

Progress Energy Florida - Levy Nuclear Plant 0750088-001-AC

OGC 08-2085

*old case #*

(Bruce T.)

<b>2008</b>							
<b>13-Aug</b>	Received first request for an extension of time-- scanned a copy and sent to Jeff, Syed, Bruce T., Trina, Lee and Ronni						
	under consideration - asking for time through November 12						
<b>14-Aug</b>	Syed and Bruce T. asked Ronni to grant only through October 12						
<b>27-Aug</b>	OGC granted request through October 13						
<b>6-Oct</b>	one week notice to Syed and Bruce T.						
	Expires on October 13th						
<b>13-Oct</b>	Received the 2nd request for additional time through December 1						
<b>14-Oct</b>	Bruce T has asked the facility why they have requested this extension						
<b>23-Oct</b>	Order issued granting additional time through November 24th						
	EXPIRES ON NOVEMBER 24TH						
<b>24-Nov</b>	Received 3rd request for an extension of time through Jan 16, 2009						
<b>9-Dec</b>	Memo closing the file -- Ronni will open a new case # 08-2938						
<b>15-Dec</b>	Case closed in OGC						

Florida Department of Environmental Protection  
Office of General Counsel

# Memo

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

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

**Date:** December 9, 2008 (A-1)

**Re:** Progress Energy Florida, Inc. vs. DEP; DEP Permit No. PSD-FL-403; Project No.: 0750088-001-AC; OGC No. 08-2085

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On July 31, 2008, the Department issued a notice of intent to issue air construction permit no. PSD-FL-403 to Progress Energy Florida, Inc. (Progress). Progress requested extensions of time to file a petition for hearing on the intent, which the Department granted. Progress submitted its third request for extension of time on November 24, 2008, asking for an extension through January 16, 2009.

On December 5, 2008, the Department issued Progress a revised draft permit withdrawing the previously issued intent that is the subject of this case. There being no further matters to consider, the Department's file in this matter is closed.

**Gibson, Victoria**

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**From:** Vielhauer, Trina  
**Sent:** Wednesday, December 10, 2008 9:08 AM  
**To:** Gibson, Victoria  
**Subject:** FW: Progress Energy OGC# 08-2085 Memo Closing File  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** 082085 12-09-08.pdf

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**From:** Swango, Katie  
**Sent:** Tuesday, December 09, 2008 3:09 PM  
**To:** Koerner, Jeff; Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** Progress Energy OGC# 08-2085 Memo Closing File

Please find attached the PDF version of the Memo closing this file. Please let me know if you have a problem opening or viewing the above attachment and I will send you a hard 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**

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**From:** Vielhauer, Trina  
**Sent:** Monday, November 24, 2008 9:52 PM  
**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria  
**Cc:** Koerner, Jeff; Arif, Syed; Holtom, Jonathan  
**Subject:** Re: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Hey Bruce,

It sounds like we will need to withdraw the old permit at some point (for the engines as I recall) and reissue a new permit with pm bact on the engines. So, I would think we can grant the extension on this one while we review their submittal on the engines' bact. Then, we would simultaneously issue the new draft and state in those documents the new draft rescinds and replaces the prior version. We need to keep Ronni in the loop too of course.

I think Jeff is handling it right now. I'm in tuesday but out wednesday so if you have questions just let me know.

Trina Vielhauer


-----  
 Sent from my BlackBerry Wireless Handheld

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**From:** Moore, Ronni  
**To:** Thomas, Bruce X.; Gibson, Victoria  
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan  
**Sent:** Mon Nov 24 16:58:33 2008  
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Bruce, I've attached another copy of the request for extension (just in case you could open it, perhaps it's because it's a PDF?). The request states Progress submitted written comments on November 18th and more time is need to work through the issues with the draft permit, and is asking for an extension through Jan. 16<sup>th</sup>.

Ronda L. Moore  
 Assistant General Counsel

 Please consider the environment before printing this email.

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**From:** Thomas, Bruce X.  
**Sent:** Monday, November 24, 2008 4:30 PM  
**To:** Moore, Ronni; Gibson, Victoria  
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan  
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC  
**Importance:** High

I'm not sure who is/may be out on vacation so I am using a buckshot approach. I also cannot open the request for extension so I don't know what the issue is. I would like to stay in the loop on this as this is my first exposure to this type of action. Please also make sure someone checks Ronni's schedule so we have that base covered. I would appreciate it if someone from the skeleton staff left this week would summarize or open the request so I can catch up. Thanks and have a Happy Thanksgiving! Bruce

11/25/2008

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

**From:** Crandall, Lea

**Sent:** Mon 11/24/2008 3:58 PM

**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria

**Cc:**

**Subject:** 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

FYI, please see the attached 3<sup>rd</sup> Request for Extension of Time.

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:** Monday, November 24, 2008 3:51 PM

**To:** Crandall, Lea

**Subject:** Message from KMBT\_501

**Gibson, Victoria**

---

**From:** Koerner, Jeff  
**Sent:** Monday, November 24, 2008 8:23 PM  
**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria  
**Cc:** Arif, Syed; Vielhauer, Trina; Holtom, Jonathan  
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Bruce and Ronni,

Progress Energy just submitted their comments, which included an updated BACT proposal for PM from the emergency generators.

I have this and plan to issue a revised draft permit package, which will give them their administrative rights again.

Ronni, I suggest you move slowly on this 3rd request because I expect to issue the revised draft soon, which will also rescind the previous draft making this request moot. Now I'm starting to sound like Trina ...

Anyway, I'm taking care of this.

Thanks!

Jeff

P.S. Ronni, if you're still interested in selling your old Civic, I have a 2nd son looking for a brand new used car ... and the new Jettas look nice.

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

**From:** Moore, Ronni  
**Sent:** Mon 11/24/2008 4:58 PM  
**To:** Thomas, Bruce X.; Gibson, Victoria  
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan  
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Bruce, I've attached another copy of the request for extension (just in case you could open it, perhaps it's because it's a PDF?). The request states Progress submitted written comments on November 18th and more time is need to work through the issues with the draft permit, and is asking for an extension through Jan. 16<sup>th</sup>.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

11/25/2008

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**From:** Thomas, Bruce X.  
**Sent:** Monday, November 24, 2008 4:30 PM  
**To:** Moore, Ronni; Gibson, Victoria  
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan  
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC  
**Importance:** High

I'm not sure who is/may be out on vacation so I am using a buckshot approach. I also cannot open the request for extension so I don't know what the issue is. I would like to stay in the loop on this as this is my first exposure to this type of action. Please also make sure someone checks Ronni's schedule so we have that base covered. I would appreciate it if someone from the skeleton staff left this week would summarize or open the request so I can catch up. Thanks and have a Happy Thanksgiving! Bruce

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

**From:** Crandall, Lea  
**Sent:** Mon 11/24/2008 3:58 PM  
**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria  
**Cc:**  
**Subject:** 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

FYI, please see the attached 3<sup>rd</sup> Request for Extension of Time.

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:** Monday, November 24, 2008 3:51 PM  
**To:** Crandall, Lea  
**Subject:** Message from KMBT\_501

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

NOV 24 2008

OFFICE OF  
GENERAL COUNSEL

**THIRD 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 16, 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 July 31, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (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 Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. On November 18, 2008, Progress Energy submitted written comments and will be discussing with the Department possible resolutions to the issues needing clarification or correction.



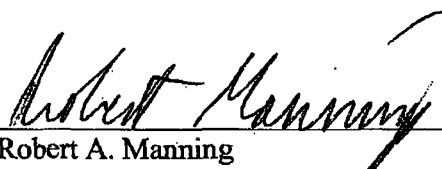
4. On October 22, 2008 the Department granted Progress Energy's second request for extension of time until November 24, 2008 to file a petition in this matter.

5. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the 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 16, 2009.

RESPECTFULLY SUBMITTED this 24th day of November, 2008.

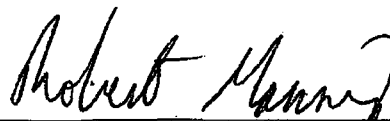
By: \_\_\_\_\_

  
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 24th day of November, 2008.

  
\_\_\_\_\_

Attorney

12/31/2008 12:54:53

### Chronology of Activities

OGC Number  2938  38  AC District **NORTHEAST** County **LEVY**

Style of Case **PROGRESS ENERGY FLORIDA, INC. VS. DEP**

Program Area **AIR CONSTRUCT** Mode **PERMITTING**

Lead Attorney **RONNI L MOORE** Status **OPEN**

Forum Name  Forum Case Number

Permit Appl **0750088-001-AC** 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

*NEW CASE #*

old case #

Legal Case Tracking - Chronology of Activities 12/31/2008 12:53:33

**Chronology of Activities**

OGC Number	08	2085	38	AC	District	NORTHEAST	County	LEVY
Style of Case	PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT VS. DEP							
Program Area	AIR CONSTRUCT				Mode	PERMITTING		
Lead Attorney	RONNI	L	MOORE		Status	CLOSED		
Forum Name					Forum Case Number			
Permit Appl	0750088-001-AC				Final Order Number			

Date *	Code	Activity Description
08/27/2008		ORDER GRANTING EXTENSION UNTIL 10/13/08
08/27/2008		ALSO REFERENCE PSD-FL-403 TO THIS SITE
10/13/2008	EXP1	FIRST EXTENSION EXPIRES TODAY
10/13/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
10/22/2008		SENT OUT ORDER GRANTING REQUEST
11/24/2008	EXP2	SECOND EXTENSION EXPIRES TODAY
11/24/2008	REX3	RECEIVED THIRD REQUEST FOR EXTENSION OF TIME
12/09/2008		MEMO CLOSING FILE
12/15/2008	CC	CASE CLOSED IN OGC
12/15/2008		TO BE CLOSED PER RONNI MOORE

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2085  
DEP Permit No. PSD-FL-403

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING SECOND 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 a second 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 **November 24, 2008**, 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 22<sup>nd</sup> day of October, 2008, 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

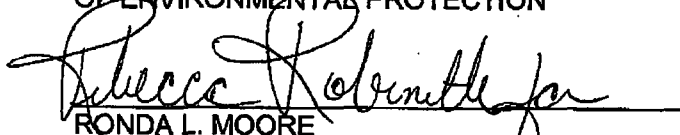
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Second Request for Extension of Time to File Petition for Hearing, was furnished via facsimile ONLY on this 23rd day of October, 2008, 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



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)  
Syed Arif - DEP - [Syed.Arif@dep.state.fl.us](mailto:Syed.Arif@dep.state.fl.us)  
Jeff Koerner - DEP - [Jeff.Koerner@dep.state.fl.us](mailto:Jeff.Koerner@dep.state.fl.us)

**Gibson, Victoria**

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**From:** Swango, Katie  
**Sent:** Thursday, October 23, 2008 1:45 PM  
**To:** Vielhauer, Trina; Arif, Syed; Koerner, Jeff  
**Cc:** Moore, Ronni  
**Subject:** re: Order Granting Request for Extension of Time OGC # 08-2085 Progress Energy Florida  
**Attachments:** 082085 10-23-2008.pdf

Please find attached the PDF version of the Order Granting 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 a hard copy as soon as possible.

Thanks

Katie Marie Swango

Administrative Assistant for

Rebecca Robinette, Ronni Moorz, & Pat Comgr

**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**

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**From:** Thomas, Bruce X.  
**Sent:** Wednesday, October 15, 2008 11:08 AM  
**To:** Gibson, Victoria  
**Subject:** FW: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

Vickie,

I should have copied you as well.

Bruce Thomas, P.E.  
Division of Air Resource Management  
(850)-921-7744 or [Bruce.X.Thomas@dep.state.fl.us](mailto:Bruce.X.Thomas@dep.state.fl.us)

---

**From:** Thomas, Bruce X.  
**Sent:** Wednesday, October 15, 2008 11:01 AM  
**To:** Moore, Ronni  
**Cc:** Swango, Katie; Arif, Syed; Koerner, Jeff  
**Subject:** RE: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

Ronni,

I emailed them earlier today to try and find out what the issue is. We will be in touch as soon as we hear back. Please also note that I will be going on extended leave from work beginning the first of next week. Please copy Syed Arif and Jeff Koerner on all future correspondence. Thanks, Bruce

Bruce Thomas, P.E.  
Division of Air Resource Management  
(850)-921-7744 or [Bruce.X.Thomas@dep.state.fl.us](mailto:Bruce.X.Thomas@dep.state.fl.us)

---

**From:** Moore, Ronni  
**Sent:** Wednesday, October 15, 2008 10:55 AM  
**To:** Thomas, Bruce X.  
**Cc:** Swango, Katie  
**Subject:** FW: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

Hi Bruce,

Just checking in with you regarding this 2<sup>nd</sup> request for extension of time on Progress Energy's PSD permit for Levy. They are requesting an extension through Dec. 1. What would you like to do?

Thanks,  
Ronni

Ronda L. Moore

10/15/2008



Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Crandall, Lea  
**Sent:** Monday, October 13, 2008 4:06 PM  
**To:** Moore, Ronni; Gibson, Victoria; Thomas, Bruce X.  
**Subject:** 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

**FYI, 2nd Request for Extension of Time filed today re: 0750088-001-AC - Progress Energy.**

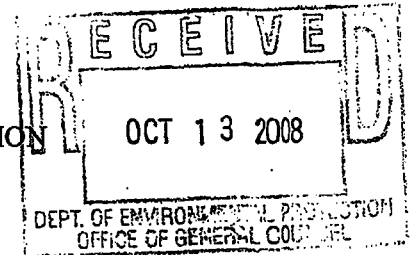
Thanks,  
Lea

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

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10/15/2008

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an  
Application for Permit by:

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

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

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**SECOND 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 December 1, 2008, 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 July 31, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (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 Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. Progress Energy will soon file written comments and will be discussing with the Department possible resolutions to the issues needing clarification or correction.

4. On August 27, 2008, the Department granted Progress Energy's first request for extension of time until October 13, 2008 to file a petition in this matter.

5. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the 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 December 1, 2008.

RESPECTFULLY SUBMITTED this 13th day of October, 2008.

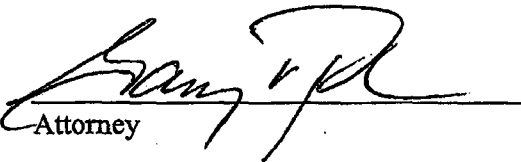
By: 

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 13th day of October, 2008.

  
Attorney

**Gibson, Victoria**

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**From:** Gibson, Victoria  
**Sent:** Tuesday, October 14, 2008 9:24 AM  
**To:** Arif, Syed; Koerner, Jeff  
**Subject:** FW: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy  
**Attachments:** Di4700810131553.PDF

FYI,

Vickie

---

**From:** Crandall, Lea  
**Sent:** Monday, October 13, 2008 4:06 PM  
**To:** Moore, Ronni; Gibson, Victoria; Thomas, Bruce X.  
**Subject:** 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

**FYI, 2nd Request for Extension of Time filed today re: 0750088-001-AC - Progress Energy.**

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

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STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2085  
DEP Permit No. PSD-FL-403

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

0750088-001-AC

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 October 13, 2008, 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 August, 2008, 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

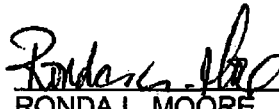
**CERTIFICATE OF SERVICE**

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 August, 2008, 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



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)  
Bruce Thomas, DEP Project Engineer - [Bruce.X.Thomas@dep.state.fl.us](mailto:Bruce.X.Thomas@dep.state.fl.us)

**Gibson, Victoria**

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**From:** Vielhauer, Trina  
**Sent:** Wednesday, August 27, 2008 2:34 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Progress Energy Florida OGC # 08-2085 re: ORDER Granting Extension of Time  
**Attachments:** 082085 8-27-08.pdf

---

**From:** Swango, Katie  
**Sent:** Wednesday, August 27, 2008 1:37 PM  
**To:** Thomas, Bruce X.; Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** Progress Energy Florida OGC # 08-2085 re: ORDER Granting Extension of Time

Please find attached the PDF version of the Order Granting Progress Energy's request for Extension of time. If you have a problem opening or viewing the above attachment please let me know and I will send you a hard copy as soon as possible. Thanks and have a blessed day.

Katie Marie Swango

Administrative Assistant for

Rebecca Robinette, Ronni Moore, & Pat Comgr

**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:** Arif, Syed  
**Sent:** Thursday, August 14, 2008 2:30 PM  
**To:** Moore, Ronni  
**Cc:** Thomas, Bruce X.; Gibson, Victoria  
**Subject:** FW: From Vickie -- Request for Extension of Time

Ronnie,

Based on my discussion with Bruce Thomas, we will be comfortable in providing them extension of time until October 12, 2008. The Air permit is very concise and only includes cooling towers. I don't believe there should be much controversy in the permit we have issued. Let me know if you have any questions.

Syed

---

**From:** Thomas, Bruce X.  
**Sent:** Thursday, August 14, 2008 2:22 PM  
**To:** Arif, Syed  
**Subject:** RE: From Vickie -- Request for Extension of Time

That's fine. I can't imagine we will have difficulty resolving any issues they have.

Bruce Thomas, P.E.  
Division of Air Resource Management  
(850)-921-7744 or [Bruce.X.Thomas@dep.state.fl.us](mailto:Bruce.X.Thomas@dep.state.fl.us)

---

**From:** Arif, Syed  
**Sent:** Thursday, August 14, 2008 2:21 PM  
**To:** Thomas, Bruce X.  
**Subject:** RE: From Vickie -- Request for Extension of Time

Bruce,

Are you comfortable to give them 60 days until October 12 instead of 90 days?

Syed

---

**From:** Thomas, Bruce X.  
**Sent:** Thursday, August 14, 2008 2:18 PM  
**To:** Arif, Syed  
**Subject:** FW: From Vickie -- Request for Extension of Time

Syed,

They don't elaborate on why they need until November 12<sup>th</sup>. I would be in favor of reducing the length of the extension so we don't have another project backed up at the end of the year. Thanks, Bruce

Bruce Thomas, P.E.  
Division of Air Resource Management

(850)-921-7744 or [Bruce.X.Thomas@dep.state.fl.us](mailto:Bruce.X.Thomas@dep.state.fl.us)

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**From:** Gibson, Victoria  
**Sent:** Wednesday, August 13, 2008 2:11 PM  
**To:** Thomas, Bruce X.; Arif, Syed  
**Cc:** Koerner, Jeff; Crandall, Lea; Moore, Ronni  
**Subject:** From Vickie -- Request for Extension of Time

Hi,

Just received by hand delivery from Hopping Green a request for extension of time for:

Progress Energy - Levy Nuclear Plant

0750088-001-AC PSD-FL-403

Please be sure to cc me on your reply to Ronni on whether to grant or deny this request.

Attached is the scanned request.

<< File: Levy Nuclear Request for Extension of Tim.pdf >>

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Division of Air Resource Management  
[victoria.gibson@dep.state.fl.us](mailto:victoria.gibson@dep.state.fl.us)  
850-921-9504 fax 850-921-9533

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Wednesday, August 13, 2008 2:11 PM  
**To:** Vielhauer, Trina  
**Subject:** FW: From Vickie -- Request for Extension of Time

**Attachments:** Levy Nuclear Request for Extension of Tim.pdf

---

**From:** Gibson, Victoria  
**Sent:** Wednesday, August 13, 2008 2:11 PM  
**To:** Thomas, Bruce X.; Arif, Syed  
**Cc:** Koerner, Jeff; Crandall, Lea; Moore, Ronni  
**Subject:** From Vickie -- Request for Extension of Time

Hi,

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Progress Energy - Levy Nuclear Plant

0750088-001-AC PSD-FL-403

Please be sure to cc me on your reply to Ronni on whether to grant or deny this request.

Attached is the scanned request.



Levy Nuclear  
Request for Exten...

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Division of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

COPY

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

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

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

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**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 November 12, 2008, 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 July 31, 2008, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (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 Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

RECEIVED

AUG 13 2008

BUREAU OF AIR REGULATION

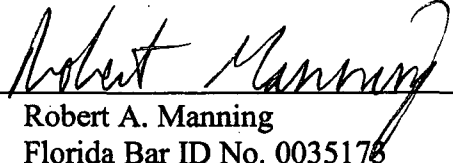
3. Progress Energy will soon file written comments and will be discussing with the Department possible resolutions to the issues needing clarification or correction.

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 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 Florida, Inc. 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 November 12, 2008.

RESPECTFULLY SUBMITTED this 13th day of August, 2008.

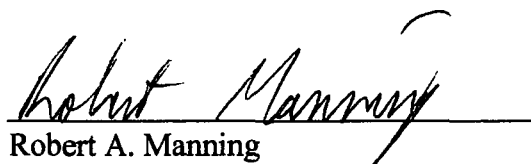
By: \_\_\_\_\_

  
Robert A. Manning  
Florida Bar ID No. 0035178  
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 13th day of August, 2008.

  
Robert A. Manning

10/22/2008 16:28:35

**Chronology of Activities**

OGC Number: 08 | 2085 | 38 | AC | District: NORTHEAST | County: LEVY

Style of Case: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT VS. DEP

Program Area: AIR CONSTRUCT | Mode: PERMITTING

Lead Attorney: RONNI | L | MOORE | Status: OPEN

Forum Name: | Forum Case Number: |

Permit Appl: 0750088-001-AC | Final Order Number: |

Date *	Code	Activity Description
08/13/2008	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
08/13/2008	ACO	ADMIN. CASE OPENED IN OGC
08/13/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
08/20/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
08/27/2008		ORDER GRANTING EXTENSION UNTIL 10/13/08
08/27/2008		ALSO REFERENCE PSD-FL-403 TO THIS SITE
10/13/2008	EXP1	FIRST EXTENSION EXPIRES TODAY
10/13/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME