



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 14, 2010

Mr. Michael Shrader
Lead Environmental Specialist
Progress Energy Florida, Inc.
100 Central Avenue
St. Petersburg, FL 33733

RE: Crystal River Energy Complex
Modification to Conditions of Certification
DEP Case Number PA 77-09O
OGC Case Number 09-3345

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Shrader:

The Florida Pollution Control Board issued the Site Certification for the Progress Energy Florida's (PEF) Crystal River Energy Complex Units 4 and 5 on November 21, 1978. This certification authorized the construction and operation of two 640 MW coal-fired power plant units (Units 4 and 5) and ancillary facilities. Crystal River nuclear Unit 3 was certified August 28, 2008. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on fourteen occasions.

The Department has reviewed PEF's petition dated August 12, 2009 for modification to the Conditions of Certification. Additionally, the Department has considered modifications pursuant to 403.516 (1) (c), Florida Statutes ("F.S.").

On or before March 29, 2010 all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification.

On April 9, 2010 notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW). Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department.

The Conditions of Certification for the Crystal River Units 3, 4 and 5 are hereby modified as follows:
Modifications directly associated with the addition of the Independent Spent Fuel Storage Facility
Condition F (below) was added to Section C Specific Conditions, as Condition III.F (See Attachment A)

F. Independent Spent Fuel Storage Installation Surface Water Management System

- 1. The "As Built" forms required by Section A, Condition XXX.A.10 shall be accompanied by a copy of the As-Built or Record Drawings (Drawing Numbers C-1009 through C-1019) with any deviations noted on the drawings.*
- 2. Prior to the transfer of the spill retention pond (SRP) into operation, the licensee shall install erosion control at the point where the SRP discharge enters Stormwater Pond B. The As Built or Record Drawing No. C-1010 shall reference its installation and include a standard detail.*
- 3. The Operation and Maintenance Entity shall perform inspections of the PEF CREC Independent Spent Fuel Storage Facility surface water management system beginning 18 months after operation is authorized and every 18 months thereafter. Every 18 months the Operation and Maintenance Entity shall submit a report of the inspection results to the DEP SWD ERP section, with an electronic copy to the Siting Office, using FDEP Form # 62-343.900(6), Inspection Certification.*
- 4. The maintenance of the PEF CREC Independent Spent Fuel Storage Facility surface water management system shall be in accordance with the Stormwater System Operation and Maintenance Plan (Attachment 4). It is the responsibility of the Licensee to ensure that the surface water management system is functioning as designed.*
- 5. The SRP valve shall be operated in accordance with CR3 procedure WP-106. Only SRP discharge water that is oil and contact water free, is a source of water for the wetland.*
- 6. Prior to the transfer of the SRP into operation, the Licensee shall install a staff gauge in Stormwater Pond B. The As-Built or Record Drawing No. C-1009 shall reference its location and provide specifications.*
- 7. Prior to operation of the SRP, the Licensee shall submit a revised CR3 procedure WP-106 to the DEP SWD Industrial Waste Water Program (with an electronic copy to the Siting Office) for review and approval. The CR3 procedure WP-106 shall be revised to include:*
 - a. a description of how the integrity of the liner of the SRP will remain intact during the removal of oil spill wastewater;*
 - b. a protocol for training personnel; and*
 - c. a protocol for determining circumstances in which water should be released from the SRP to Pond B.*

Modifications Associated with the Incorporation of General Conditions

The modified Conditions of Certification PA77-09O (Attachment A to this document) replace the existing Conditions of Certification PA77-09N (Attachment B) in its entirety. Several existing Conditions have been updated and incorporated into the more uniform set of General Conditions. Many existing Conditions have been moved to different sections of the document.

The existing Conditions (Attachment B) contain cross references to the corresponding conditions in the modified Conditions (Attachment A) appearing in red following each section of the document. In the electronic Adobe pdf file of the existing Conditions (Attachment B), the cross references have been electronically linked to the corresponding condition in the Adobe pdf file of the modified Conditions (Attachment A). In order to toggle between the two documents on your screen, copy both files (Attachment A and Attachment B) from <http://publicfiles.dep.state.fl.us/siting/outgoing/PEF%20CREC/PEF%20CREC%20Mod%20O/> and paste them into a single folder and open both files. (If you open the documents from the ftp site and "Save As", the links will not work. You must copy and paste with the same file names.) Clicking on a link in Attachment B will take you directly to the corresponding condition in Attachment A.

The complete set of the modified Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

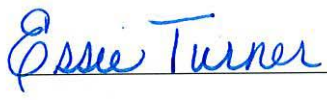


Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

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

 5-14-10
Date

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