




# Memo

**To:** Jeff Koerner, Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel 

**Date:** February 6, 2009

**Re:** Progress Energy Florida, Inc. vs. DEP; DEP Permit No. PSD-FL-403; OGC No. 08-2938

---

On December 5, 2008, the Department issued its notice of intent to issue an air construction permit subject to the preconstruction review requirements for the Prevention of Significant Deterioration of Air Quality, permit no. PSD-FL-403, to Progress Energy Florida, Inc. (Progress Energy) for its Levy Nuclear Power Plant, located in Levy County, Florida. Progress Energy requested and was granted an extension of time to file a petition for hearing on the intent through January 30, 2009.

Progress Energy neither requested a further extension of time nor filed a petition by close of business on January 30th. There being no further matters to consider, the Department's file in this matter is closed.

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Friday, February 06, 2009 2:04 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Progress Energy OGC# 08-2938 Memo Closing File  
**Attachments:** 082938 2-6-09.pdf

---

**From:** Swango, Katie  
**Sent:** Friday, February 06, 2009 2:03 PM  
**To:** Koerner, Jeff; Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** Progress Energy OGC# 08-2938 Memo Closing File

Please find attached the PDF version of the Memo Closing File for the above mentioned case. Please let me know if you have a problem opening or viewing the attachment and I will send you another copy as soon as possible.

Thanks,

*Katie Marie Swango*  
*Administrative Assistant for*  
*Rebecca Robinette, Ronni Moore, & Pat Comer*

**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

**Gibson, Victoria**

---

**From:** Koerner, Jeff  
**Sent:** Monday, February 02, 2009 4:31 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Levy Nuclear Project - Proof of Publication of Draft Air Permit  
**Attachments:** LNP\_Proof\_of\_Publication\_01\_15\_2009.pdf

Proof of publication was published on January 15th.

We're waiting 30 days for comments.

After the 30 day comment period and the extension request expires, we can issue the permit.

Thanks!

Jeff Koerner, BAR - New Source Review Section  
Florida Department of Environmental Protection  
850/921-9536

---

**From:** Koerner, Jeff  
**Sent:** Thursday, January 22, 2009 4:47 PM  
**To:** Moore, Ronni  
**Subject:** FW: Levy Nuclear Project - Proof of Publication of Draft Air Permit

Ronni,

Here's the proof of publication I received earlier this week.

Not sure why they need an extension, but I'm sure they would want it for at least 14 days after the publication date.

I'm OK with approving the extension.

Thanks!

Jeff Koerner, BAR - New Source Review Section  
Florida Department of Environmental Protection  
850/921-9536

---

**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]  
**Sent:** Wednesday, January 21, 2009 8:35 AM  
**To:** Koerner, Jeff  
**Subject:** Levy Nuclear Project - Proof of Publication of Draft Air Permit

Good morning Jeff –

I have attached a scanned copy of the proof of publication from the Levy County Journal for the Levy Nuclear Project. This notice was published on January 15, 2009 and the original proof of publication will be submitted to you via overnight delivery.

If you have any questions, please contact me. Again, thank you for your patience, assistance and guidance in this matter.

Best regards,

Chris Bradley  
Sr. Environmental Specialist  
Technical Services/EHSS Section-POG  
Progress Energy Florida, Inc.  
Telephone: 727.820.5962  
Vnet No: 230.5962  
Cell: 727.409.2477  
Fax: 727.820.5229  
E-mail: [Chris.Bradley@pgnmail.com](mailto:Chris.Bradley@pgnmail.com)

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2938  
DEP Permit No. PSD-FL-403

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

---

**ORDER GRANTING REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION FOR HEARING**

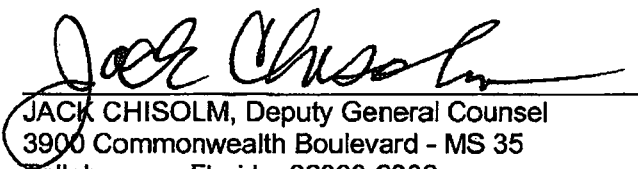
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc., (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Levy County, Florida. Because the request shows good cause for the extension of time,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until January 30, 2009, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 27 day of January, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850/245-2242 facsimile 850/245-2302

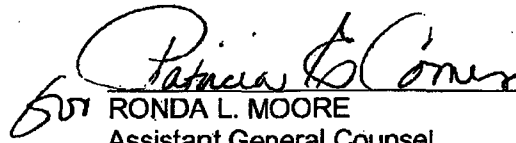
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via  facsimile  U.S. mail  hand delivery  ONLY on this 27<sup>th</sup> day of January, 2009, to:

Robert A. Manning  
Hopping Green & Sams, P.A.  
123 S. Calhoun Street  
Tallahassee, FL 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
501 RONDA L. MOORE  
Assistant General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
phone 850/245-2193  
facsimile 850/245-2302  
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - [Trina.Vielhauer@dep.state.fl.us](mailto:Trina.Vielhauer@dep.state.fl.us)  
Jeff Koerner, DEP - [Jeff.Koerner@dep.state.fl.us](mailto:Jeff.Koerner@dep.state.fl.us)

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Tuesday, January 27, 2009 3:57 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Order Granting Request for Extension of Time OGC# 08-2938  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** PEF OGC#082938.pdf

-----Original Message-----

**From:** Swango, Katie  
**Sent:** Tue 1/27/2009 12:59 PM  
**To:** Koerner, Jeff; Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** Order Granting Request for Extension of Time OGC# 08-2938

Please find attached the PDF version of the Order Granting the Request for extension of time for Progress Energy Florida. Please let me know if you have a problem opening or viewing the above attachment and I will send you another version as soon as possible.

Thanks

*Katie Marie Swango*

*Administrative Assistant for*

*Rebecca Robinette, Ronni Moore, & Pat Comer*

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.



**Gibson, Victoria**

---

**From:** Koerner, Jeff  
**Sent:** Tuesday, January 06, 2009 1:16 PM  
**To:** Moore, Ronni  
**Cc:** Vielhauer, Trina; Gibson, Victoria; Thomas, Bruce X.  
**Subject:** Progress Energy - Cooling Towers for Proposed Levy County Nuclear Plant

Ronni,

We can approve this request. They left two small fresh water cooling towers out of their application and may need to modify the application again ...

Thanks!

Jeff Koerner, BAR - New Source Review Section  
Florida Department of Environmental Protection  
850/921-9536

---

**From:** Vielhauer, Trina  
**Sent:** Tuesday, January 06, 2009 12:42 PM  
**To:** Koerner, Jeff  
**Subject:** RE:

Jeff,  
I remember us talking about this one before we left for the holidays...did we get back to Ronni yet?

---

**From:** Moore, Ronni  
**Sent:** Monday, December 22, 2008 12:37 PM  
**To:** Koerner, Jeff; Vielhauer, Trina  
**Subject:**

Afternoon,

We received the attached request for extension for time on the revised draft issued to Progress Energy's Levy plant on December 5th. The request asks for an extension through January 30, 2009. Please let me know what action you want taken on this request.

Thanks,  
Ronni

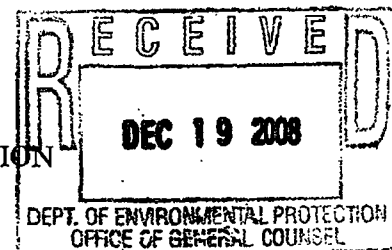
Ronda L. Moore  
Assistant General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000

Phone: 850.245.2193  
Fax: 850.245.2302  
[ronni.moore@dep.state.fl.us](mailto:ronni.moore@dep.state.fl.us)



Please consider the environment before printing this email.

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an  
Application for Permit by:

OGC No.: 08-2085  
FDEP Draft Permit No. PSD-FL-403  
Project No. 0750088-001-AC

Progress Energy Florida, Inc.  
Levy Nuclear Plant  
Levy County, Florida

**FIRST REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including January 30, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about December 8, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Revised Draft Permit" (Revised Draft Permit No. PSD-FL-403, Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Ingilis, east of State Highway 19 in Ingilis, Levy County, Florida.
2. Based on Progress Energy's initial review, the Revised Draft Permit and associated documents contain provisions that may warrant clarification or corrections.
4. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Revised Draft

Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including January 30, 2009.

RESPECTFULLY SUBMITTED this 19th day of December, 2008.

By:

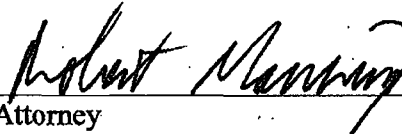


Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for Progress Energy  
Florida, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 19th day of December, 2008.

  
\_\_\_\_\_  
Attorney

**Gibson, Victoria**

---

**From:** Gibson, Victoria  
**Sent:** Friday, December 19, 2008 3:37 PM  
**To:** Arif, Syed; Koerner, Jeff  
**Subject:** FW: Request for Extension of Time - 0750088-001-AC - Progress Energy Florida, Inc.  
**Attachments:** SKMBT\_50108121915250.pdf

FYI,

Vickie

---

**From:** Crandall, Lea  
**Sent:** Friday, December 19, 2008 3:34 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Thomas, Bruce X.  
**Subject:** Request for Extension of Time - 0750088-001-AC - Progress Energy Florida, Inc.

FYI, the attached Request for Extension of Time for 0750088-001-AC - Progress Energy Florida, Inc. was filed today.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212  
Fax: (850) 245-2303

---

**From:** ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]  
**Sent:** Friday, December 19, 2008 3:25 PM  
**To:** Crandall, Lea  
**Subject:** Message from KMBT\_501

**Chronology of Activities**

OGC Number:     District:  County:

Style of Case:

Program Area:  Mode:

Lead Attorney:    Status:

Forum Name:  Forum Case Number:

Permit Appl:  Final Order Number:

Date *	Code	Activity Description
12/19/2008	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
12/19/2008	ACO	ADMIN. CASE OPENED IN OGC
12/19/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
12/22/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
01/27/2009		SENT OUT ORDER GRANTING FIRST REQUEST UNTIL 1/30/09
01/30/2009	EXP1	FIRST EXTENSION EXPIRES TODAY
02/06/2009		MEMO CLOSING FILE SEND OUT
02/06/2009	CC	CASE CLOSED IN OGC
02/06/2009		REFERENCE OCULUS FOR FUTURE INQUIRIES