



Florida Power & Light Company, 6501 S. Ocean Drive, Jensen Beach, FL 34957

July 31, 2007

L-2007-119  
10 CFR 50.36.b  
EPP 3.2.4

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

RE: St. Lucie Units 1 and 2  
Docket Nos. 50-335 and 50-389  
Environmental Protection Plan Report  
Request to Change Industrial Wastewater Facility Permit

The attached request to change the Industrial Wastewater Facility Permit is being submitted pursuant to the requirements of Section 3.2.4 of the St. Lucie Units 1 and 2 Environmental Protection Plans.

Please contact Ken Frehafer at (772) 467-7748 if there are any questions on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Gordon L. Johnston', is written over a large, stylized circular flourish.

Gordon L. Johnston  
Site Vice President  
St. Lucie Plant

GLJ/KWF

Attachment

CDDI  
NRR

St. Lucie Units 1 and 2  
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Attachment  
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Florida Power & Light Company, P.O. Box 14000, Juno Beach, Florida 33408-0420

July 31, 2007

Richard Drew, Chief  
Water Facilities Regulation  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 3545  
Tallahassee, Florida 32399-2400

Dear Mr. Drew:

**RE: FPL - St. Lucie Plant  
State Industrial Permit Number FL0002208  
Suspension of 316 (b) Phase II Rule**

The purpose of this letter is to request that the Florida Department of Environmental Protection ("FDEP") rescind Specific Condition VI.3 in Florida Power & Light Company ("FPL") St. Lucie Plant State Industrial Wastewater Permit No. FL 0002208 ("Permit").

Specific Condition VI.3. of the Permit, which was issued on January 20, 2006, was incorporated as a compliance requirement for the U.S. Environmental Protection Agency's ("EPA") regulations, National Pollutant Discharge Elimination System - Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities<sup>1</sup> ("Phase II Rule"), which became effective on July 9, 2004. Specific Condition VI.3. states the following:

3. The Permittee shall comply with the requirements of 40 CFR Part 125.95 (a) (1) and (2) no later than January 7, 2008.

However, after the Permit was issued, the Phase II Rule was challenged by industry and environmental stakeholders and, on judicial review, the U.S. Court of Appeals for the Second Circuit ("Second Circuit") issued a decision on January 25, 2007 (*Riverkeeper, Inc. v. EPA*, 475 F.3d 83 ("Decision")) remanding several provisions of the Phase II Rule to EPA, thus precluding EPA from applying the Phase II rule unless and until EPA takes further action.

As a result of the Second Circuit's Decision, the EPA, effective July 9, 2007, suspended most of the provisions of the Phase II Rule<sup>2</sup>, including 40 CFR Part 125.95 (a) (1) and (2). With these regulations suspended, there are no applicable regulations for FPL to comply with under Specific Condition VI.3.

<sup>1</sup> 69 Fed. Reg. 41576 (July 6, 2004)

<sup>2</sup> 72 Fed. Reg. 37107 (July 9, 2007)

St. Lucie Units 1 and 2  
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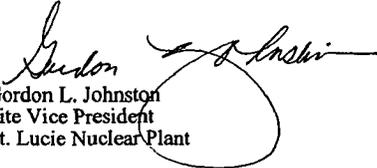
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In view of the above, FPL respectfully requests that FDEP rescind Specific Condition VI.3. FPL proposes that FDEP simply issue a permit change letter to rescind the referenced permit condition, rather than requiring FPL to submit a request for a minor permit revision. This will save significant effort and resources for both FPL and FDEP. However, if FDEP requires a formal request for a minor permit revision, please advise us and FPL will submit such a request.

If you have any questions, or need additional information, please contact Vince Munne at 772-467-7453 or Ron Hix at 561-691-7641.

Sincerely,

  
Gordon L. Johnston  
Site Vice President  
St. Lucie Nuclear Plant

GLJ:KF:ljw  
vppsl018