



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

Ref: ITS Appendix B

October 16, 2009  
3F1009-09

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

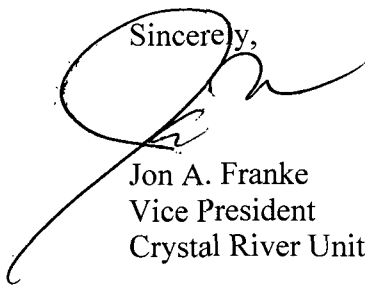
Subject: Crystal River Unit 3 – Notification of Violation of Crystal River Units 1, 2  
and 3 Industrial Wastewater Permit No. FL0000159

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, “Proposed Settlement of Laboratory Non-Compliance.” This letter is the CR-3 response to the proposed settlement agreement. It was discovered that an internal laboratory for CR-3, that conducted analysis for Morpholine, Total Suspended Solids and Oil & Grease, did not have NELAC certification.

If you have any questions regarding this submittal, please contact Mr. Brandon Barr at (352) 464-7403.

Sincerely,



Jon A. Franke  
Vice President  
Crystal River Unit 3

JAF/bsb/ff

Attachment

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

Progress Energy Florida, Inc.  
Crystal River Nuclear Plant  
15760 W. Powerline Street  
Crystal River, FL 34428

COOL  
NRR



October 16, 2009  
LRP09-0041

Ms. Deborah A. Getzoff  
Director, Southwest District  
Florida Dept. of Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Subject: DEP – Progress Energy Florida, Inc. – Crystal River Nuclear Plant  
Proposed Settlement of Laboratory Non-Compliance  
OGC File No.: 09-3464  
Permit No. FL0000159  
Citrus County

Dear Ms. Getzoff:

This letter is intended to resolve the matter identified in the Department Compliance Evaluation Inspection Report dated September 23, 2009 pertaining to Permit No. FL0000159.

Enclosed is a copy of the subject proposed settlement agreement executed by a duly authorized representative of Progress Energy Florida, Inc. (PEF). This signed letter and payment are Crystal River Nuclear Plant's acceptance of the FDEP's offer to resolve the matter by the terms outlined in the October 1, 2009 letter. A check in the amount of \$8,928.00, for payment of the imposed civil penalties and Department costs, has been requested and will be disbursed by the Progress Energy Corporate office. This payment arrangement was discussed in a telephone call between Mr. Doug Yowell and Mr. James Womble on October 13, 2009. PEF acknowledges that the payment of these civil penalties does not constitute an admission of liability.

If you have questions concerning this submittal, please contact Mr. Brandon Barr at (352) 464-7403.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon A. Franke', written over a large, stylized circular flourish.

Jon A. Franke  
Vice President  
Crystal River Unit 3

JAF/bsb/ff

Enclosures

Progress Energy Florida, Inc.  
Crystal River Nuclear Plant  
15760 W. Powerline Street  
Crystal River, FL 34428



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

October 1, 2009

CERTIFIED MAIL NO. 7009 1410 0001 0092 1779  
RETURN RECEIPT REQUESTED

Mr. Jon Franke, Vice President  
Crystal River Nuclear Plant  
Progress Energy Florida, Inc.  
15760 W Powerline Street  
Crystal River, Florida 34428

Re: Proposed Settlement DEP vs. Progress Energy Florida, Inc. - Crystal River Nuclear Plant  
OGC File No. 09-3464  
Permit No. FL0000159  
Citrus County

Dear Mr. Franke:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department Compliance Evaluation Inspection Report mailed on September 23, 2009. 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 in the attached report. In order to resolve the matters, you are assessed civil penalties in the amount of \$8,428.00, along with \$500.00 to reimburse the Department costs, for a total of \$8,928.00.

The civil penalties are apportioned as follows: \$8,428.00 for violations of Rule 62-160.300, Florida Administrative Code.

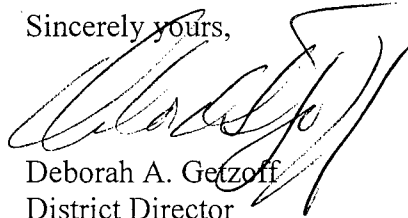
The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637, within 30 days of your signing this letter.

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 Sections 120.69 and 403.121, Florida Statutes.

Mr. Jon Franke  
Progress Energy Florida, Inc.  
FL0000159  
OGC File No. 09-3464  
Page 2 of 3

If you do not sign and return this letter to the Department at the District address within twenty (20) days of the date of this order, 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.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Deborah A. Getzoff", written over a faint, larger version of the same signature.


Deborah A. Getzoff  
District Director  
Southwest District

Attachment: CEI Report  
Notice of Rights

Mr. Jon Franke  
Progress Energy Florida, Inc.  
FL0000159  
OGC File No. 09-3464  
Page 3 of 3

**FOR THE RESPONDENT:**

I, Jon Franke on behalf of Progress Energy Florida, Inc., **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By:   
\_\_\_\_\_  
Jon Franke, VP

Date: 2/16/09

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2009 in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Deborah A. Getzoff  
District Director  
Southwest District

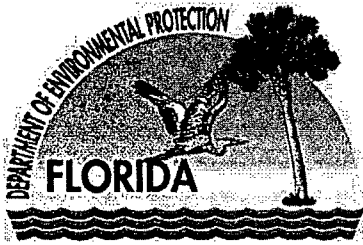
**FILING AND ACKNOWLEDGMENT**

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

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Copies furnished to:  
Lea Crandall, Agency Clerk  
Mail Station 35, via email



# Florida Department of Environmental Protection

Southwest District  
13051 N. Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 23, 2009

Mr. Bernie M. Cumbie  
Progress Energy Florida, Inc.  
15760 W. Powerline Road, Mail Code Cn-77  
Crystal River, Florida 34428-6708

Re: Compliance Sampling Inspection  
Progress Energy Florida – Crystal River Units 1, 2, 3  
Permit No. FL0000159  
Citrus County

Dear Mr. Cumbie:

On August 10, 2009, Department staff conducted a Compliance Sampling Inspection of the above-referenced facility. Copies of the inspection report and summary are attached for your review. Please note the item that is bolded requires your attention.

The bolded item is being addressed under the Office of General Counsel No. 09-3464, no response to this report is necessary. Please note that this letter and report, being part of the Department's investigation, is preliminary to agency action in accordance with Section 120.57(5), Florida Statutes.

If you have any questions, please contact me at 813.632.7600, extension 334 or by email: [james.womble@dep.state.fl.us](mailto:james.womble@dep.state.fl.us).

Sincerely,

James Womble  
Environmental Specialist  
Industrial Wastewater Program

JW/db

Enclosure

cc: Ms. Jennifer Paris, FDEP WCES, via email  
Mr. Doug Yowell, PEF, via email

Facility Name: PEF - Crystal River Units 1, 2, & 3

Facility ID: FL0000159

Inspection Type: CSI

Date: 8/10/2009

## INSPECTION SUMMARY

### FACILITY BACKGROUND:

**Address:** 15760 W Power Line St, Crystal River, FL 34428 - 6708, Citrus County

**Permit Information:** Wastewater Permit issued: 5/9/2005, and expires: 5/8/2010

#### 1. Permit: IN COMPLIANCE

Comments: The facility was operated in accordance with the description in the permit. The current permit expires on May 8, 2010. An application for permit renewal is due no later than 180 days prior to the expiration of the current permit.

#### 2. Compliance Schedules: IN COMPLIANCE

Comments: Compliance schedules in section VI of the permit have been satisfied.

#### 3. Laboratory: SIGNIFICANTLY OUT OF COMPLIANCE

Comments: This facility uses Southern Analytical Laboratories, Inc. (DOH ID No. E8429) and S.A.C. Environmental Laboratory (DOH ID No. E84492) for Total Suspended Solids (TSS) for units 1 & 2.

Comments: It was discovered that an internal laboratory for unit #3 conducts analysis for Morpholine, TSS and Oil & Grease. This laboratory does not have a NELAC certification. Upon discovery, the facility began sending samples to General Engineering Labs (GEL) in Charleston S.C. (NELAC certification No. E87156) for TSS and Oil & Grease. Morpholine is not required to be analyzed by a NELAC certified laboratory. The facility provided several Quality Assurance and Quality Control documents such as operating procedures, bench sheets, proficiency tests (PT) and equipment calibration records. Comments are as follows:

1. All methods were approved under 40 CFR part 136.
2. PT provider APG is not a NELAC certified test provider. This provider was used for a majority of the PTs. The latest PT was conducted with ERA which is a NELAC certified provider. All 19 of the Proficiency Testing Reporting Limits (PTRLs) received acceptable results.
3. Record keeping was not kept in accordance with 62-160.340. Although similar to NELAC, bench sheets do not include all information necessary for reconstruction of the data.

This non-compliance issue is being handled under OGC case No. 09-3464.

#### 4. Sampling: IN COMPLIANCE

Comments: Sampling is performed by Southern Analytical Laboratories. Stormwater samples are collected by PEF employees.

Comments: The Department conducted sampling at the following locations as part of a Fifth Year Inspection: Outfall: D-013, Outfall: D-092, Outfall: D-094, Outfall: D-071, Outfall: D-072, D-00F (Toxicity). See section 9 (Effluent Quality) for results.

#### 5. Records and Reports: IN COMPLIANCE

5.1 Observation: A copy of the Best Management Practices (BMP) Plan was available at the time of inspection.

Comments: The following records were reviewed at the time of inspection, no deficiencies were noted: Point of Discharge Temperature Log through April 2009, Flow Log through April 2009, Annual Storm Water BMP Inspection conducted on October 2008 with monthly inspections current through July 2009.

## INSPECTION SUMMARY

11. **Residuals/Sludge:** IN COMPLIANCE

**Comments:** Stormwater and coal runoff collection system is sufficiently maintained.

12. **Groundwater Quality:** NOT APPLICABLE

**Comments:** Groundwater is covered under permit No. FLA 016960

13. **Other:** NOT APPLICABLE