

PMFermiCOLPEm Resource

From: Lemont, Stephen
Sent: Friday, June 12, 2009 12:25 PM
To: Tonacci, Mark
Cc: Hale, Jerry
Subject: RE: Fermi 3 Public Schedule/Milestones and Schedule Letter
Attachments: Significant Issues from Fermi 3 Site Audit.doc; doccontent.pdf

Mark,

This is in response to your email below.

What you are saying about the Safety milestones on the public webpage containing MR is my understanding as well. However, the Environmental milestones we would show on that webpage should not contain MR as has been DSER's policy. When you are ready to publish the milestones on the public webpage, please let me know so that I can review what you are including for Environmental.

I think the way you are presenting the Safety milestones to the RMB if fine. Per my meeting with Scott Flanders this morning, I am removing and not showing the RMB all the intermediate milestones that I had on my draft handout. Also, Scott agreed that you should remove the environmental part from your handout, as we had discussed, because we have our own handout and presentation.

As for the schedule letter you are preparing, we definitely want to include issues that could affect the environmental review schedule. For your information, I attached my list of "Significant Issues from the Fermi 3 Site Audit" that includes some of these items, among others. Items #4 and 5 from my list were addressed in the attached docketing letter and should also be addressed in your schedule letter, but using different wording. I believe that Items #1, 2, 6, 7 and 9 from my list should also be identified in the schedule letter, as well as the uncertainty associated with when we will receive all of the responses to the Environmental RAIs from Detroit Edison. I provide below preliminary suggested language for the environmental part of your schedule letter, but request that my Ryan Whited and I get to review and comment on the letter before you put it into the concurrence process and also as part of concurrence. I expect that some things could change between now and when we receive Detroit Edison's initial response to the Environmental RAIs early next week.

Preliminary Suggested Language for Environmental Part of Fermi 3 Schedule Letter

Please note that the NRC needs complete and acceptable responses to all of the Environmental requests for additional information (RAIs) that were presented to Detroit Edison on May 12, 2009 (ML091320341). These include RAIs from both the NRC and the U.S. Army Corps of Engineers, Detroit District (USACE). The USACE is a cooperating agency for the Fermi 3 Environmental Impact Statement (EIS). In its initial response to these RAIs in a letter dated June __, 2009 (ML_____), Detroit Edison committed to provide complete responses to the NRC's RAIs over a period of time ending in late December 2009. Any delays beyond this date may impact the environmental review schedule. Detroit Edison also stated in its letter that it plans to submit complete responses to the USACE over time as well, but committed to provide that last of these responses after December 2009, i.e., by _____, __, 2010. This date for completing the USACE RAI response would impact the environmental review schedule discussed above and is therefore unacceptable to the NRC. The NRC will work with Detroit Edison and the USACE to keep Detroit Edison's submittal of USACE information needed for the EIS within the timeframe ending in December 2009.

Of particular note are the following items requested in the NRC Environmental RAIs, which Detroit Edison has not yet provided; and delays in providing these items may impact the environmental review schedule:

- Significant information on site layout modifications and related changes to environmental impacts, currently promised by Detroit Edison to be provided by _____ 2009. This is needed for a fundamental part of the NRC's environmental impact assessment affecting many review areas--air quality, cultural resources, human health, hydrology, terrestrial ecology/wetlands, noise, and possibly others; and also affects the safety review.
- Information to show that one or both of the Greenfield alternative sites (Sites A and C) identified in the COLA Environmental Report (ER) are viable for construction of a nuclear power plant. NRC staff believes that at least three viable alternate sites, in addition to the existing Fermi site, are needed for a valid and defensible alternatives analysis in accordance with NUREG-1555, *Standard Review Plans for Environmental Reviews for Nuclear Power Plants*. Applicant has committed to provide the requested information by _____, __ 2009.
- Cultural resources (CR) reports and Michigan State Historic Preservation Office (SHPO) feedback. Significant uncertainties exist regarding Fermi 1's National Register eligibility and other CR issues and associated SHPO determinations, which could greatly affect the project. Applicant's initially proposed schedule in the ER for submittal of Fermi 1 CR report and other CR documentation to the SHPO, and for obtaining the SHPO's written feedback, may not allow for incorporation of conclusions in the Draft Environmental Impact Statement (EIS). Applicant has agreed to accelerate its schedule and provide needed information by _____, __ 2009.
- A full year of confirmatory baseline aquatic and terrestrial ecological monitoring must be completed in accordance with NUREG-1555, to support the NRC environmental review and EIS. Monitoring methodologies and results must be both complete and acceptable. NRC staff have been interacting with the Applicant and its consultants in this regard; and have reviewed interim results. Applicant's monitoring report delivery date is _____, __ 2009.
- Regarding project site hydrology issues, there is considerable uncertainty regarding existence and locations of clay dikes surrounding and within the site, which could have a major influence on groundwater interconnections. Also, more information is needed on conceptual designs and construction methods for the discharge and barge slip in Lake Erie. This information is critical to completing the NRC hydrology reviews for both environmental and safety; and the applicant has committed to provide the requested information by _____, __ 2009.
- A one-year Level of Service (LOS) traffic study is needed (unless existing data can be used), which the Applicant had not started as of the February 2-6, 2009 environmental site audit. This is primarily for the socioeconomics review, but could also affect analyses for noise, wetlands, and possible other review areas depending on results. The Applicant has committed to provide the requested information by _____, __ 2009.
- Although not expected to become a problem, the validity of onsite meteorological data and associated environmental and safety impact determinations must still be verified by the NRC. Problems found with these data may impact the environmental review schedule. The Applicant has committed to provide the requested information for NRC's review by _____, __ 2009.

Finally, I assume you will include identification and discussion of the environmental review schedule along with the safety schedule in the schedule letter, and Ryan and I would like to have input to that discussion as well.

Please contact me if you have any questions or need additional information.

Thanks,
Steve

Please note change in mail stop.

Stephen Lemont, Ph.D.

Environmental Project Manager
United States Nuclear Regulatory Commission
Office of New Reactors
Mail Stop: T-7E30
Washington, DC 20555-0001
Telephone: 301-415-5163
Fax: 301-415-6350
Email: Stephen.Lemont@nrc.gov

From: Tonacci, Mark
Sent: Thursday, June 11, 2009 10:23 AM
To: Lemont, Stephen
Subject: Emailing: doccontent.pdf

Fermi Schedule

Steve - I did research the question about milestones. The ones on the public web page do have MR included for the safety schedules. I was just planning to present the milestones at the meeting because I think that is all the RMB approves. If Scott has better info please keep me informed.

Attached is the Fermi docketing letter. This letter contains a number of IOUs that could become schedule disclaimers or need to be otherwise mentioned in our scheduling letter to Fermi. Please review it and let me know if the enviro items need to be addressed in the schedule letter that I will write. I believe it is standard to identify disclaimers that may affect the schedule at the RMB meeting and I/we should bring them up.

Mark

Hearing Identifier: Fermi_COL_Public
Email Number: 426

Mail Envelope Properties (1FA53ADF29758448974A8AC1118E627EB5886501FA)

Subject: RE: Fermi 3 Public Schedule/Milestones and Schedule Letter
Sent Date: 6/12/2009 12:25:27 PM
Received Date: 6/12/2009 12:25:29 PM
From: Lemont, Stephen

Created By: Stephen.Lemont@nrc.gov

Recipients:

"Hale, Jerry" <Jerry.Hale@nrc.gov>
Tracking Status: None
"Tonacci, Mark" <Mark.Tonacci@nrc.gov>
Tracking Status: None

Post Office: HQCLSTR01.nrc.gov

Files	Size	Date & Time
MESSAGE	8576	6/12/2009 12:25:29 PM
Significant Issues from Fermi 3 Site Audit.doc		54778
doccontent.pdf	100598	

Options

Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

Significant Issues from Fermi 3 Site Audit (February 2-6, 2009)

Listed below are significant issues identified and discussed with the Applicant at the site audit, some of which could adversely affect the environmental review schedule. Issues with an asterisk (*) were also identified during the Acceptance Review. Suggest that any schedule changes in EPM wait until RAI responses and supplemental information are received and evaluated.

Item No.	Issue	Description	Potential Schedule Impact	Resolution/Remarks
1	Site layout modifications and related impact changes	Although expected to be available by the time of the site audit, to date they have not been specifically identified and are still under review by Applicant. <u>Applicant's tentative delivery date is July 2009.</u>	Currently anticipated to add 2-3 months to review schedule	EPM schedule modification necessary because this is a fundamental part of the assessment affecting many review areas--air quality, cultural resources, human health, hydrology, terrestrial ecology/wetlands, noise, and possibly others. Schedule impact dependent upon Applicant's delivery date and nature and extent of changes.
2	Alternative sites	Applicant needs to provide information to show that one or both of the Greenfield alternative sites (A & C) are viable. NRC staff believes that at least 3 viable alternate sites, in addition to the Fermi site, are needed to defend the alternatives analysis to the ASLB; we currently have only two.	To be determined	Applicant needs to show that legitimate cooling water sources and/or cooling technologies are available. In the event that this is not the case, there are 2 or 3 additional sites that could be examined, but that would require an additional trip, with associated schedule/budget impacts.
3	Availability of information for transmission line route	Applicant's plans for transmission lines are tentative, and years from being finalized. Thus, Applicant could provide only reconnaissance-level data at this stage, for its tentative transmission line route.	None identified at present	Available data will be used for DEIS and FEIS. Corps of Engineers may require additional information when transmission line route is formally established, to be included in a Corps supplemental environmental document to support a Section 404 permitting decision.
4	Availability of key cultural resources (CR) reports and SHPO feedback*	Significant uncertainties exist regarding Fermi 1's National Register eligibility and other SHPO determinations, which could greatly affect the project. Applicant's proposed schedule for submittal of Fermi 1 CR report and other CR documentation to Michigan SHPO would not allow for incorporation of conclusions in the DEIS.	To be determined	Applicant agreed to accelerate its schedule and provide needed information by October 1, 2009.
5	Baseline ecological monitoring*	A full year of confirmatory baseline ecological monitoring must be completed, but only the first 6 months has been completed to date. Applicant's interim report delivery date is April 2009.	None identified at present	Applicant's methodology and interim results were reviewed and found to be acceptable. The first 6-9 months' data will be discussed in the DEIS, and the remainder in the FEIS.

Item No.	Issue	Description	Potential Schedule Impact	Resolution/Remarks
6	Hydrology issues	<ul style="list-style-type: none"> • Considerable uncertainty regarding existence and locations of clay dikes surrounding and within the site, which could have a major influence on groundwater interconnections. • More information needed on conceptual designs and construction methods for discharge and barge slip in Lake Erie. 	<ul style="list-style-type: none"> • Unknown • To be determined 	To be determined based on RAI responses and information received.
7	Traffic study*	One-year traffic study is needed (unless existing data can be used), which Applicant has not started. This is for Socioeconomics review, but could also affect analyses for noise, wetlands, and possible other review areas depending on results.	To be determined	Applicant had committed to submit this study in September 2009. Impact on schedule will be evaluated following receipt of RAI response.
8	Changes in Environmental Report (ER) Rev. 1	Changes to be presented in ER Rev. 1 have not been defined, although Applicant indicated it will primarily address changes resulting from the switch from referencing ESBWR DCD Rev. 4 to Rev. 5.	To be determined	To be determined based on nature and extent of changes presented in ER Rev. 1, scheduled for delivery in late February-early March 2009.
9	Validity of meteorological data	Although not expected to become a problem, validity of onsite meteorological data needs to be verified.	To be determined	To be determined based on RAI response and information received.

November 25, 2008

Mr. Jack M. Davis
Senior Vice President and
Chief Nuclear Officer
DTE Energy
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: ACCEPTANCE FOR DOCKETING OF THE DETROIT EDISON COMPANY
APPLICATION FOR A COMBINED LICENSE FOR FERMI 3 AND ASSOCIATED
FEDERAL REGISTER NOTICE

Dear Mr. Davis:

By letter dated September 18, 2008, you tendered a combined license application (COLA) for an economic simplified boiling water reactor to be located in Monroe County, Michigan, in accordance with the requirements contained in 10 CFR Part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." This proposed plant is to be designated as Fermi 3. In addition, you have provided supplemental information by letters dated October 27, November 11 and November 20, 2008, in response to issues identified by the U.S. Nuclear Regulatory Commission (NRC) staff. By letter dated October 10, 2008, the NRC staff acknowledged receipt of the application and noted its intent to conduct an acceptance review.

This letter informs you that the NRC staff has completed its acceptance review and has determined that your application is acceptable for docketing. The docket number established for this application is 52-033.

However, as discussed with your staff, we have determined that additional information is needed in the application Part 2, Chapter 2, Section 2.4.13 Accidental Releases of Liquid Effluents to Ground and Surface Waters. The staff will soon provide a Request For Additional Information (RAI). Once this information is submitted to the staff and found complete, a schedule for review of the application will be developed. The Office of New Reactors has been evaluating alternative review approaches. From this effort a 4-phase review process was developed. The phases of the 4-phase approach will be as follows:

- Phase 1 – RAIs, and supplemental RAIs
- Phase 2 – Advance Final SER without Open Items
- Phase 3 – Advisory Committee on Reactor Safeguards Meeting on Advance Final Safety Evaluation Report
- Phase 4 – Final SER

The development of a 4-phase review in our scheduling system requires additional time beyond the normal 30 day commitment described in our receipt of application acknowledgement letter

J. Davis

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dated October 10, 2008. The staff will interact with you as this schedule is developed. In addition to the above RAI, the schedule will reflect a critical dependency on your meeting commitments for delivery of documentation as described below.

Aquatic sampling and terrestrial sampling do not have a full year of data. Detroit Edison Company will provide the first two rounds of sampling in February of 2009 with the first revision to the Environmental Report, and the remaining data within one year of docketing the application. Delays in providing acceptable data may impact environmental review schedule.

Detroit Edison Company is expected to provide additional information regarding Cultural and Historic Resources within one year of docketing the COLA. This information involves the potential that Fermi 1 may become eligible for listing in the National Register of Historic places and that additional archaeological work is needed around the Fermi 3 discharge location. Delays in providing acceptable data may impact environmental review schedule.

The enclosed notice of acceptance for docketing has been forwarded to the Office of the *Federal Register* and a separate notice will be published, in accordance with the provisions of 10 CFR 2.104, regarding the opportunity to file a petition for leave to intervene in the mandatory hearing required for this application.

If you have any questions or comments concerning this matter, please contact me at 301-415-3025 or Chandu.Patel@nrc.gov.

Sincerely,

/RA/

Chandu Patel, Senior Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-033

Enclosure:
Federal Register Notice

cc w/encl: See next page

J. Davis

- 2 -

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If you have any questions or comments concerning this matter, please contact me at 301-415-3025 or Chandu.Patel@nrc.gov.

Sincerely,
/RA/
Chandu Patel, Senior Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-033

Enclosure:

Federal Register Notice

cc w/encl: See next page

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NRO-002

OFFICE	PM:NGE1	LA:NGE1:	BC:DNRL:NGE1	BC:DSER:RHEB	BC:DSER:RAP2	OGC
NAME	CPatel	SGreen(e-mail)	JCruz	RRaione	GHatchett	SBrock
DATE	11/25/2008	11/14/2008	11/19/2008	11/21/2008	11/19/2008	11/21/2008

OFFICIAL RECORD COPY

Fermi - Mailing List

(Revised 09/11/2008)

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