



International Joint Commission United States and Canada

January 23, 2009

Chief, Rules and Directives Branch
Division of Administrative Services
Mail Stop TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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(11)

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RULES AND DIRECTIVES
BRANCH
USNRC

Dear Sir/Madam:

Re: Environmental Review for Fermi Nuclear Power Plant, Unit 3 Combined License Application

Thank you for the invitation to comment on the application submitted by Detroit Edison Company for a combined license for construction and operation of a new nuclear power plant, at its Enrico Fermi Atomic Power Plant site in Monroe County, Michigan.

The International Joint Commission (IJC) was established by the *Boundary Waters Treaty* of 1909 to prevent and resolve transboundary disputes between Canada and the United States by, among other things, considering applications submitted by the two federal governments for Orders of Approval regarding the construction of certain projects, carrying out studies and investigations under formal references from the governments, preparing and issuing any reports that it deems relevant to its mission and alerting the governments to emerging issues. To this extent, it is not in a position to comment on the specific application before you.

However, the IJC does have additional responsibilities under the *Canada-U.S. Great Lakes Water Quality Agreement* and is pleased, therefore, that your environmental assessment will consider the potential impact of the proposed plan on water quality, aquatic biota and their habitat, or other environmental resources. In this regard, you may wish to take note of a number of reports issued by the IJC that touch on these matters. For your convenience, these are identified below:

- Reports in 1977, 1983 and 1987 reviewed radioactivity in the Great Lakes Basin.
- In 1994, the Seventh Biennial Report on Great Lakes Water Quality recommended that radionuclides which meet the definition of persistent toxic substance be included in the governments' strategy for virtual elimination.

SUNSI Review Complete

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- In 1996, the Eighth Biennial Report on Great Lakes Water Quality devoted a section to radioactive substances and recommended that the use and storage of radioactive materials and nuclear wastes be addressed under the Great Lakes Water Quality Agreement.
- In 1997, the Nuclear Task Force established by the IJC in 1995 to review and assess the status of radioactivity in the Great Lakes issued a report on the sources of various radioactive isotopes as well as the movement and distribution of radionuclides.
- Also in 1997, a report entitled "The IJC and the 21st Century" devoted a section to nuclear issues.
- In 1998, the Ninth Biennial Report on Great Lakes Water Quality included three recommendations with respect to radioactivity.
- In 2002, the Eleventh Biennial Report had a full chapter entitled "Nuclear Issues."

The foregoing reports and others may be accessed on the IJC's website at www.ijc.org. If assistance is required, your staff is invited to contact Frank Bevacqua, IJC Public Information Officer, who may be reached at: bevacquaf@washington.ijc.org or 202-736-9024.

Once again, thank you for the invitation to provide comments on the application in question.

Sincerely,



Charles A. Lawson
Secretary
U.S. Section