



Crystal River Nuclear Plant
Docket No. 50-302
Operating License No. DPR-72

Ref: ITS Appendix B

September 28, 2006
3F0906-06

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

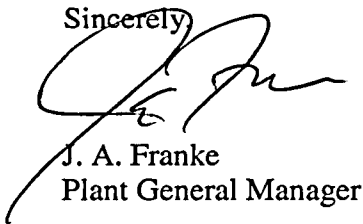
Subject: Crystal River Unit 3 – Notification of Violation of Crystal River Units 1, 2
and 3 Industrial Wastewater Permit No. FL0000159

Dear Sir:

Pursuant to the Crystal River Unit 3 (CR-3) Operating License, Appendix B – Part II, Environmental Protection Plan (Non-Radiological) Technical Specifications, Section 3.2.1, Florida Power Corporation, doing business as Progress Energy Florida, Inc. (PEF), hereby provides a copy of the CR-3 to Florida Department of Environmental Protection (FDEP) letter, “Settlement for a Failure to Conduct Water Quality Monitoring.” This letter is the CR-3 response to the alleged violation of the above referenced permit. The permit requires bimonthly toxicity samples of outfall D-00F at the CR-3 facility. The alleged violation occurred in May 2006 when a specified toxicity sampling was not performed.

If you have any questions regarding this submittal, please contact Ms. Carolyn Johnson at (352) 795-6486, ext 3624.

Sincerely,



J. A. Franke
Plant General Manager

JAF/seb

Attachment

xc: Regional Administrator, Region II
Senior Resident Inspector
NRR Project Manager



September 28, 2006
LRP06-0046

Florida Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Re: Settlement for a Failure to Conduct Water Quality Monitoring
Progress Energy Florida, Inc., Crystal River No. 3 Facility
Permit No. FL0000159
OGC File No 06-1681
Citrus County

Dear Sir:

This letter is intended to resolve the alleged violation of the above referenced industrial wastewater permit. The permit requires bimonthly toxicity samples for outfall D-00F at the Progress Energy Florida Inc. (PEF), Crystal River No. 3 (CR-3) facility. The alleged violation occurred in May 2006 when a specified toxicity sampling was not performed.

Enclosed please find a copy of the Florida Department of Environmental Protection (FDEP) to CR-3 letter, "Proposed Settlement for a Failure to Conduct Water Quality Monitoring," dated August 9, 2006. This signed letter and the attached payment invoice are CR-3's acceptance of the FDEP's offer to resolve the matter by the terms outlined in the August 9, 2006 letter. A check in the amount of \$2,150, for payment of the imposed civil penalties, has been requested and will be disbursed by the Progress Energy Corporate office. This payment arrangement was discussed in a telephone call with Nita C. Ostermann on September 28, 2006. PEF acknowledges that the payment of these civil penalties does not constitute an admission of liability.

If you have any questions regarding this submittal, please contact Ms. Carolyn M. Johnson at (352) 795-6486, ext. 3624.

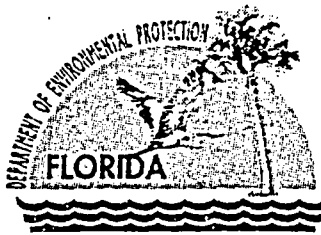
Sincerely,

A handwritten signature in black ink, appearing to read 'J. Franke', written over a horizontal line.

J. A. Franke
Plant General Manager

JAF/seb

Enclosures



Jeb Bush
Governor

Department of Environmental Protection

RECEIVED
AUG 11 2006
Environmental Services

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

August 9, 2006

CERTIFIED MAIL NO. 7002 3150 0003 8459 8584
RETURN RECEIPT REQUESTED

Mr. Bernie M. Cumbie, Manager
Progress Energy Florida, Inc., Crystal River Facility
Post Office Box 14042, MAC BB1A
St. Petersburg, Florida 33733-4042

Re: Proposed Settlement for a Failure to Conduct Water Quality Monitoring
Progress Energy Florida, Inc., Crystal River No.3 Facility
Permit No. FL0000159
OGC File No 06-1681
Citrus County

Dear Mr. Cumbie:

The purpose of this letter is to seek your cooperation in resolving violations of the above-referenced industrial wastewater permit. A review of the Department files indicated that Progress Energy Florida, Inc., did not conduct the required bimonthly toxicity sampling for outfall D-00F at Progress Energy Crystal River due in May 2006. The reported incident is considered a failure to conduct water monitoring required by the above-referenced industrial wastewater permit, which is a violation of Section 403.161(1)(b), Florida Statutes and Rule 62-620.300(5) Florida Administrative Code, which requires compliance with permit requirements.

The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited above. In order to resolve the matters identified above you are assessed civil penalties in the amount of \$2,000.00, along with \$150.00 to reimburse the Department costs, for a total of \$2,150.00. The civil penalties are apportioned as follows: \$2,000.00 for violations of Rule 62-620.300, Florida Administrative Code. The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-9155.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department.

When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

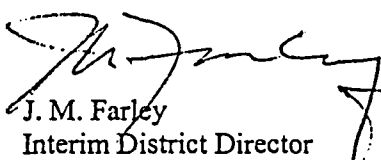
"More Protection, Less Process"

Printed on recycled paper.

Mr. Bernie M. Cumbie, Manager
Progress Energy Florida, Inc., Crystal River Facility
Permit No. FL0000159
OGC File No 06-1681
Page 2

If you do not sign and return this letter to the Department at the District address within 30 days from the date of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. Your rights and substantial interests are not determined by this letter unless you sign it and it is filed with the Department Clerk. For inquiries, you may contact Nita C. Ostermann at 813.632.7600, extension 439.

Sincerely,


J. M. Farley
Interim District Director
Southwest District

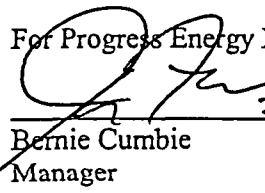
JMF/nco/db

I, Bernie Cumbie, on behalf of Progress Energy Florida, Inc., Crystal River Facility

HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

For Progress Energy Florida, Inc., Crystal River Facility

For the Department:


Bernie Cumbie
Manager

J.M.A. Farley for

J. M. Farley
Interim District Director
Southwest District

Entered into this _____ day of _____ 2006, in Hillsborough County, Florida.

Filed on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

This is the browser window for Portal/J.



Note: If you close this window, it will also close your Portal/J window.

?ConfigSection=V10+PRODUCTN&PanelID=TIMG010&PaneKeyData=1044941000000

TIMG010 - INVOICE - [V10 PRODUCTN]

File Edit Navigate Options View Help

More Detail on contents for additional data. Use options for approval routing.



| | | | | |
|-----------------------------|----------|-----------------------|--------------------|-------------|
| Payment Ref #= 104494100000 | Analyst: | Pymt Status= APPROVED | 09/27/2006 | Execute |
| Invoice No= 061681 | | Inv. Status= ACCEPTED | 09/27/2006 | Trial Match |
| Vendor Code= 150283 | 01 | Rec Dte: | Inv. Type= INVOICE | Final Match |
| PO No/Ref= | Image: | Inv. Date= 08/09/2006 | | |
| Contract ID= | | Tax Date: | | |

| | | | | | |
|--------------|------------|----------------|------------|----------|------------|
| Invoice Amt | \$2,150.00 | Discount %: | | Tax | Tax |
| Discount Amt | \$0.00 | Disc/Net Days: | | Freight: | |
| Amt Withheld | | Schd Pay Date: | 08/10/2006 | Charges: | |
| Backup Withd | \$0.00 | Intrst: | \$0.00 | Lines: | \$2,150.00 |
| Payment Amt | \$2,150.00 | Currency/FOB: | USD | Tot +/-: | \$0.00 |

| | | | | | | | |
|----------------|--------------------------------|-----------------|------------|-----|---------------|----------|-----|
| Remit= 150283 | 05 | TEMPLE TERRACE1 | | | | | |
| Address 1: | ECOSYS MGMT & RESTORE TRUST FU | | Fec/Co: | CR3 | 60 | Bank ID: | 100 |
| Address 2: | 13051 N TELECOM PKWY | | Attach: | | Pymt Method: | CHK | |
| Address 3: | | | Special: | | 1099 Catg: | 35 | |
| City, St, Pst: | TEMPLE TERRACE | FL | 33637-9155 | US | UNITED STATES | | |

| | | | | | | | |
|------|---------|---------|---------|-------|-------|-------|-------|
| Line | Subline | Account | Payment | Match | Audit | Terms | Notes |
|------|---------|---------|---------|-------|-------|-------|-------|

Select to view references. More Detail to view Sub Assignments.

AR No: 00
 Assign No: 01
 Owed To:
 Assign To:
 Subject: LIC

Select to view check. Exit or Cancel to return to the payment processing panel.

Payment Ref #: 10449410000
 Invoice No: 061691
 Vendor Code: 150283
 Personnel ID:
 Pymt Status: APPROVED
 Inv. Status: ACCEPTED
 Line Status:
 Apply Int: Acct Date: 08/09/2008

Bank ID: 100 Acct: 123456789
 Currency: USD RTN: 123456789

| Code | Remit Comments |
|------|---|
| | OGC FILE #08-1681 - CITRUS CO |
| | ECOSYSTEMS MANAGMENT AND RESTORATION TRUST FUND |

Handling Instructions

| Date | Status | Check No | Amount | Cur | Chk Date | Mthd | Recon/When |
|------|--------|----------|--------|-----|----------|------|------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Assignment Descr:
 SEE IN-PROGRESS
 In-Progress: ON