

REQUEST TO ESTABLISH DOCKET
(Please Type)

Date	July 3, 2002	Docket No.	020648-E1
1. Division Name/Staff Name:	OGC, Marlene Stern		
2. OPR:	Jim Breman, ECR		
3. OCR:	Marlene Stern, OGC		
4. Suggested Docket Title:	Petition for approval of environmental cost recovery of St. Lucie turtle net project for the period April 15, 2002 through December 31, 2002.		

NOTE: The Petition was originally filed in 020007, but needs to be removed and put in a new docket.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES OR ACRONYMS ONLY if a regulated company.
- B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)
 - 1. Parties and their representatives (if any):

Rob Vandiver, Esq.
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399

2. Interested persons and their representatives (if any):

6. Check one:

- 0 Documentation is attached.
- Documentation will be provided with recommendation.

DOCUMENT NUMBER 020648-E1
06895 JUL -3 02

STEEL ■
HECTOR
■ DAVIS
INTERNATIONAL™

SO₂₃₁ NO₂
NO_x
SO_x

Steel Hector & Davis LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398
305.577.7000
305.577.7001 Fax
www.steelhector.com

John T. Butler, P.A.
305.577.2939
jtb@steelhector.com

June 18, 2002

VIA FEDERAL EXPRESS

Blanca S. Bayó
Director, Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



Re: Docket No. 020007-EI

Dear Ms. Bayó:

Enclosed for filing are the original and seven (7) copies of Florida Power & Light Company's Petition for Approval of Environmental Cost Recovery of St. Lucie Turtle Net Project for the Period April 15, 2002 Through December 31, 2002, with accompanying exhibits. Also enclosed is a diskette containing the electronic version of the petition. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the petition appears is Word 2000.

Sincerely,

John T. Butler, P.A.

Copy to: All parties of record

MIA2001 108396v1

06332-02

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost)
Recovery Clause. _____)

Docket No. 020007-EI
Filed: June 18, 2002

**PETITION FOR APPROVAL OF
ENVIRONMENTAL COST RECOVERY
OF ST. LUCIE TURTLE NET PROJECT FOR THE PERIOD
APRIL 15, 2002 THROUGH DECEMBER 31, 2002**

Florida Power & Light Company ("FPL"), pursuant to Order No. PSC-93-1580-FOF-EI, hereby petitions this Commission for approval of recovery through the Environmental Cost Recovery Clause during the period January 2003 to December 2003 of costs associated with FPL's St. Lucie Turtle Net Project (the "Project") incurred between April 15, 2002 and December 31, 2002. The justification for approval of the Project is addressed in the Affidavit of Randall LaBauve (attached as Exhibit A), which is incorporated into and made part of this Petition. FPL requests that this matter be addressed at the hearing in this docket that is scheduled for November 20-22, 2002. In support of this Petition, FPL states as follows:

1. Section 366.8255, Florida Statutes, authorizes the Commission to review and approve the recovery of prudently incurred Environmental Compliance Costs. In Order No. PSC-01-2463-FOF-EI, the Commission approved the following stipulation concerning implementation of the provision in FPL's 1999 Stipulation and Settlement Agreement concerning recovery of Environmental Compliance Costs:

FPL should be required to follow the provisions of the stipulation in Order No. PSC-99-0519-AS-EI, which state: "For 2002, FPL will not be allowed to recover any costs through the environmental cost recovery docket. FPL may, however, petition to recover in 2003 prudent environmental costs incurred after the expiration of the three-year term of this Stipulation and Settlement in 2002." FPL

is authorized to recover these prudently incurred environmental costs in 2003. Interest, however, will not accrue on these expenses.

2. Section 366.8255 requires that a utility file projected Environmental Compliance Costs in order for those costs to be considered for cost recovery. When FPL filed its projected 2002 Environmental Compliance Costs on September 20, 2001, FPL did not have sufficient information on the nature or timing of the Project to include its costs in the projections. FPL is presenting the Commission with this interim request for recovery because the Project has now been fully developed and is currently being implemented.

3. As explained more fully in the attached Affidavit, the Project entails the replacement and enhancement of an existing mesh netting system that is placed across the intake canal at the St. Lucie Nuclear Plant to prevent several species of sea turtles from being drawn into the cooling-water inlets on the generating units. This system is required by Appendix B to the Facility Operating License for St. Lucie Unit 2, granted to FPL by the United States Nuclear Regulatory Commission ("NRC"). The turtle-net requirements fulfill FPL's obligations under the United States Endangered Species Act to limit so-called "lethal takes" of sea turtles, consistent with a May 4, 2001, Biological Opinion by the National Marine Fisheries Service ("NMFS"), which was forwarded to FPL by the NRC on May 18, 2001. Appendix B both requires FPL to maintain a specified net system and to limit lethal takes of sea turtles to prescribed levels. FPL's requirements for lethal turtle takings are in the Incidental Take Statement issued to FPL by the NMFS, contained in the Biological Opinion, and that limit is calculated for each of the next ten years by taking one percent of the total number of loggerhead and green sea turtles captured in a given year.¹ Based on the number of captured turtles of those

¹ The Incidental Take Statement separately limits the number of lethal takings of Kemp's ridley turtles to two per year over the next ten years, and the number of lethal takings of hawksbill or leatherback turtles to one of those

species in 2001, the lethal take limit for that year was six. If the specified net system does not effectively limit the lethal take of sea turtles to the prescribed levels, it is FPL's obligation to implement whatever additional measures may be necessary to stay within those levels. The Project is intended to improve the effectiveness of the net system at preventing turtles from being drawn into the cooling-water inlets, so that FPL can continue conforming to the prescribed lethal-take limits.

4. FPL decided to replace the existing turtle-net system in November 2001 because it had become deformed to the point that it could trap turtles when there are large influxes of seaweed and jellyfish into the intake canal. In 2001, FPL documented six turtle mortalities, which equals the allowed lethal take limit for that year. The new system is intended to address deficiencies in the existing system that have allowed it to stretch and bow in ways that could potentially trap and drown turtles. Work progressed through the first quarter of 2002 on determining how the system could be improved cost-effectively and then designing the improvements. If the improvements to the existing net system are not implemented, FPL may not meet its regulatory requirements in the future. Details on the new system are described in the attached Affidavit. Installation is to begin in June 2002 and is expected to be completed in September 2002.

5. As shown in the Affidavit, FPL projects that it will incur total capital costs of \$694,142 for the Project and that the associated depreciation and return for October through December 2002 is projected to be \$17,975. The Affidavit also shows that FPL expects to incur operating and maintenance expenses of \$15,000 for the Project between April 15, 2002 and December 31, 2002. The estimated annual O&M cost will be \$25,000. FPL is requesting

species every two years over the next ten years.

recovery of jurisdictionalized O&M costs of \$14,856, and jurisdictionalized Capital costs of \$17,801, resulting in total recoverable costs for the period April 15, 2002 through December 31, 2002 of \$32,657. The costs of the Project are reasonable in amount and prudently incurred, and they are not otherwise being recovered by FPL. Exhibit B, Document Nos. 1 through 3 (Forms 42-5E, 42-7E, and Form 42-8E) provides a monthly breakdown of O&M and Capital costs, which are allocated using the same methodology as in FPL's last rate case.

WHEREFORE, Florida Power & Light Company respectfully requests the Commission to approve the recovery through the Environmental Cost Recovery Clause in the period January 2003 to December 2003 of \$32,657 in costs associated with the St. Lucie Turtle Net Project for April 15, 2002 through December 31, 2002.

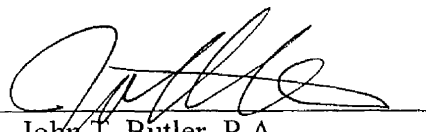
DATED this 18th day of June, 2002.

Respectfully submitted,

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Steel Hector & Davis LLP
Attorneys for Florida Power & Light
Company
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

By:



John T. Butler, P.A.
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 020007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail this 18th day of June, 2002, to the following:

Wm. Cochran Keating IV, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for TECO
P. O. Box 391
Tallahassee, FL 32302

Robert Vandiver, Esq.
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399

James A. McGee, Esq.
Florida Power Corporation
P. O. Box 14042
St. Petersburg, FL 33733

Norman H. Horton, Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
215 South Monroe St. #701
Tallahassee, FL 32301

Vicki Gordon Kaufman, Esq.
Joseph A. McGlothlin, Esq.
McWhirter Reeves
Attorneys for FIPUG
117 South Gadsden Street
Tallahassee, FL 32301

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs and Lane
P. O. Box 12950
Attorneys for Gulf Power Corp.
Pensacola, FL 32576

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGothlin,
Davidson, et al.
Attorneys for FIPUG
P. O. Box 3350
Tampa, FL 33601-3350

Thomas A. Cloud, Esq.
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, FL 32801

Marlene Stern, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gunter Building, Room 370
Tallahassee, FL 32399

By: _____

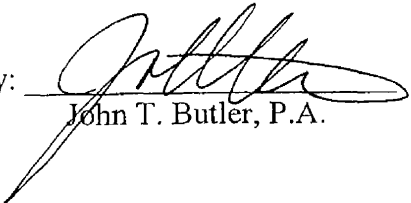

John T. Butler, P.A.

EXHIBIT A

AFFIDAVIT OF
R. LABAUVE

FLORIDA POWER & LIGHT COMPANY
DOCKET NO. 020007-EI
JUNE 18, 2002

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Randall R. LaBauve, who being first duly sworn deposes and says:

1. My name is Randall R. LaBauve, and I occupy the position of Director of Environmental Services, Florida Power & Light Company, 700 Universe Boulevard, Juno Beach, Florida. In this position I have knowledge of and have familiarity with the matters addressed in this affidavit.

2. I received a Bachelor of Arts degree in Psychology from Louisiana State University in 1983 and a Juris Doctor degree from Louisiana State University in 1986. I joined FPL in 1995 as an Environmental Lawyer and in 1996 assumed the responsibility of Director of Environmental Services. Prior to joining FPL I was the Director of Environmental Affairs for Entergy Services, Incorporated located in Little Rock, Arkansas and prior to that practiced law with Milling, Benson, Woodward, Hilliard, Pierson and Miller in New Orleans, Louisiana.

3. I am responsible for directing the overall corporate environmental planning, programs, licensing, and permitting activities to ensure the basic objective of obtaining and maintaining the federal, state, regional and local government approvals necessary to site, construct and operate FPL's power plants, transmission lines, and fuel facilities and maintain compliance with environmental laws.

4. FPL is limited in the number of lethal turtle takings permitted at its St. Lucie Power Plant by the Incidental Take Statement contained in the Endangered Species Act Section 7 Consultation Biological Opinion, issued to FPL on May 4, 2001 by the National Marine Fisheries Service ("NMFS"). The number of lethal takings permitted in a given year is calculated by taking one percent of the total number of loggerhead and green turtles captured in that year. (The Incidental Take Statement separately limits the number of lethal takings of Kemp's ridley turtles to two per year over the next ten years, and the number of lethal takings of either hawksbill or leatherback turtles to one of those species every two years over the next ten years). Based on the number of captured turtles in 2001, the lethal take limit for loggerhead and green turtles in that year was six (references; Nuclear Regulatory Commission letter dated May 18, 2001 included as Exhibit 1, Document No. 1, Endangered Species Act Section 7 Consultation Biological Opinion Incidental Take Statement dated May 4, 2001 included as Exhibit 1, Document No. 2, Appendix B To Facility Operating License No. NPF-16 St. Lucie Unit 2, Environmental Protection Plan, Non-Radiological, Amendment No. 103 included as Exhibit 1, Document No. 3). In 2001, FPL experienced six lethal takings of loggerhead and green turtles at the St. Lucie Power Plant, indicating that its existing measures to limit such takings were performing marginally.

5. FPL is committed to undertaking actions that are both cost-effective and pro-active to protect endangered species. FPL has determined that changes to the turtle nets and ancillary structures comprising the Turtle Net Project are necessary due to the six documented lethal takings of loggerhead and green turtles in 2001. The scope of FPL's St. Lucie Power Plant turtle net project (the "Turtle Net Project") is to redesign and replace the existing turtle net and associated structures, and to reconfigure the intake canal to improve the effectiveness of the net in meeting our regulatory requirements. Several alternatives were considered for the prevention of turtle mortalities due to the trapping of turtles in the intake canal which include replacing the current net material with the same type of material, replacing the net with a new type of material and reinforcing support structures,

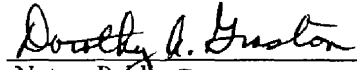
dredging the intake canal to the design depth, and adding a sand removal system at the base of the net. It was determined that the implementation of any single option would not effectively reduce the current problem, but that a combination of all four options would substantially reduce the possibility of sea turtle drownings. The canal will be dredged to the initial designed bottom configuration so as to decrease velocity across the net, and there will be a new net material used that is designed not to stretch and bow when influxes of debris enter the canal. In addition, reinforcements will be added to the existing concrete support structures.

6. The Turtle Net Project has been fully developed and is currently being implemented. FPL expects to complete the installation of the Turtle Net Project in September 2002, at a capital cost of \$694,142. The estimated annual O&M cost for the Turtle Net Project is \$25,000, with projected O&M for September 2002 through December 2002 of \$15,000. FPL is not currently recovering these cost through any other cost recovery mechanism.



I hereby certify that on this 17th day of June, 2002 before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Randall R. LaBauve who is personally known to me, and he acknowledged before me that he executed this certification of signature as his free act and deed.

I witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as this 17th day of June, 2002.



Notary Public DOROTHY A. GRASTON
State of Florida
My Commission Expires :



**EXHIBIT 1 TO LABAUVE AFFIDAVIT
DOCUMENT NO. 1**

**UNITED STATES NUCLEAR REGULATORY
COMMISSION LETTER REGARDING BIOLOGICAL
OPINION, ST. LUCIE PLANT, UNITS 1 AND 2**

**FLORIDA POWER & LIGHT COMPANY
DOCKET NO. 020007-EI
JUNE 18, 2002**



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 18, 2001

Mr. Thomas F. Plunkett
President, Nuclear Division
Florida Power and Light Company
Post Office Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: BIOLOGICAL OPINION, ST. LUCIE PLANT, UNITS 1 AND 2
(TAC NOS. MA6374 AND MA6375)

Dear Mr. Plunkett:

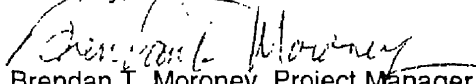
Enclosed is a copy of the National Marine Fisheries Service's (NMFS) Biological Opinion, which was issued May 4, 2001. This Opinion is a reinitiation of consultation subsequent to the February 7, 1997, Opinion.

The U.S. Nuclear Regulatory Commission formally requested reinitiation on November 30, 1999, after the St. Lucie Plant exceeded NMFS' anticipated incidental take of three green turtles per year established in the Incidental Take Statement of the 1997 Opinion. The current Opinion considered new information about turtle interactions with the plant submitted by Florida Power and Light in a March 2000 report entitled "Physical and Ecological Factors Influencing Sea Turtle Entrainment Levels at the St. Lucie Nuclear Power Plant: 1976-1998."

The May 4, 2001, Opinion states NMFS' belief that the continued operation of the circulating seawater cooling system at the St. Lucie Plant is not likely to jeopardize the continued existence of the five species of sea turtles found at St. Lucie. However, it revises the Incidental Take Statement and modifies some of the Terms and Conditions of the previous Opinion. These should be evaluated for the potential need to revise the St. Lucie Plant Technical Specifications and plant procedures.

If you have any questions following review of the document, please contact me at (301) 415-3974.

Sincerely,


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

Enclosure: NMFS Biological Opinion

cc w/enclosure: R. Hoffman, NMFS
See next page

Mr. T. F. Plunkett
Florida Power and Light Company

cc:
Senior Resident Inspector
St. Lucie Plant
U.S. Nuclear Regulatory Commission
P.O. Box 6090
Jensen Beach, Florida 34957

Joe Myers, Director
Division of Emergency Preparedness
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

M. S. Ross, Attorney
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Douglas Anderson
County Administrator
St. Lucie County
2300 Virginia Avenue
Fort Pierce, Florida 34982

Mr. William A. Passetti, Chief
Department of Health
Bureau of Radiation Control
2020 Capital Circle, SE, Bin #C21
Tallahassee, Florida 32399-1741

Mr. Rajiv S. Kundalkar
Vice President
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

ST. LUCIE PLANT

Mr. R. G. West
Plant General Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

E. J. Weinkam
Licensing Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

Mr. Don Mothena
Manager, Nuclear Plant Support Services
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. J. A. Stall
Vice President - Nuclear Engineering
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. J. Kammel
Radiological Emergency
Planning Administrator
Department of Public Safety
6000 SE. Tower Drive
Stuart, Florida 34997

Mr. Robert Hoffman
U.S Department of Commerce
National Oceanic & Atmospheric Admin.
National Marine Fisheries Service
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

**EXHIBIT 1 TO LABAUVE AFFIDAVIT
DOCUMENT NO. 2**

**ENDANGERED SPECIES ACT - SECTION 7
CONSULTATION BIOLOGICAL OPINION - INCIDENTAL
TAKE STATEMENT**

**FLORIDA POWER & LIGHT COMPANY
DOCKET NO. 020007-EI
JUNE 18, 2002**

system is not likely to jeopardize the continued existence of the endangered green, leatherback, hawksbill, and Kemp's ridley sea turtles, or the threatened loggerhead sea turtle. No critical habitat has been designated for these species in the action area; therefore, none will be affected.

VII. Incidental Take Statement

Section 9 of the Act and Federal regulations pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are nondiscretionary and must be undertaken by the NRC so that they become binding conditions of any grant or permit issued to the applicant, as appropriate, for the exemption in section 7(o)(2) to apply. NRC has a continuing duty to regulate the activity covered by this incidental take statement. If NRC fails to assume and implement the terms and conditions, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, NRC must report the progress of the action and its impact on the species to NMFS as specified in the incidental take statement.

Amount or Extent of Anticipated Take

The lethal take levels below are based on the historical observed lethal takes, but provide for increased total numbers of lethal takings as entrapment levels increase.

Based on stranding records and historical data, five species of sea turtles are known to occur in the action area. Currently available information on the relationship between sea turtle capture and mortality and the St. Lucie Nuclear Power Plant's circulating seawater cooling system indicates that injury and/or death of sea turtles is likely to occur from entrapment in the system's intake canal associated with the proposed action. In recent years turtle entrapment has increased, especially green turtles, and will likely continue to increase, as the green turtle population, and other species' populations, continue to increase and recover. Therefore, pursuant to section 7(b)(4) of the ESA, NMFS anticipates an annual incidental capture of up to 1,000 turtles, in any combination of the five species found in the action area. NMFS anticipates 1% of the total number of green and loggerhead turtles (combined) captured (i.e., if there are 900 total green and loggerhead turtles captured in one year, then 9 turtles in any combination of greens and loggerheads are expected to be injured or killed as a result. In cases where 1% of the total is not a whole number, then the total allowable incidental take due to injury or death will be rounded to the next higher whole number) will be injured or killed each year over the next 10 years as a result of this incidental capture. NMFS also anticipates two Kemp's ridley turtles will be

killed each year and one hawksbill or leatherback turtle will be injured or killed every 2 years for the next 10 years also as a result of this incidental capture. NMFS anticipates that the turtles most likely to be entrapped and taken will be green turtles, followed by loggerhead turtles, and to a much lesser extent, Kemp's ridley, leatherback, and hawksbill sea turtles. If the actual incidental captures, injuries or mortalities meets or exceeds this level, NRC must immediately request reinitiation of formal consultation. NMFS Southeast Region will cooperate with NRC in the review of the incident.

Effect of the Take

NMFS believes that the aforementioned level of anticipated take (lethal, injury or non-lethal) over the next 10 years is not likely to appreciably reduce either the survival or recovery of Kemp's ridley, green, loggerhead, leatherback, and hawksbill sea turtles in the wild by reducing their reproduction, numbers, or distribution. In particular, NMFS determined that it does not expect activities associated with the St. Lucie Nuclear Power Plant's circulating seawater cooling system, when added to ongoing activities affecting these species in the action area and cumulative effects, to affect sea turtles in a way that reduces the number of animals born in a particular year (i.e., a specific age-class), the reproductive success of adult sea turtles, or the number of young sea turtles that annually recruit into the adult breeding population.

Reasonable and Prudent Measures

NMFS believes the following reasonable and prudent measures are necessary and appropriate to minimize impacts of incidental take of the Kemp's ridley, green, loggerhead, leatherback, and hawksbill sea turtles.

1. FP&L shall have a program in place to monitor, protect, and capture turtles entrapped in the intake canal.
2. FP&L shall report all turtle captures and subsequent mortalities per permit conditions.

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, NRC must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting and monitoring requirements. These terms and conditions are nondiscretionary.

- 1) FP&L shall maintain a 5-in bar mesh barrier net across the intake canal, east of the existing 8-in mesh barrier net. The 5-in net must receive regular inspection, maintenance, and repair on at least a quarterly basis. The regular maintenance schedule notwithstanding, any holes or damage to the net that are discovered must be promptly repaired to prevent the passage of turtles through the barrier net.

2) The existing 8-in mesh barrier net must be retained to serve as a backup to the 5-in mesh barrier net, which may be lowered occasionally because of fouling and water flow problems. The 8-in mesh net must receive regular inspection, maintenance, and repair on at least a quarterly basis. The regular maintenance schedule notwithstanding, any holes or damage to the net that are discovered must be promptly repaired to prevent the passage of turtles through the barrier net.

3) FP&L shall continue its current program to capture and release turtles from the intake canals.

a) Turtles that have been flipper tagged by the plant have experienced a 19% loss rate of the tags and some turtles have experienced severe flipper scaring (Gorhan *et al.* 1998). Therefore all turtles released shall be PIT tagged. However, in order to continue to gain data on flipper tag loss rates turtles not exhibiting flipper scaring and damage shall also be flipper tagged. The handling and tagging of captured turtles, treatment, and rehabilitation of sick and injured turtles, and disposition of dead turtle carcasses shall be in accordance with permits granted through the state of Florida. FP&L biologists shall immediately (within 30 minutes) notify the Florida STSSN staff of any sick or injured turtle so the turtle can receive proper attention at the earliest possible time. The Florida STSSN beeper number is: 1-800-241-4653, the ID number is: 274-4867.

4) Capture netting in the intake canal shall be conducted with a surface floating tangle net with an unweighted lead line. The net must be closely and thoroughly inspected via boat at least once per hour. Netting shall be conducted whenever sea turtles are present in the intake canal according to the following schedule:

- a) 8 hours per day, 5 days per week, under normal circumstances;
- b) 12 hours per day or during daylight hours, whichever is less, 7 days per week, under any of the following circumstances:
 - i) an adult turtle occurs in the canal during mating or nesting season (March 1 through September 30),
 - ii) an individual turtle has remained in the canal for 7 days or more,
 - iii) a leatherback turtle occurs in the canal,
 - iv) an apparently sick or injured turtle occurs in the canal.

Reasonable deviations from this schedule due to human safety considerations (i.e., severe weather) are expected.

5) If a turtle is observed in the intake canal west of the 8-in barrier net, directed capture efforts shall be undertaken to capture the turtle and to prevent it from entering the intake wells.

6) The gratings at each of the intake wells shall be visually checked for turtles at least eight times each 24-hour period. If a turtle is sighted in an intake well, dip nets, or other non-injurious methods should be used to remove the turtle.

7) FP&L shall continue to participate in the STSSN, under proper permits and authority, in order to assess any possible delayed lethal impacts of capture as well as to provide background data on the mortality sources and health of local sea turtles. As a point of clarification, stranded sea turtles will generally not be counted against the authorized level of lethal incidental take in this incidental take statement, but information from strandings may be the basis for the determination that unanticipated impacts or levels of impacts are occurring.

8) FP&L should continue to conduct, under proper permits and authority, the ongoing sea turtle nesting programs and public service turtle walks.

9) Monthly reports covering sea turtle entrapment, capture efforts, turtle mortalities, available information on barrier net inspections and maintenance shall be furnished to NMFS. In addition, an annual report discussing these same topics and the Taprogge cleaning system operation, and any sponge ball loss at St. Lucie Plant shall be furnished to NMFS. All reports shall be sent to the National Marine Fisheries Service, Southeast Regional Office, Protected Resources Division, 9721 Executive Center Drive North, St. Petersburg, Florida 33702.

NMFS anticipates that no more than 1% of the total number of green and loggerhead turtles and two Kemp's ridleys entrapped in the canal will be taken by injury or mortality annually for each of the next 10 years of the proposed action. NMFS also anticipates that no more than one hawksbill or leatherback turtle entrapped in the canal will be taken by injury or mortality every two years for the next 10 years. These reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. NRC must immediately request initiation of formal consultation, provide an explanation of the causes of the taking, and review with NMFS the need for possible modification of the reasonable and prudent measures.

IX. Conservation Recommendations

Section 7(a)(1) of the ESA directs Federal agencies to utilize their authority to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat to help implement recovery plans or to develop information.

**EXHIBIT 1 TO LABAUVE AFFIDAVIT
DOCUMENT NO. 3**

**APPENDIX B TO FACILITY OPERATING LICENSE NO.
NPF-16, ST. LUCIE UNIT 2, ENVIRONMENTAL
PROTECTION PLAN, NON-RADIOLOGICAL,
AMENDMENT NO. 103**

**FLORIDA POWER & LIGHT COMPANY
DOCKET NO. 020007-EI
JUNE 18, 2002**

APPENDIX B
TO FACILITY OPERATING LICENSE NO. NPF-16
ST. LUCIE UNIT 2

ENVIRONMENTAL PROTECTION PLAN
(NON-RADIOLOGICAL)

1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of the local area environment of the St. Lucie Nuclear plant during construction and operation.

The principle objectives of the EPP are to:

1. Verify that the plant is operated in an environmentally acceptable manner, as established by the Final Environmental Statement (FES) and other NRC environmental impact assessments.
2. Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
3. Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the Unit 2 FES which relate to water quality matters are to be regulated by way of the licensee's National Pollutant Discharge Elimination System (NPDES) permit.

2.0 Environmental Protection Issues

In the FES-OL, the staff considered the environmental impacts associated with the operation of the St. Lucie Plant Unit 2. Certain environmental issues were identified which required study or license conditions for resolution of environmental concerns and to assure adequate environmental protection.

With assumption of aquatic monitoring programs by U.S. Environmental Protection Agency (EPA) through the NPDES program as delineated in NPDES Permit FL0002208 effective January 29, 1982, NRC will rely on EPA for resolution of issues involving the monitoring of water quality and aquatic biota. The only exception will involve the aquatic and terrestrial marine turtle programs which will be conducted under NRC jurisdiction (Section 2.1 of this EPP).

2.1 Terrestrial/aquatic issues raised in the Unit 2 FES-OL on marine turtles will be addressed by programs as follows:

1. Beach nesting surveys
2. Engineering/behavioral studies to evaluate and/or mitigate intake entrapment
3. Studies to evaluate and/or mitigate intake canal mortality
4. Light screen provisions at the beach to prevent hatchling misorientation
5. Nest survey and relocation programs in the vicinity of the beach and near-shore construction areas
6. Capture and release program including gross necropsy examinations on selected turtles

NRC requirements with regard to marine turtles issues are specified in Subsection 4.2.1 of this EPP.

3.0 Consistency Requirements

3.1 Plant Design and Operation

The licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such changes, tests or experiments do not involve an unreviewed environmental question. Changes in plant design or operation or performance of tests or experiments which do not affect the environment are not subject to this requirement.

Before engaging in unauthorized construction or operational activities which may affect the environment, the licensee shall perform an environmental evaluation of such activity.* When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activities and obtain prior approval from the NRC.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the final environmental statement (FES), supplements to the FES, environmental impact appraisals, or in any decisions of the Atomic Safety and

* Activities are excluded from this requirement if all measurable nonradiological effects are confined to the on-site areas previously disturbed during site preparation, plant construction and previous plant operation.

Licensing Board; or (2) a significant change in effluents or power level (in accordance with 10 CFR Part 51.5(b)(2)); or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of change in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include a written evaluation which provides bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question.

Activities governed by Section 3.3 of this EPP are not subject to the requirements of this section.

- 3.2 Reporting Related to the NPDES Permit and State Certification (pursuant to Section 401 of the Clean Water Act)
1. Violations of the NPDES Permit or the State 401 Certification Conditions shall be reported to the NRC by submittal of copies of the reports required by the NPDES Permit or State Certifications.
 2. The licensee shall provide the NRC with a copy of any 316(b) studies related documentation and other biotic monitoring reports required by NPDES Permit conditions at the same time they are submitted to the permitting agency.
 3. Changes and additions to the NPDES Permit or the State Certifications shall be reported to the NRC within 30 days following the date the

change is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

4. The NRC shall be notified of changes to the effective NPDES Permit proposed by the licensee by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC a copy of the application for renewal of the NPDES Permit at the same time the application is submitted to the permitting agency.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to station operation shall be recorded and promptly reported to the NRC Operations Center within 72 hours via Emergency Notification System described in 10 CFR 50.72. In addition, the reporting requirements time frame shall be consistent with 10 CFR 50.72 for environmental protection issues. The initial report shall be followed by a written report as described in Section 5.4.2. The initial report shall be followed by a written report as described in Section 5.4.2. No routine monitoring programs are required to implement this condition. Events covered by Section 3.2 of this EPP will be subject to reporting requirements as defined in that section and not subject to these requirements.

The following are examples of unusual or important events: excessive bird impaction events; onsite plant or animal disease outbreaks; mortality (causally related to station operation), or unusual occurrence of any species protected by the Endangered Species Act of 1973; unusual fish kills; increase in nuisance organisms or conditions; and unanticipated or emergency discharge of waste water or chemical substances.

4.2 Terrestrial/Aquatic Issues

This section addresses the issues on endangered or threatened sea turtles raised in the Unit 2 FES-OL, and in the Endangered Species Biological Assessment (March 1982). In May 1995, the NRC initiated a formal consultation with the National Marine Fisheries Service (NMFS) regarding sea turtle entrapment at the St. Lucie Plant. As a result of this consultation, an updated Sea Turtle Biological Assessment was submitted by FPL letter L-95-309 dated November 20, 1995. This assessment was reviewed by the NMFS which issued a Biological Opinion dated February 7, 1997. The sea turtle issues will be addressed by the following programs.

4.2.1 Reinitiation of Endangered Species Act Section 7 Consultation

Reinitiation of formal consultation is required if: (1) the amount or extent of taking specified in the Incidental Take Statement is exceeded, (2) new information reveals effects of the action that may affect listed species or critical habitat (when designated) in a manner or to an extent not previously considered, (3) the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the NMFS

Biological Opinion dated February 7, 1997, or (4) a new species is listed or critical habitat designated that may be affected by the identified action.

4.2.2 Incidental Take Statement

Section 7(b)(4) of the ESA requires that when an agency action is found to comply with Section 7(a)(2), NMFS will issue a statement specifying the impact of any incidental taking, providing reasonable and prudent measures necessary to minimize impacts, and setting forth terms and conditions that must be followed. Only incidental taking by the licensee that complies with the specified terms and conditions is authorized.

Based on historical records of sea turtle capture and mortality at the St. Lucie Plant cooling water intake canal, NMFS anticipates that continued operation of the circulating water system at St. Lucie Plant may result in the capture and mortality of loggerhead, leatherback, Kemp's ridley, green, and hawksbill turtles. Therefore, an incidental take level, and terms and conditions necessary to minimize and monitor takes is established. Variability in the rate of turtle entrapment at the St. Lucie Plant is considered to be primarily a function of the local abundance of turtles, since the operational characteristics of the intake structures have remained constant over the years. In recent years, green turtle entrapment has increased at a dramatic and unpredicted rate and may continue to increase. Therefore, no take level will be specified for entrapment, capture, and release of any species of turtle.

4.2.2.1 Lethal Take Levels

The lethal take levels are based on the historical observed lethal takes, but provide for increased total numbers of lethal takes as entrapment levels increase. Consequently, two lethal take levels are specified: one is a fixed level of the number of turtles of each species entrapped during the calendar year, while the other is a percentage of the number of turtles of each species entrapped during the calendar year. The allowable take level will be the greater of the two numbers, considering the prevailing entrapment rates. The annual incidental lethal take levels are established by the NMFS in the current ITS and specified in plant procedures.

4.2.2.2 Terms and Conditions of the Incidental Take Statement

The following terms and conditions are established to monitor the level of take and to minimize the adverse impacts of entrapment and the possibility of lethal takes:

- 1) FPL shall install and maintain a five inches (12.7 cm) mesh barrier net across the intake canal, east of the previously existing eight inch mesh barrier net. The new net shall receive regular inspection, maintenance, and repair on at least a quarterly basis. The regular maintenance schedule notwithstanding, any holes or damage to the net that are discovered shall be promptly repaired to prevent the passage of turtles through the barrier net.
- 2) The existing eight inch mesh barrier net shall be retained to serve as a backup to the new five inch mesh barrier net, which may be lowered occasionally because of fouling and water flow problems. The eight (8) inch mesh net shall receive regular inspection, maintenance, and repair on at least a quarterly basis. The regular maintenance schedule notwithstanding, any holes or damage to the net that are discovered shall be promptly repaired to prevent the passage of turtles through the barrier net.
- 3) FPL shall continue its current program to capture and release turtles from the intake canals. The handling of captured turtles, treatment and rehabilitation of sick and injured turtles, and disposition of dead turtle carcasses shall be in accordance with permits granted to FPL or FPL's contractor through the FDEP.
- 4) Capture netting in the intake canal shall be conducted with a surface floating tangle net with an unweighted lead line. The net must be closely and thoroughly inspected via boat at least once per hour. Netting shall be conducted whenever sea turtles are present in the intake canal according to the following schedule:
 - a) 8 hours per day, 5 days per week, under normal circumstances;
 - b) 12 hours per day or during daylight hours, whichever is less, 7 days per week, under any of the following circumstances:
 - i) an adult turtle appears in the canal during mating or nesting season (March 1 through September 30),
 - ii) an individual turtle has remained in the canal for 7 days or more,
 - iii) a leatherback turtle appears in the canal,
 - iv) an apparently sick or injured turtle appears in the canal.

Reasonable deviations from this schedule due to human safety considerations (i.e., severe weather) are authorized.

- 5) If a turtle is observed in the intake canal west of the 8 inch barrier net, directed capture efforts shall be undertaken to capture the turtle and to prevent it from entering the intake wells.
- 6) FPL shall implement an NMFS approved program to monitor for turtles at the cooling water intake wells. The program should include visual inspection of the intake wells by plant operation, security, or biology personnel. It must also include provisions for notifying appropriate response personnel if turtles are detected and for safely removing turtles from the intake wells.
- 7) FPL shall propose a plan for the design and implementation of a study to elucidate the effect of various factors on turtle entrapment. These factors may include, but are not limited to, the influence of characteristics of sea turtle behavior, population dynamics, and plant operational characteristics or environmental factors on turtle capture rates. The proposed study plan, design, and implementation date must be approved by NMFS.
- 8) FPL shall continue to participate in the Sea Turtle Stranding and Salvage Network (STSSN), under proper permits and authority, in order to assess any possible delayed lethal impacts of capture as well as to provide background data on the mortality sources and health of local sea turtles. As a point of clarification, stranded sea turtles are not counted against the authorized level of lethal incidental take in the Incidental Take Statement. Stranding information may be used as the basis for the determination that unanticipated impacts or levels of impact are occurring.
- 9) FPL shall continue to conduct, under proper permits and authority, the ongoing sea turtle nesting programs and public service turtle walks.
- 10) Routine Reports
 - a) Copies of monthly reports covering sea turtle entrapment, capture, rehabilitation, turtle mortalities, and any pertinent, unusual events shall be furnished to NMFS.
 - b) A discussion of the topics specified in ITS condition 10) a), the inspection and maintenance of the barrier nets, and the operation of the Taprogge condenser tube cleaning system including any associated sponge ball loss shall be included in the Annual Environmental Operating Report required by Section 5.4.1. A copy of this annual report shall be furnished by NMFS.

- c) A meeting shall be convened between FPL, NRC, and NMFS to discuss endangered and threatened species information and developments at the St. Lucie Plant approximately every two years beginning January 2000.

4.2.3 Light Screen to Minimize Turtle Disorientation

Suitable plants (i.e., native vegetation such as live oak, native figs, wild tamarind, and others) shall be planted and maintained as a light screen along the beach dune line bordering the plant property to minimize turtle disorientation. In addition, FPL owner controlled area lighting shall be shielded so that none of the light is diverted skyward.

4.3 General Exceptions

The environmental conditions of the EPP Section 4 are contingent upon licensee or its contractors being able to obtain the necessary FDEP endangered species permits to take, handle, and experiment with sea turtles. If licensee is unable to obtain the necessary permits, then NRC shall be notified of alternatives by the licensee.

5.0 Administrative Procedures

5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the Environmental Protection Plan. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

Records and logs relative to the environmental aspects of plant operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to NRC on request.

Records of modifications to plant structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the plant. All other records, data and logs relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Request for change in the Environmental Protection Plan shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the Environmental Protection Plan.

5.4 Plant Reporting Requirements

5.4.1 Routine Reports

5.4.1.1 Monthly Reports

Copies of monthly reports covering sea turtle entrapment, capture, rehabilitation, and sea turtle mortalities shall be furnished to NMFS.

5.4.1.2 Annual Environmental Operating Report

An Annual Environmental Operating Report describing implementation of this EPP for the previous calendar year shall be submitted to the NRC prior to May 1 of each year.

The report shall include summaries and analyses of the results of the environmental protection activities required by Section 4.2 of this Environmental Protection Plan for the report period, including a comparison with preoperational studies, operational controls (as appropriate), and previous non-radiological environmental monitoring reports, and an assessment of the observed impacts of the plant operation on the environment. If harmful effects or evidence of trends towards irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of action to alleviate the problem.

The Annual Environmental Operating Report shall also include:

- (a) A list of EPP noncompliances and the corrective actions taken to remedy them.
- (b) A list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 which involved a potentially significant unreviewed environmental issue.
- (c) A list of nonroutine reports submitted in accordance with Subsection 5.4.2.
- (d) A discussion of the sea turtle entrapment, capture efforts, turtle mortalities, available information on barrier net inspections and maintenance, and the Taprogge condenser tube cleaning system operation including sponge ball loss at St. Lucie Plant.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing data shall be submitted as soon as possible in a supplementary report.

5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC in accordance with 10 CFR 50.4 within 30 days of occurrence of a nonroutine event. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the

corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State, or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided a copy of such reports within 30 days of the date they submitted to the other agency.

EXHIBIT B
DOCUMENT NOS. 1 - 3

FLORIDA POWER & LIGHT COMPANY
DOCKET NO. 020007-EI
JUNE 18, 2002

Florida Power & Light Company
Environmental Cost Recovery Clause
Calculation of the Estimated/Actual True-Up Amount for the Period
January 2002 - December 2002

Line	O&M Activities (in Dollars)						End 6-Month Sub-Total
	Actual JAN	Actual FEB	Actual MAR	Actual APR	Actual MAY	Estimated JUN	
1 Description of O&M Activities							
21 St. Lucie Turtle Net - O&M	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2 Total of O&M Activities	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3 Recoverable Costs Allocated to Energy	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4a Recoverable Costs Allocated to CP Demand	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4b Recoverable Costs Allocated to GCP Demand	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5 Retail Energy Jurisdictional Factor	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%	
6a Retail CP Demand Jurisdictional Factor	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%	
6b Retail GCP Demand Jurisdictional Factor	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	
7 Jurisdictional Energy Recoverable Costs (A)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
8a Jurisdictional CP Demand Recoverable Costs (B)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
8b Jurisdictional GCP Demand Recoverable Costs (C)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
9 Total Jurisdictional Recoverable Costs for O&M Activities	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

- (A) Line 3 x Line 5
- (B) Line 4a x Line 6a
- (C) Line 4b x Line 6b

Totals may not tie due to rounding.

Florida Power & Light Company
Environmental Cost Recovery Clause
Calculation of the Estimated/Actual True-Up Amount for the Period
January 2002 - December 2002

O&M Activities
(In Dollars)

Line	Estimated JUL	Estimated AUG	Estimated SEP	Estimated OCT	Estimated NOV	Estimated DEC	6-Month Sub-Total	12-Month Total	Method of Classification			
									CP Demand	GCP Demand	Energy	
1 Description of O&M Activities												
21 St. Lucie Turtle Net - O&M	0	0	10,000	0	0	5,000	15,000	15,000	15,000			
2 Total of O&M Activities	\$0	\$0	\$10,000	\$0	\$0	\$5,000	\$15,000	\$15,000	\$15,000	\$0	\$0	\$0
3 Recoverable Costs Allocated to Energy	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
4a Recoverable Costs Allocated to CP Demand	\$0	\$0	\$10,000	\$0	\$0	\$5,000	\$15,000	\$15,000	\$15,000			
4b Recoverable Costs Allocated to GCP Demand	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
5 Retail Energy Jurisdictional Factor	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%						
6a Retail CP Demand Jurisdictional Factor	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%						
6b Retail GCP Demand Jurisdictional Factor	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%						
7 Jurisdictional Energy Recoverable Costs (A)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
8a Jurisdictional CP Demand Recoverable Costs (B)	\$0	\$0	\$9,904	\$0	\$0	\$4,952	\$14,856	\$14,856	\$14,856			
8b Jurisdictional GCP Demand Recoverable Costs (C)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
9 Total Jurisdictional Recoverable Costs for O&M Activities	\$0	\$0	\$9,904	\$0	\$0	\$4,952	\$14,856	\$14,856	\$14,856			

Notes:

- (A) Line 3 x Line 5
- (B) Line 4a x Line 6a
- (C) Line 4b x Line 6b

Totals may not tie due to rounding

Florida Power & Light Company
Environmental Cost Recovery Clause
Calculation of the Estimated/Actual True-Up Amount for the Period
January 2002 - December 2002

Capital Investment Projects-Recoverable Costs
(in Dollars)

<u>Line</u>	Actual JAN	Actual FEB	Actual MAR	Actual APR	Actual MAY	Actual JUN	6-Month Sub-Total
1 Description of Investment Projects (A)							
21 St. Lucie Turtle Net - Capital	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2 Total Investment Projects - Recoverable Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3 Recoverable Costs Allocated to Energy	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4 Recoverable Costs Allocated to Demand	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5 Retail Energy Jurisdictional Factor	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%	
6 Retail Demand Jurisdictional Factor	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%	
7 Jurisdictional Energy Recoverable Costs (B)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
8 Jurisdictional Demand Recoverable Costs (C)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
9 Total Jurisdictional Recoverable Costs for Investment Projects	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

(A) Each project's Total System Recoverable Expenses on Form 42-8E, Line 9

(B) Line 3 x Line 5

(C) Line 4 x Line 6

Totals may not add due to rounding.

Florida Power & Light Company
Environmental Cost Recovery Clause
 Calculation of the Estimated/Actual True-Up Amount for the Period
 January 2002 - December 2002

Capital Investment Projects-Recoverable Costs
 (in Dollars)

Line	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	6-Month	12-Month	Method of Classification		
	JUL	AUG	SEP	OCT	NOV	DEC	Sub-Total	Total	Demand	Energy	
1 Description of Investment Projects (A)											
21 St. Lucie Turtle Net - Capital	0	0	0	3,600	7,194	7,181	\$17,975	\$17,975	16,592	1,383	
2 Total Investment Projects - Recoverable Costs	\$ -	\$ -	\$ -	\$ 3,600	\$ 7,194	\$ 7,181	\$ 17,975	\$ 17,975	\$ 16,592	\$ 1,383	
3 Recoverable Costs Allocated to Energy	\$ -	\$ -	\$ -	\$ 277	\$ 553	\$ 552	\$ 1,383	\$ 1,383			
4 Recoverable Costs Allocated to Demand	\$ -	\$ -	\$ -	\$ 3,323	\$ 6,641	\$ 6,629	\$ 16,592	\$ 16,592			
5 Retail Energy Jurisdictional Factor	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%	98.96163%					
6 Retail Demand Jurisdictional Factor	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%	99.03598%					
7 Jurisdictional Energy Recoverable Costs (B)	\$ -	\$ -	\$ -	\$ 274	\$ 548	\$ 547	\$ 1,368	\$ 1,368			
8 Jurisdictional Demand Recoverable Costs (C)	\$ -	\$ -	\$ -	\$ 3,291	\$ 6,577	\$ 6,565	\$ 16,432	\$ 16,432			
9 Total Jurisdictional Recoverable Costs for Investment Projects	\$ -	\$ -	\$ -	\$ 3,565	\$ 7,124	\$ 7,111	\$ 17,801	\$ 17,801			

Notes:

(A) Each project's Total System Recoverable Expenses on Form 42-8E, Line 9

(B) Line 3 x Line 5

(C) Line 4 x Line 6

Totals may not add due to rounding.

Florida Power & Light Company
Environmental Cost Recovery Clause
For the Period January through June 2002

Return on Capital Investments, Depreciation and Taxes
For Tuttle Net Project
(In Dollars)

Line	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Projected	June Projected	Six Month Amount
1. Investments								
a. Expenditures/Additions								
b. Clearings to Plant		\$0	\$0	\$0	\$0	\$0	\$0	\$0
c. Retirements								
d. Other (A)								
2. Plant-In-Service/Depreciation Base	\$0	0	0	0	0	0	0	n/a
3. Less: Accumulated Depreciation (B)	0	0	0	0	0	0	0	n/a
4. CWIP - Non Interest Bearing	0	0	0	0	0	0	0	0
5. Net Investment (Lines 2 - 3 + 4)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	n/a
6. Average Net Investment		0	0	0	0	0	0	
7. Return on Average Net Investment								
a. Equity Component grossed up for taxes (C)		0	0	0	0	0	0	0
b. Debt Component (Line 6 x 2.5471% x 1/12)		0	0	0	0	0	0	0
8. Investment Expenses								
a. Depreciation (D)		0	0	0	0	0	0	0
b. Amortization								
c. Dismantlement								
d. Property Expenses								
e. Other (E)								
9. Total System Recoverable Expenses (Lines 7 & 8)		\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

- (A) N/A
- (B) N/A
- (C) The gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component of 4.3685% reflects a 11% return on equity.
- (D) Depreciation expense is calculated using the appropriate site and account rates. Half month depreciation is calculated on additions closing to Plant In Service during the month. Depreciation and return are calculated and recorded on a one month lag due to the timing of the month end closing. Amounts recorded and shown above apply to prior month act
- (E) N/A

Totals may not add due to rounding.

Florida Power & Light Company
Environmental Cost Recovery Clause
For the Period July through December 2002

Return on Capital Investments, Depreciation and Taxes
For Tuttle Net Project
(In Dollars)

Line	Beginning of Period Amount	July Projected	August Projected	September Projected	October Projected	November Projected	December Projected	Twelve Month Amount
1. Investments								
a. Expenditures/Additions								
b. Clearings to Plant		\$0	\$0	\$0	\$694,142	\$0	\$0	\$694,142
c. Retirements								
d. Other (A)								
2. Plant-in-Service/Depreciation Base	\$0	0	0	0	694,142	694,142	694,142	n/a
3. Less: Accumulated Depreciation (B)	0	0	0	0	810	2,429	4,049	n/a
4. CWIP - Non Interest Bearing	0	0	0	0	0	0	0	0
5. Net Investment (Lines 2 - 3 + 4)	\$0	\$0	\$0	\$0	\$693,332	\$691,712	\$690,093	n/a
6. Average Net Investment		0	0	0	346,666	692,522	690,903	
7. Return on Average Net Investment								
a. Equity Component grossed up for taxes (C)		0	0	0	2,055	4,104	4,095	10,254
b. Debt Component (Line 6 x 2.5471% x 1/12)		0	0	0	736	1,470	1,466	3,672
8. Investment Expenses								
a. Depreciation (D)		0	0	0	810	1,620	1,620	4,049
b. Amortization								
c. Dismantlement								
d. Property Expenses								
e. Other (E)								
9. Total System Recoverable Expenses (Lines 7 & 8)		\$0	\$0	\$0	\$3,600	\$7,194	\$7,181	\$17,975

Notes:

- (A) N/A
- (B) N/A
- (C) The gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component of 4.3685% reflects a 11% return on equity.
- (D) Depreciation expense is calculated using the appropriate site and account rates. Half month depreciation is calculated on additions closing to Plant In Service during the month. Depreciation and return are calculated and recorded on a one month lag due to the timing of the month end closing. Amounts recorded and shown above apply to prior month activity.
- (E) N/A

Totals may not add due to rounding.