

June 16, 2005

Mr. J. A. Stall  
Senior Vice President, Nuclear and  
Chief Nuclear Officer  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

SUBJECT: ST. LUCIE UNITS 1 AND 2 AND TURKEY POINT UNITS 3 AND 4 - CHANGES  
TO NONQUALIFIED DECOMMISSIONING TRUST AGREEMENT  
(TAC NOS. MC6978, MC6979, MC6980 AND MC6981)

Dear Mr. Stall:

This is in response to your letter dated May 11, 2005, as supplemented by letters dated June 1 and June 8, 2005, regarding proposed changes to the Nonqualified Decommissioning Trust Agreement (Trust Agreement) for the Turkey Point and St. Lucie nuclear facilities. In 2001, in connection with the U.S. Nuclear Regulatory Commission (NRC) staff's consideration of the transfer of the nonqualified decommissioning funds for the facilities to KPB Financial Corporation (KPB), a wholly owned subsidiary of Florida Power & Light Company, KPB committed to make no material changes to the Trust Agreement without the prior written approval of the Director of the Office of Nuclear Reactor Regulation. Consistent with that commitment, you are now seeking NRC consent to the proposed changes by KPB to the Trust Agreement.

The staff has reviewed the proposed changes to the Trust Agreement, and does not object to those changes. The staff, further, does not object to changes to Section 2.06 of the Trust Agreement not yet noted in the above submittals to reflect the change to be made by the deletion of Section 4.03, specifically, that Section 2.06(iv) will be changed to remove reference to Section 4.03 and "extraordinary administrative expenses." Accordingly, the staff has concluded that no further action by the NRC is necessary before the foregoing changes to the Trust Agreement may be implemented.

Sincerely,

**/RA/**

Brendan T. Moroney, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-335, 50-389,  
50-250, and 50-251

cc: See next page

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ADAMS Accession No. ML051650191 \* "NLO [no legal objection on condition changes made" NRR-106

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