

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State of Florida Department of Environmental Regulations
Florida Power & Light Company
St. Lucie Unit No. 2
Case No. PA-74-02
CONDITIONS OF CERTIFICATION (Revised 3-12-80)

SPECIAL

I. Air

St. Lucie Unit No. 2 shall comply with all regulations of the Nuclear Regulatory Commission and the provisions of Chapter 17-2, Florida Administrative Code.

II. Effluent Standards and Limitations

Wastewater discharged from the site of Unit 2 shall meet the standards set forth in Chapter 17-3, FAC, and any subsequent amendments except for variance granted pursuant to Sections 403.201(c) and 403.511(2), to wit:

A. Thermal

1. Discharge

At the point of discharge heated water temperature from the multiport diffuser will not exceed 24°F above ambient at anytime. This temperature may be measured at a point within the discharge canal. (In determining the temperature differential the time of travel thru the plant may be considered.)

2. 12-Ft. Zone

At 12 feet from the point of discharge, as measured along the axis of the discharge plumes from each port, the heated water will not exceed 17°F above ambient.

3. Surface

The surface temperature of the surrounding receiving water at no time will be raised to more than 97°F nor shall the adjacent coastal waters be raised more than 2°F higher than the ambient temperature during the months of June, July, August and September nor more than 4°F higher than the ambient temperature during the remainder of the year.

B. Chemical

Liquid wastes discharges shall not contain concentrations of pollutants at the point of discharge which may be measured in the discharge canal in excess of the following limitations:

1. Chlorine (Fee Available chlorine): 0.2 mg/1 average
   0.5 mg/1 maximum

2. Oil and Grease: 15 mg/1

3. Polychlorinated biphenyls: None
   or other polycyclic Halogenated compounds

4. Copper: 20 ppb
5. Boron: 4 mg/1 (net)
6. Cyclohexylamines: 0.5 mg/1

III. Water Monitoring Program

A monitoring program shall be undertaken by Florida Power & Light Company on the receiving waters and area waters as generally described as follows:

A. Chemical and Physical Monitoring Program

1. Chemical - The following parameters shall be monitored in the intake and/or discharge and reported to the Department quarterly.

Parameter	Sampling Location	Type of Sample	Frequency of Sampling
Flow	**Intake	Pump logs	hourly
Temperature	**Intake/POD	-	hourly
pH	*POD	Grab	Weekly
TDS	*POD	Grab	Monthly
Oil and Grease	*POD	8-hour composite	Monthly
Dissolved Oxygen	*POD	Grab	Weekly
Free & Total Chlorine Residual	*POD	Grab	Weekly during chlorination
Boron	*POD	Grab	when batch discharges are required ***
Copper	*POD	Grab	Monthly

*May be monitored in discharge canal at the location specified in III A.2.b.
**May be monitored in intake canal (Plant intake Structure)
***From the refueling water storage tank and nonaerated waste hold up tanks (4).

2. Thermal - The monitoring of thermal discharge shall be accomplished by supplementing the program required by the NPDES Permit No. FL-0002208, for Unit No. 1, by adding two recording thermographs, as follows:

   a) At the surface of the water at a point of maximum surface temperature of a discharge from Unit No. 2.

   b) At the centerline of the discharge canal, at least one foot below the surface between State Road A1A and the discharge pipe headwall.

B. Biological Monitoring Program

The following constitutes the biological monitoring program:

1. Baseline Studies - A comprehensive report shall be submitted to the Department within one year after receipt of certification. The report may consist of results from existing studies or models and shall include the following:

   a) A qualitative and quantitative assessment of the biotic community in the receiving body of water with emphases on seasonal species composition and distribution of the principal flora and fauna (fish, arthropods, molluscs, worms, zooplankton and phytoplankton).

   b) Species diversity indices.

   c) A description of temperature, water chemistry and other factors that influence the dispersion of thermal discharges from the plant with regard to seasonal, hydrographic and temporal changes including the models used to predict thermal plumes.

   d) The methods and procedures used in the collection and analysis of the data in this study and any subsequent studies pursuant to B,2, 3 & 4.

2. Entrainment - Entrainment of aquatic organisms and effects due to condenser passage will be monitored. There will be three approaches employed in developing a data bank on entrainment effects:

   a) Field Sampling - Samples will be collected from the intake and discharge canals at monthly intervals to indentify the species involved and to quantify how many of each species are potentially affected.

   b) Literature Search - An information search of published literature will be performed simultaneously. The purpose will be to gather background information generated by research activities at other locations having the same or related species. The response of these organisms to temperature and chemical stresses will be emphasized with

particular attention to any synergistic response. The literature search as may be required by the NPDES Permit for Unit No. 1 may be used in lieu of the above.

c) Report - At the end of each year's collection of data, a report will be prepared in which the significance of the information will be evaluated. Background data collected on the site on the Atlantic Ocean from 1971 to 1974 will be utilized to estimate the proportion of the total available organisms subjected to plant passage. The equivalent report required by the NPDES permit for Unit 1 may be substituted for the above.

3. Impingement - Impingement of aquatic organisms on intake screens will be determined as follows:

a) Collection - Screen washings will be examined for a consecutive 24-hour period once every two weeks. The collection obtained will be analyzed for:

1) species present;
2) number of each individual species caught;
3) total biomass of each species; and
4) average size of the individuals caught.

b) Semi-annual Analysis - A qualified biologist will analyze these figures (a, above) every six months to determine the significance in terms of:

1) stage of development of the organisms;
2) percent reduction this represents when compared to the total population of the area as determined from background data; and

3) protection and propagation of the species of the area.

c) If entrainment studies pursuant to B.2 should prove to provide information equivalent to the impingement studies of this section, then the entrainment evaluation report shall be deemed an acceptable substitute.

4. Biological Communities - Changes in the aquatic biological communities due to plant operation will be detected by continuation of the biological program. The background biological program that has been conducted for four years will form the basis of this program, with modifications as outlined:

a) Field Sampling - Sampling at different levels of biological organismal complexity will be performed according to the following schedule:

Community	Sampling Frequency
Phytoplankton	Monthly
Zooplankton	Monthly
Ichthyoplankton	Monthly
Nutrient Analysis	Monthly
Benthos	Quarterly
Fish	Monthly

b) Cataloging - A cataloging of other developments in the area will be performed. Changes in the area since the background data were collected may influence any biological alterations noted.

c) Report - A report will be prepared at the end of each year. It will include a bibliography of literature pertinent to the effects of specific chemical and/or physical stresses on species indigenous to the region. Any significant change from the background levels noted in the communities sampled should be detected by the above program. Conclusions will be drawn as to whether or not any changes observed are the result of operation of the power plant.

d) The study and report may be a supplemental continuation of the studies and reports performed for Unit 1.

C. Emergency Cooling Canal Monitoring

There shall be instituted a monitoring program to study the dissolved oxygen (D.O.) concentrations in Big Mud Creek and the Emergency Cooling Canal.

1. Monitoring of Tests - The dissolved oxygen (D.O) of the water withdrawn from Big Mud Creek via the emergency cooling system intake shall be monitored during each test. If the results of the monitoring program should indicate that water containing a D.O. level of less than 4 mg/l is being withdrawn, the the D.O. level of the water in the discharge canal shall be monitored as well during each subsequent test. The results of each test will be reported to the Department in the next quarterly monitoring report.

2. Corrective Measures - If the monitoring should indicate that water containing less than 2 mg/l of dissolved oxygen is being discharged to the Atlantic Ocean, a procedure will be developed and implemented to prevent the discharge or oxygen depleted water.

D. Water Monitoring Program Review

The results, and analysis of the biological, chemical and physical monitoring programs will be submitted to the Division of Environmental Permitting of the Department for review at

the end of the first year after Unit 2 commences operation and each year thereafter to determine the necessity and/or extent to their continuation. The methods and procedures utilized in the monitoring program shall be approved by the Department and also be reviewed annually by the Department and Florida Power & Light. The Department and the applicant shall consult and coordinate the monitoring program with the Department of Natural Resources.

IV. Other Monitoring Program

There shall also be implemented the preoperational and post-operational environmental monitoring programs prescribed by the Nuclear Regulatory Commission and other Federal agencies. Copies of any reports required by such federal agencies shall be submitted to the Department.

V. Dredging Operations

1. Spoil Disposal - There shall be no surface discharge of turbid waters to waters of the State from spoil disposal areas. Any spoil excavated and permanently moved during construction or maintenance dredging shall be deposited on an upland area. A berm or other control device shall be constructed around any spoil disposal areas to insure against spillage or discharge or excavated material which may cause turbidity in excess of 50 Jackson Turbidity Units above background in waters of the State.

2. Turbidity Control - Turbidity control devices shall be installed prior to construction or maintenance dredging to insure that turbidity of State waters is not increased more than 50 Jackson Turbidity Units.

3. Dike Removal - The dike around the mangrove area north of the discharge canal shall be opened up to Big Mud Creek by breaching the dike in three (3) places. Each breach in the dike shall be a minimum of ten feet (10') wide at the bottom and the bottom elevation of the breach shall not be higher than one foot below mean sea level (-1' MSL) or deeper than -3' MSL.

VI. Stormwater Runoff

During construction and plant operation necessary measures shall be employed to settle, filter or absorb silt containing or pollutant loaded stormwater runoff to prevent contaimination of waters of the State. Such measures may include sediment traps, barriers and use of berms of vegetation. Exposed or disturbed soil shall be sodded as soon as possible to minimize silt and sediment runoff into waters of the State.

VII. Defouling Operations

Ninety (90) days prior to conducting any defouling operations on intake or discharge lines, a plan of operation shall be submitted

the Department detailing when and how the defouling operation will take place. The defouling operation shall be conducted in such a manner that the water quality standards of Chapter 17-3, FAC will not be violated.

VIII. Sanitary Wastes Disposal System

A. Septic Tank - The sanitary waste disposal system shall be designed to operate in conformance with Chapter 10D-6, FAC and the guidelines of the St. Lucie County Health Department and the State of Florida. If repeated failures of the drainfield system indicate a potential for causing a public health hazard as determined by the St. Lucie County Health Department or if sampling should indicate pollution of State waters due to excessive concentrations of coliform organisms, then the septic tank drainfield system shall be abandoned and a properly designed sewage treatment plant shall be constructed with a discharge into the cooling water system discharge canal.

B. Sewer Connection - Whenever an approved sanitary sewer is made available in a public right-of-way or easement abutting the property, the individual septic tank or any individual sewage disposal system, device or equipment shall be abandoned and the sewage wastes from the power plant facility shall be connected to the sanitary sewer within ninety (90) days of the date the sanitary sewer becomes available. For purposes of this certification the Department shall consider the sewer line available when it reaches the line dividing Sections 9 and 16 of Range 41 E, Township 36 South of St. Lucie County, at Station 368+50.64 along State Road A1A. Construction of the lateral from the plants sanitary sewage collection system to the sanitary sewer shall commence within 45 days of the sanitary sewer becoming available and shall be connected to sanitary sewer as soon as possible but no later than 90 days after the sewer authority declares the line is available for use.

IX. Solid Wastes

Solid wastes generated by the construction or operation of the certified facility shall be handled and disposed of in conformance with all applicable regulations of the Nuclear Regulatory Commission and Chapter 17-7, Florida Administrative Code.

X. Vegetation and Dunes

A. Vegetation - Native vegetation will be planted at the earliest feasible time to replace any portion of the light screen installed behind the beach dune for Unit No. 1 that is disturbed for Unit No. 2 construction. Facility lighting added for Unit No. 2 will be shielded or directed to minimize sky shine. Rather than planting Australian Pine, the permittee shall use native vegetation such as live oak, native figs or wild tamarind

in order to protect the barrier sand dune and to act as a light shield if needed to protect turtle hatchlings, unless directly prohibited by the Nuclear Regulatory Commission.

B. Dunes - In restoring the ocean dune to its original condition after installation of the Unit No. 2 discharge line, the permittee will replant the dune at the earliest feasible time with dune stabilizing plants native to the area. The Department of Natural Resources, Bureau of Beaches and Shores shall be allowed to inspect the dune once restored.

XI. Control Measures During Construction

The permittee shall take the following mitigation action during construction of the proposed plant to limit adverse effects:

A. Discharge Line

1. Construct a temporary dune and use sheet piling to protect against wave damage when the dune is cut. Native plantings will be maintained as much as possible.

2. Survey the beach area subject to construction activities for sea turtle nests and relocate any present if construction takes place on the beach during the nesting season.

3. Dispose of dredge spoils at an approved onshore site.

4. Use sheetpiling or other acceptable methods around the area being dredged to minimize siltation of the adjacent waters.

B. Dewatering

Wastewater discharged from site dewatering will meet Florida water quality criteria prior to discharge.

C. pH

Chemical releases will be neutralized prior to discharge to waters of the State to prevent violations of pH water quality standards.

D. Facility Lighting

Elevated plant lighting will be shutdown to the extent possible during passage of storm fronts to minimize bird kills.

E. Trash

Trash shall be disposed of either on or off site in accordance with the procedure set forth in Chapter 17-5 and 17-7, FAC. If open burning of refuse or construction wastes are performed in accordance with Chapter 17-5, FAC, no additional permits shall be required, but the Division of Forestry shall be notified prior to such burning.

F. Edible Refuse

Edible refuse will be carefully disposed of to prevent accessibility by raccoons with resulting increased turtle predation.

G. Fish Entrapment

Fish entrapment shall be monitored in the intake canal even during the time only one unit is in operation. If unusually large numbers of fishes are entrapped, the permittee will furnish the Department a plan to mitigate such entrapment. Once the Unit 2 multiport discharge line is installed, heated water shall be discharged only from that line when only one unit is operating.

XII. Environmental Control Program

A control program shall be established to provide for a periodic review of all construction activities to assure those activities conform to the environmental conditions set forth in the conditions of certification.

XIII. Irreversible Damage

If unexpected harmful effects or evidence or irreversible damage are detected during facility construction, the applicant shall provide to the Department an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or damage.

XIV. Water Withdrawal

The withdrawal of water for the testing and functioning of the emergency cooling systems for the St. Lucie Plant from that portion of the Indian River known as Big Mud Creek shall be in accordance with the following:

a. Testing of the alternate emergency cooling systems not to exceed 4,000,000 gallons per year for Unit No. 2 when combined with Unit No. 1.

b. Flow of water in the alternate emergency cooling system, in the event that the main source of emergency cooling water from the Atlantic Ocean is not available, shall not exceed 60,000 gallons per minute, and may continue until the main source of emergency coolong water has been restored.

c. The permittee shall notify the nearest sub-district office of the Department and the South Florida Water Management District prior to each test of the emergency cooling canal system, and shall also notify the Department of any use of the emergency cooling canal system lasting more than twelve (12) hours.

XV. Transformer Oil Collection Pits

The gravel filled transformer, oil collection pits shall be constructed with appropriate bottom slopes to allow removal of any spill oil via the sump. The permittee shall notify the Department within 60 days of issuance of certification whether or not the transformer oil to be used on site will contain any polychlorinated biphenyls or other toxic polycyclic halogenated compounds. If oils containing polychlorinated biphenyls or other toxic polycyclic halogenated compounds are used in transformers, then the sides and bottom of the transformer pits shall be lined with concrete or other suitable impervious material.

XVI. Submission of Reports

Florida Power & light Company shall submit to the Local Public Documents Room located at the Indian River Community College Library in Ft. Pierce, Florida a copy of all monitoring and other reports required to be submitted to the Department of Environmental Regulation.

XVII. Operational Safeguards

The overall design and layout of the plant must be such as to minimize hazards to humans and the environment. Warning signs, barrier fences and security control measures will be utilized to prevent public exposure to hazardous conditions. OSHA standards will be complied with to protect employees and the public.

XVIII. Radiological

A. Site Security

The applicant shall review the site security plan at least every three years and revise the plan as necessary based upon imposed Nuclear Regulatory Commission (NRC) requirements, operating experience, new technology and changes in the probability of acts of sabotage or terrorism. The Department shall be notified in writing of each such review.

1. Upon the Department's request the applicant shall make the most recent site security plan available to a bonded security analyst designated and retained by the Department. The analyst shall be a recognized expert in the field of industrial and nuclear facility security. The security plans shall be thoroughly evaluated by the analyst for the purpose of determining the efficacy of the plan. The results of the analyst review shall be communicated to the applicant and the NRC. Should the Department's analyst detect deficiencies in applicant's site security plan, the Department should bring to the attention of the applicant and NRC such deficiencies and will initiate a request, consistent with the NRC procedural requirements that remedial action be taken to correct the deficiencies.

2. The above process of reviewing the site security plan and submitting criticisms thereof shall be implemented through a method approved by the applicant and the NRC, designed to insure the continued confidentiality of the plan as required by practices and regulation of the NRC.

B. Decommissioning

Upon application to the NRC for authority to decommission the plant, the applicant shall provide the Department a written plan indicating how radioactive materials will be removed from the site or contained on site. Should the Department's review of the written plan reveal deficiencies, the Department shall bring such deficiencies to the attention of the applicant and the NRC and will initiate a request, consistent with NRC procedural requirements, that remedial action be taken to correct the deficiencies.

C. Emergency Plan

The applicant shall work with the Division of Disaster Preparedness and the Department of Health and Rehabilitative Services in annually updating the emergency procedures and evacuation planning as necessary, including but not limited to improvements in communication and warning systems and in updating predicted plume overlays.

D. Technology Review

The applicant shall submit a report to the Department and the Nuclear Regulatory Commission every five years commencing with plant operation, containing a review of new radioactivity release control technology and how the effectiveness of such technology relates to achievement of releases "as low as reasonably achievable" as defined in Appendix I of 10 CFR, Part 50, the amount of reduction in radioactive releases, if such technology were employed, and the cost of backfitting such new technology.

E. Reporting

The applicant shall furnish to the Department copies of the following reports for St. Lucie 2 required to be filed in the NRC Public Document Room:

1. Annual Radiological Environmental Monitoring Report

2. Semiannual Radioactive Effluent Release Report

3. Non-routine Radioactive Effluent Reports as required by Environmental Technical Specifications to be made a part of the future Operating License for this unit by the NRC.

Where proprietary information which is required by NRC regulations to be withheld from public desclosure is included in such reports filed with NRC, the applicant shall submit to the Department a brief description of the nature of such proprietary information.

F. Radiological Release Limitations

The recommendation in the Power Plant Site Certification Analysis that certification be issued is based in part upon the fact that in order to obtain a construction permit and operating license from NRC, the applicant must comply with all applicable regulations, requirements, and standards of the U.S. NRC which limit the release of radioactive materials in solid waste, liquid or gaseous effluents to the environs. The above regulations, requirements, and standards include the following:

1. Standards for Protection Against Radiation, U.S. Nuclear Regulatory Commission Rules and Regulations, Title 10, Chapter 1, Part 20, Code of Federal Regulations, as presently in effect or hereafter amended.

2. Limitations and conditions for the controlled release of radioactive materials in solid, liquid and gaseous effluents contained in the Environmental Technical Specifications attached to and made a part of the future Operating License for St. Lucie Unit No. 2 issued to the applicant by the U.S. NRC.

The Department has the statutory duty to insure that the location and operation of St. Lucie 2 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Fla. Stat. Section 403.502.) The Department has determined that the construction and operation of St. Lucie 2 must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon full compliance by the applicant with the applicable above regulations, requirements, and standards.

The NRC has the primary duty and responsibility imposed by statute, to enforce compliance by the applicant with NRC standards and technical specifications, to assure that the construction and operating of St. Lucie 2 will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. See Section 103(d) of the Atomic Energy Act, 42 U.S.C. section 2133(d) (1970); accord. 42 U.S.C. section 2332(a) (1970).

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the applicant and the NRC, and will initiate a request, consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies. Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action health and the environment by continued operation of St. Lucie 2 are minimized, the Department reserves the right to take appropriate State enforcement action pursuant to Chapter 403, Florida Statutes against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express condition of certification.

G. Fuel Limitations

The Fuel for St. Lucie Unit No. 2 shall be enriched uranium dioxide fuel.

H. Monitoring

The Environmental Radiological Surveillance Program required by the Environmental Technical Specifications to be made a part of the future Operating License for St. Lucie 2 by NRC shall be implemented by applicant. Should the Department determine that additional monitoring is required, it may take appropriate action to require such monitoring by amendment of this condition of certification.

I. Interagency Agreement

The applicant shall comply with the State of Florida Radiological Emergency Plan dated May 1975 or as subsequently revised, and the Radiological Response Agreement between the Florida Division of Health, Department of Health and Rehabilitative Services and the Florida Power and Light Company dated January 16, 1974, as attached and incorporated herein as Appendix B or as may be subsequently revised.

J. Reservation of Legal Rights

Applicant's acceptance of these radiological conditions of certification does not, in and of itself, constitute a waiver by Applicant of its contention that any such radiological conditions are invalid under the doctrine of federal preemption.