December 31, 2008

Ron Sparkman
Shawnee Tribe
P.O. Box 189
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Miami, OK 74355

SUBJECT: NOTIFICATION AND REQUEST FOR CONSULTATION AND PARTICIPATION IN THE SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW FOR THE FERMI NUCLEAR POWER PLANT, UNIT 3, COMBINED LICENSE APPLICATION

Dear Mr. Sparkman:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Detroit Edison Company (Detroit Edison) for a combined license (COL) for construction and operation of a new nuclear power plant, Fermi Nuclear Power Plant, Unit 3 (Fermi 3), at its Enrico Fermi Atomic Power Plant (Fermi) site in Monroe County, Michigan, approximately 24 miles northeast of Toledo, Ohio and 30 miles southwest of Detroit, Michigan. As part of the review of this COL application, the NRC staff is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulations that implement the National Environmental Policy Act of 1969, as amended (NEPA). In order to identify issues relating to the proposed undertaking's potential effects on historic properties, the NRC staff is currently seeking information from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area. The area of potential effect for this COL review is the area at the Fermi 3 site and its immediate environs, which may be impacted by land-disturbing activities associated with the construction and operation of the new unit.

Detroit Edison submitted the application for a COL for Fermi 3 on September 18, 2008, pursuant to the NRC requirements in 10 CFR Part 52. The NRC staff accepted the application for docketing on November 25, 2008. It is available through NRC's web-based Agencywide Documents Access and Management System (ADAMS), which can be found at http://www.nrc.gov/reading-rm/adams.html. The Environmental Report (ER), which is Part 3 of the COL application, is listed under the accession number ML082730660. The Fermi 3 COL application is also available on the Internet at http://www.nrc.gov/reactors/new-reactors/col/fermi.html.

The Fermi site is located on approximately 1,260 acres along the western shore of Lake Erie. The Fermi site currently has one operating boiling water reactor, Fermi Nuclear Power Reactor Unit 2 (Fermi 2), which has the capacity to generate 1,089 megawatts of electricity. In addition, there is one non-operating reactor, Fermi Nuclear Power Reactor Unit 1, which has been defueled and is in the process of being decommissioned. Detroit Edison proposes to construct one new nuclear unit adjacent to the existing facilities in an area that has been previously disturbed with a portion extending into undeveloped wetlands. The Fermi property is zoned as

a Public Service District, which allows for power plant use. For Fermi 3, Detroit Edison has identified the need for transmission line upgrades as well as three new transmission line corridors and a separate switchyard. The siting area for the new transmission lines would include Monroe, southwest Wayne, and southeast Washtenaw Counties, Michigan.

The EIS will document the NRC staff's evaluation of the impacts of construction and operation of one new nuclear plant at the Fermi 3 site. The staff's review will consider alternatives including evaluation of alternative sites. Four alternative sites are being considered for evaluation in the EIS. The EIS will contain the results of the review of the environmental impacts on the area surrounding the Fermi 3 site that are related to terrestrial ecology, aquatic ecology, hydrology, socioeconomic issues, and historic and archeological properties (among others), and will contain a recommendation on whether the requested COL should be granted or denied. If granted, the COL would authorize the applicant to construct and operate the new proposed unit.

The NRC environmental review process includes an opportunity for public and inter-governmental participation in the environmental review. The Fermi 3 site is in close proximity to lands that may be of interest to the Shawnee Tribe. The NRC staff wants to ensure that you are aware of our efforts and pursuant to 10 CFR 51.28(a), the NRC invites the Shawnee Tribe to provide input to the scoping process relating to the NRC's environmental review of the COL application.

The NRC staff hereby provides notice that the staff will coordinate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), through the requirements of NEPA. In accordance with 36 CFR 800.8(c), the NRC staff is using the process required by NEPA for the preparation of the EIS to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, the NRC staff is identifying parties who may wish to consult with the staff on the proposed action and is inviting them to consult with the NRC staff on this matter. Consultation will include participation in the scoping process; identification of historic and archeological properties on the Fermi 3 site; assessment of the effects of the proposed action on any such properties identified; and development of alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on such properties. To complete consultation under 36 CFR 800.8(c), the NRC will forward the draft EIS to you for your review and comment and will address your comments in the final EIS. You will receive a copy of the draft EIS along with a request for comments after it is issued. This draft EIS will include identification of such properties, assessment of impacts, and our preliminary determination. The anticipated publication date for the draft EIS is January 2010.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that Indian Tribes that might have an interest in any potential historic properties in the area of potential effect are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties.

The NRC staff plans to hold two public NEPA scoping meetings on January 14, 2009 at the Monroe County Community College's La-Z-Boy Center Meyer Theater located at 1555 South

Raisinville Road, Monroe, Michigan 48161. The first meeting will convene at 1:00 p.m. and will continue until approximately 4:00 p.m. The second meeting will convene at 7:00 p.m., with a repetition of the overview portions of the first meeting, and will continue until approximately 10:00 p.m. Each meeting will be preceded by an open house from 12:00 pm to 1:00 pm and from 6:00 pm to 7:00 pm, respectively, during which members of the public may meet and talk with NRC staff members on an informal basis. In the event that the La-Z-Boy Center Meyer Theater is closed due to weather conditions on January 14, 2009, the open houses and scoping meetings would be held on January 15, 2009 during the same hours as listed above.

Please submit any written comments your tribe may have to offer on the scope of the environmental review by February 9, 2009. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or by e-mail to Fermi3.COLEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this COL application, please contact Mr. Stephen Lemont, Project Manager at 301-415-5163 or by email at Stephen.Lemont@nrc.gov. In his absence, please contact Ms. Michelle Moser at 301-415-6509 or by email at Michelle.Moser@nrc.gov.

Sincerely,

/RA/

Gregory P. Hatchett, Acting Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-033

cc: See next page

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Sincerely,

/RA/

Gregory P. Hatchett, Acting Chief
Environmental Projects Branch 2
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