



Entergy Operations, Inc  
Waterford 3 SES  
17265 River Road  
Killona, LA 70057  
Tel 504 739 6650

W3B0-2007-0013  
A4.06  
PR

CERTIFIED MAIL NO. 7004 2890 0003 6925 2526  
RETURN RECEIPT REQUESTED

April 9, 2007

Mrs. Yvonne Baker  
Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permit Compliance Unit  
P. O. Box 4312  
Baton Rouge, LA 70821-4312

Subject: Permit Modification for Section 316(b) Phase II Rule Compliance  
Waterford Steam Electric Station - Unit Number 3  
Agency Interest Number 35260  
LPDES Permit Number LA0007374

Dear Ms. Baker:

Our current LPDES permit requires Waterford 3 to initiate compliance with the Section 316(b) Phase II Rule requirements and applicable state regulations for cooling water intake structures. Part II, Section X of our permit requires the submission of a Comprehensive Demonstration Study (CDS) and other information as required by 40 CFR 125.95 as expeditiously as practicable, but no later than January 7, 2008.

Entergy respectfully request the 316(b) language located in Part II, Section X of our permit be removed or modified due to the remanding of major portions of the rule on January 25, 2007 by the Second U.S. Circuit Court of Appeals. (*See Riverkeeper, Inc. v. EPA, 475 F. 3d 83 (2<sup>nd</sup> Cir. 2007)*). Further litigation on this matter and EPA's redevelopment of this Rule after remand may significantly alter Waterford 3's strategy for compliance as outlined in our Proposal for Information Collections (PIC) submitted on December 22, 2005. In addition, as a result of so many portions of the Phase II rule affected by the remand, the United States Environmental Protection Agency issued a memorandum on March 20, 2007 stating that the rule should be considered suspended until further action by the agency.

Entergy believes a permit modification is required that clearly defines compliance with those aspects of the 316(b) rule that LDEQ considers still applicable or enforceable. Please note that Entergy's comments on the draft permit requested that this deadline not be included in the permit due to the high probability of a change in the regulatory deadline through the Rule litigation.

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Entergy requests that LDEQ consider this modification urgent due to the compliance schedule listed in the permit.  
Should you have any questions or comments, please contact Mr. Mark J. Louque at (504) 464-3267.

Sincerely,



Kevin T. Walsh  
Vice President-Operations  
Waterford 3

KTW/MJL/mjl

cc:	M. J. Louque	W-MSB4-238
	K. T. Walsh	W-GSB-300
	R. A. Dodds	W-MSB4-300
	Waterford 3 Records	
ecc:	G.M. VonBodungen	L-LITG-4
	R.N. Buckley	M-ECH-595
	J. M. Amato	W-MSB4-238
	C. M. Zeringue	W-MSB4-238
	C. Barlow	M-ELEC-6B