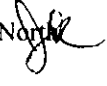


## Memorandum

# Florida Department of Environmental Protection

TO: Trina Vielhauer, Bureau of Air Regulation  
FROM: Jeff Koerner, Air Permitting North   
DATE: September 26, 2005  
SUBJECT: Exemption from Requirement to Obtain an Air Construction Permit  
Pressure Test for Nuclear Reactor Containment Building  
Progress Energy – Crystal River Plant  
Current Title V Permit No. 0170004-009-AV

On September 23rd, we received a request from Progress Energy for an exemption from the requirement to obtain an air construction permit to pressure test the nuclear reactor containment building at the Crystal River Plant. The test is required by the Nuclear Regulatory Commission and is scheduled for mid-October. It will involve pressurizing the containment structure for a period of time to maintain 55 psi of air pressure. Approximately 20 rental air compressors driven by diesel engines will be used to conduct the test. It is estimated that approximately 39,000 gallons of diesel fuel could be fired during one such test. More than one test may be necessary if problems are found and corrected.

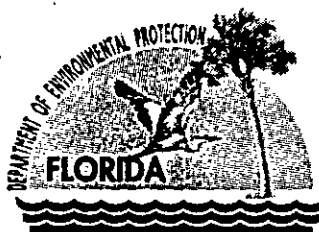
Assuming a heating value of 135,000 Btu per gallon, the firing of 39,000 gallons of diesel would be approximately 5265 MMBtu. Based on this information, I estimate the emissions from firing 39,000 gallons of diesel for the test to be:

Pollutant	Emission Factor lb/MMBtu	Reference	Fuel Consumption MMBtu/Test	Emissions Tons/Test
CO	0.95	AP-42, Table 3.3-1	5265	2.5
NOx	4.41	AP-42, Table 3.3-1	5265	11.6
PM	0.31	AP-42, Table 3.3-1	5265	0.8
SO <sub>2</sub>	0.29	AP-42, Table 3.3-1	5265	0.8
VOC	0.36	AP-42, Table 3.3-1	5265	0.9

The emissions factors are for diesel industrial engines between approximately 250 and 600 hp. The emissions factors for industrial engines greater than 600 hp are actually less than the above rates. I believe the above estimates are very conservative.

Attached for your approval and signature is a letter exempting Progress Energy from the requirement to obtain an air construction permit to conduct pressure testing on the nuclear reactor containment building. The test is a temporary event to satisfy safety regulations. I recommend your approval and signature.

Attachments



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

September 26, 2005

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bernie M. Cumbie, Plant Manager  
Progress Energy – Crystal River Plant  
P.O. Box 14042, CN77  
St. Petersburg, Florida 33733-4042

Re: Exemption from the Requirement to Obtain an Air Construction Permit  
Pressure Test for Nuclear Reactor Containment Building  
Progress Energy – Crystal River Plant  
Current Title V Permit No. 0170004-009-AV

Dear Mr. Cumbie:

On September 23, 2005, the Department received your email request for an exemption from the requirement to obtain an air construction permit to pressure test the nuclear reactor containment building at the Crystal River Plant, which is located on Power Line Road, West of U.S. Highway 19, in Crystal River, Citrus County, Florida. The test is required by the Nuclear Regulatory Commission and is scheduled for mid-October. It will involve pressurizing the containment structure for a period of time to maintain 55 psi of air pressure. Approximately 20 rental air compressors driven by diesel engines will be used to conduct the test. It is estimated that approximately 39,000 gallons of diesel fuel could be fired during one such test. More than one test may be necessary.

**Determination:** The test is a temporary event required to satisfy safety regulations. The Department conservatively estimates the emissions from firing 39,000 gallons of diesel fuel to be: 2.5 tons of carbon monoxide, 11.6 tons of nitrogen oxides, and less than 1 ton each of particulate matter, sulfur dioxide, and volatile organic compounds. Based on the specific details provided, the Department exempts this project from the requirement to obtain an air construction permit pursuant to Rule 62.4.040(1)(b), F.A.C., which states, "Any existing or proposed installation which the Department shall determine does not or will not cause the issuance of air or water contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified. Such a determination is agency action and is subject to Chapter 120, F.S. Such determination shall be made in writing and filed by the Department as a public record. Such determination may be revoked if the installation is substantially modified or the basis for the exemption is determined to be materially incorrect." Only diesel fuel with a maximum sulfur content of 0.05% sulfur by weight shall be fired. The owner or operator shall record the quantity of fuel fired during each test. This fuel consumption shall also be reported in the Annual Operating Report. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority is responsible for making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one (21) days of receipt

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## CASE-BY-CASE EXEMPTION

of this Written Notice of Exemption. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within twenty-one (21) days of publication of a Public Notice or within twenty-one (21) days of receipt of this Written Notice of Exemption, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within twenty-one (21) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Exemption. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available in this proceeding.

**Effective Date:** This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

**Appeal:** Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, 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 must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

**CASE-BY-CASE EXEMPTION**

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**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 9/29/05 to the persons listed:

Mr. Bernie M. Cumbie, Progress Energy\*  
Mr. Dave Meyer, Progress Energy  
Mr. Jason Waters, SWD  
Mr. Bob Soich, SWD

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date,  
pursuant to §120.52, Florida Statutes, with the designated Department  
Clerk, receipt of which is hereby acknowledged.

Paulina J. Friday 9/29/05  
(Clerk) (Date)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Mr. Bernie M. Cumbie, Plant Manager  
Progress Energy - Crystal River Plant  
P.O. Box 14042, CN77  
St. Petersburg, Florida 33733-4042

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

**X**☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

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## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## 2. Article Number

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PS Form 3811, February 2004

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Mr. Bernie M. Cumbie, Plant Manager

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or PO Box No. P.O. Box 14042, CN77City, State, ZIP+4  
St. Petersburg, Florida 33733-4042

PS Form 3800, June 2002

See Reverse for Instructions