

April 26, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
THE DETROIT EDISON COMPANY) Docket No. 52-033-COL
(Fermi Nuclear Power Plant, Unit 3))

APPLICANT'S MOTION FOR
SUMMARY DISPOSITION OF CONTENTION 3

INTRODUCTION

Pursuant to 10 C.F.R. § 2.1205, the Detroit Edison Company files this motion for summary disposition of Contention 3, which relates to low level waste storage and disposal.¹ Summary disposition is warranted on the grounds that the omission asserted in the contention has been cured, and there exists no genuine issue as to any material fact relevant to the contention. Therefore, under the applicable Commission regulations, Detroit Edison is entitled to a decision as a matter of law. This motion is supported by a Statement of Material Facts as to which Detroit Edison asserts that there is no genuine dispute and the affidavit of Peter W. Smith, Director, Nuclear Development – Licensing and Engineering, for the Detroit Edison Company.

LEGAL STANDARDS FOR SUMMARY DISPOSITION

Because this is the first motion for summary disposition filed by Detroit Edison in this proceeding, we set forth the relevant legal standards at some length.

¹ Counsel for Detroit Edison has contacted counsel for the NRC Staff and Joint Intervenors. Counsel for the Intervenors indicated that they take no position at this time and will respond to the motion in due course. Counsel for the NRC Staff stated that the NRC Staff agrees that the contention is moot.

A. Rule

This proceeding is governed by the informal adjudicatory procedures described in Subpart L of 10 C.F.R. Part 2. Subpart L contains certain instructions for filing motions for summary disposition, but directs the Licensing Board to apply the standards of Subpart G, which are set forth in 10 C.F.R. § 2.710(d)(2). *See* 10 C.F.R. § 2.1205(c). A motion for summary disposition must be granted “if the filings in the proceeding ... together with the statements of the parties and the affidavits, if any, show that there is no genuine issue as to any material fact.” 10 C.F.R. § 2.710(d).

The movant for summary judgment bears the initial burden of showing the absence of a genuine dispute as to any material fact. *Advanced Medical Systems, Inc.* (One Factory Row, Geneva, Ohio 44041), CLI-93-22, 38 NRC 98, 102 (1993). If the movant makes such a showing and that showing is not countered by the opposing party, the Licensing Board may summarily dispose of the arguments in question on the basis of the pleadings. *Id.* “The opposing party must controvert any [individual] material fact properly set out in the statement of material facts that accompanies a summary disposition motion or the fact will be deemed admitted.” *Id.* at 102-103. Opponents must “pinpoint[] each of [the] Applicant’s stated material facts which they genuinely dispute and set[] forth the basis for their belief that the facts are not as stated.” *Commonwealth Edison Company* (Braidwood Nuclear Power Station, Units 1 and 2), LBP-86-12, 23 NRC 414, 420 (1986).

B. Material Fact

Material facts are determined by the substantive law applicable to the case. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). “Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of

summary judgment. Factual disputes that are irrelevant or unnecessary will not be counted.” *Id.* The Licensing Board will ultimately determine which facts are material on the basis of the parties’ submissions and the record. *Advanced Medical Systems*, CLI-93-22, 38 NRC at 115 and n.65.

C. Genuine Issue

To counter a motion for summary disposition, an opponent “may not rest upon ‘mere allegations or denials,’ but must set forth specific facts showing that there is a genuine issue.” *Advanced Medical Systems*, CLI-93-22, 38 NRC at 102. “Bare assertions or general denials are not sufficient. Although the opposing party does not have to show that it would prevail on the issues, it must at least demonstrate that there is a genuine factual issue to be tried.” *Id.* (citations omitted). “[Opponents] have to present contrary evidence that is so significantly probative that it creates a material factual issue.” *Id.* n.13 (citing *Public Service Co. of New Hampshire* (Seabrook Station, Units 1 and 2), CLI-92-8, 35 NRC 145, 154 (1992)). Merely a “metaphysical doubt” concerning the material facts is insufficient. *Id.* n.13 (citing *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)).

D. Evidence

Evidence in support of or opposition to a motion for summary disposition can include: “filings in the proceeding, depositions, answers to interrogatories, and admissions on file, together with the statements of the parties and the affidavits.” 10 C.F.R. § 2.710(d). All factual material in the administrative record may be used by pointing it out to the Licensing Board. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Identifying such material, however, is an obligation of the party, not the Licensing Board. *See, e.g., Barge v. Anheuser-Busch, Inc.*, 87 F.3d 256, 260 (8th Cir. 1996). The Licensing Board, however, retains the power

to request and consider further materials from the parties to make a decision on a summary disposition motion. *Cleveland Electric Illuminating Company* (Perry Nuclear Power Plant, Units 1 and 2), ALAB-443, 6 NRC 741, 752 (1977).

SCOPE OF ADMITTED CONTENTION 3

Contention 3, as proposed,² alleged that “[t]he COLA violates NEPA by failing to address the environmental impacts of the ‘low-level’ radioactive waste that [the licensee] will generate in the absence of licensed disposal facilities or capability to isolate the radioactive waste from the environment.” Pet. at 37. Specifically, the Petitioners alleged that the Environmental Report (“ER”) fails to offer a viable plan for managing low-level radioactive waste (“LLRW”) because, as of June 30, 2008, the disposal facility in Barnwell, South Carolina, no longer accepts Class B and Class C LLRW that is generated outside the Atlantic Compact Commission States of Connecticut, New Jersey, and South Carolina. *Id.* at 37-39, n.1. Specifically, the Intervenors argued that the application “does not address long term storage onsite.” Proposed Contention 3 also asserts that the ER fails “to explain or address how safety and security issues of extended on-site storage/*de facto* disposal of radioactive waste will be maintained” in the absence of available low-level waste disposal sites. *Id.* at 43-44. The Petitioners characterized their contention as a “contention of omission.” *Id.* at 44.

In LBP-09-16, the Licensing Board found a portion of Contention 3 admissible as a “contention of omission” based on the Detroit Edison’s “failure to acknowledge in the ER that

² See “Petition of Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environmental Alliance of Southwestern Ontario, Don’t Waste Michigan, Sierra Club, Keith Gunter, Edward McArdle, Henry Newman, Derek Coronado, Sandra Bihn, Harold L. Stokes, Michael J. Keegan, Richard Coronado, George Steinman, Marilyn R. Timmer, Leonard Mandeville, Frank Mantei, Marcee Meyers, and Shirley Steinman for Leave to Intervene in Combined Operating License Proceedings and Request for Adjudication Hearing,” at 37 (Mar. 9, 2009) (“Pet.”).

it lacks an offsite disposal facility and to either explain its plan for storing such wastes onsite during the license term, or show that it has some alternative means of managing the wastes that will not require either an offsite disposal facility or extended onsite storage.” LBP-09-16 at 25-26, 35. The Licensing Board specifically narrowed Contention 3 as follows:

The ER for Fermi Unit 3 is deficient in discussing the Applicant’s plans for management of Class B and C wastes. The ER assumes the existence of an offsite disposal facility for those wastes. In light of the current lack of a licensed offsite disposal facility, however, and the uncertainty whether a new disposal facility will become available during the license term, the ER must either describe the Applicant’s plan for storing Class B and C wastes onsite during the license term and the environmental consequences of such extended onsite storage, or show that the Applicant has a plan for managing the wastes that does not require an offsite disposal facility or extended onsite storage.

Id. at 25. The Licensing Board rejected portions of the contention that related to Greater-Than-Class-C waste and Table S-3, among others. *Id.* at 22-25.

As admitted, the narrowed contention of omission is limited to (1) the ER’s failure to acknowledge the closure of Barnwell to out-of-compact waste; and (2) the ER’s failure to either (a) address the need for, and the environmental consequences of, long-term storage of Class B and C waste at the Fermi 3 site, or (b) demonstrate that long-term storage at the Fermi 3 site will not be necessary.

THE APPLICANT IS ENTITLED TO
SUMMARY DISPOSITION ON CONTENTION 3

Detroit Edison moves for summary disposition of Contention 3 on the ground that there no longer exists a genuine dispute concerning any facts material to the foregoing matters because Detroit Edison has revised the COL application so as to moot both aspects of the contention of omission. The Commission has explained that where a contention alleges the omission of particular information, and the information is later supplied by the applicant, the

contention is moot. *Duke Energy Corp.* (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear State, Units 1 and 2), CLI-02-28, 56 NRC 373, 282-283 (2002); *see also USEC, Inc.* (American Centrifuge Plant), CLI-06-09, 63 NRC 433 (2006). Summary disposition is appropriate for a contention that is moot. *Exelon Generation Company* (Early Site Permit for Clinton ESP Site), LBP-05-19, 62 NRC 134, 182 (2005).

As discussed further below, Detroit Edison addressed the issues underlying Contention 3 in a letter to the NRC, dated February 16, 2010. *See* Letter to NRC Document Control Desk from Peter W. Smith, Director, Nuclear Development – Licensing and Engineering, Detroit Edison Company, NRC3-10-0010, “Detroit Edison Company Response to NRC FSAR Request for Additional Information Letter No. 4 and ER Request for Additional Information Letter No. 2” (ADAMS Accession No. ML100500278). The new information and the revised application cure the omissions described above.

Specifically, the revised ER acknowledges that, as of July 1, 2008, the Barnwell LLRW disposal facility in Barnwell, South Carolina no longer accepts Class B and C waste from sources in Michigan. NRC3-10-0010, Attachment 1, at 3; *see also id.* at 3-40 and insert “13” (providing markups of the ER). The revised ER notes that the only other operating disposal site in Richland, Washington, also does not currently accept Class B and C wastes from Michigan. *Id.* Thus, Detroit Edison has cured the ER’s failure to acknowledge the present closure of the Barnwell facility to Class B and C waste from Fermi 3. LBP-09-16 at 25-26.

The revised ER also describes how, in the absence of an offsite disposal facility for Class B and C generated at Fermi 3, the Applicant would store Class B and C waste on-site and discusses the environmental consequences of extended on-site storage. For example, Detroit Edison has reconfigured the Fermi 3 Radwaste Building to accommodate up to ten years of

packaged Class B and C waste. NRC3-10-0010, Attachment 1, at 3. This change is described in a departure from the ESBWR certified design. *See id.* at FSAR markups. Further, revisions to the ER explain that additional waste minimization measures could be implemented to reduce or eliminate the generation of Class B and C waste. These measures include: reducing the service run length for resin beds; short loading media volumes in ion exchange vessels; and other techniques discussed in the EPRI Class B/C Waste Reduction Guide and EPRI Operational Strategies to Reduce Class B/C Wastes. NRC3-10-0010, Attachment 1, at 3-40 and insert “13”. These measures would extend the capacity of the proposed Solid Waste Storage System to store Class B and C waste beyond the ten years provided in the revised design. *Id.* at 3. The ER also concludes that continued storage of Class B and C waste would maintain occupational exposures within permissible limits and result in no additional environmental impacts. *Id.*

The waste minimization measures described in the revised ER would provide additional time for offsite disposal capability to be developed or additional onsite capacity to be added. If additional storage capacity for Class B and C were to become necessary, the revised ER explains that Detroit Edison could construct a new temporary storage facility. NRC3-10-0010, Attachment 1, at 4. The facility would meet applicable NRC design guidance³ and both construction and operation of the storage facility would have minimal environmental impacts. *Id.* Operation of the storage facility would provide appropriate protection against releases and would also maintain exposures to workers and the public below applicable limits. *Id.* Thus, the ER describes how Detroit Edison will manage Class B and C wastes onsite, including both the environmental consequences of extended on-site storage and the environmental consequences of

³ *See, e.g.,* NUREG-0800, “Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants,” Section 11.4, Appendix 11.4-A, “Design Guidance for Temporary Storage of Low Level Radioactive Waste.”

constructing additional storage. *See* LBP-09-16 at 25-26 (describing the narrowed contention as asserting a need to address, in the alternative, storage of Class B and C wastes on-site and the environmental consequences of extended on-site storage).

To address the possibility that Detroit Edison may utilize alternative approaches to managing low-level waste at the Fermi 3 site, the revised ER also describes the process for and the environmental impacts of transferring Class B and C waste to another facility licensed for the storage of LLRW prior to eventual disposal. NRC3-10-0010, Attachment 1, at 4. In lieu of onsite storage, the revised ER explains that the site could enter into a commercial agreement with a third-party contractor to process, store, own, and ultimately dispose low-level waste generated as a result of Fermi 3 operations. *Id.* According to the revised ER, activities associated with the transportation, processing, and ultimate disposal of low level waste by the third-party contractor would necessarily comply with applicable laws and regulations (including licenses and permits), and thereby assure public health and safety and protection of the environment. *Id.* The revised ER also explains that the third-party contractor would be required to conduct its operations consistent with applicable Agreement State or NRC regulations (*e.g.*, 10 C.F.R. Part 20), which assure that the radiological impacts from these activities would be acceptable. Moreover, the environmental impacts resulting from management of low-level wastes by third parties are expected to be bounded by the NRC findings in 10 C.F.R. § 51.51(b) (Table S-3).⁴ Thus, the ER, as revised, fully describes the environmental and radiological consequences of a transfer of waste to a third party for storage and eventual disposal.

⁴ Table S-3 assumes that solid, low-level waste from reactors will be disposed of through shallow land burial, and concludes that this kind of disposal will not result in the release of any significant effluent to the environment. The conclusions in Table S-3 are not time- or licensee-dependent — that is, the environmental impacts do not depend on *when* the waste is disposed of or *by whom*. Thus, regardless of whether the third-party becomes

With the changes to the Fermi 3 ER, the circumstances here are similar to those in the *Calvert Cliffs* combined license (“COL”) proceeding. In *Calvert Cliffs*, the Licensing Board granted UniStar’s summary disposition motion on a low-level waste contention that was nearly identical to that admitted here. See *Memorandum and Order* (Ruling on Joint Intervenors’ Proposed New Contentions 8 and 9 and Applicants’ Motion for Summary Disposition of Contention 7) (slip op. April 5, 2010) at 15-16. The Licensing Board concluded that the low-level waste contention was moot because UniStar submitted an ER revision acknowledging the partial closure of the Barnwell facility and explaining how they will manage Class B and C waste given the lack of access to such a facility. *Id.* at 17-18. The same rationale applies to Contention 3 in this proceeding.

Detroit Edison’s revised plan for managing low-level waste is also much like that described in the Bell Bend COL application. As the Licensing Board in that case explained in rejecting a proposed contention similar to Contention 3:

[T]he Bell Bend Application discusses the LLRW issue in detail and specifically states what “additional waste minimization measures” will be implemented “[i]n the event no offsite disposal facility is available to accept Class B and C waste from BBNPP when it commences operation.” Further, PPL provides that if additional storage were necessary, it would build an additional storage facility in accordance with NRC guidelines. Such a facility, PPL states, would have “minimal” impacts and “would provide appropriate protection against releases, maintain exposures to workers and the public below applicable limits, and result in no significant environmental impact.” We fail to see any omission in the Application on the LLRW issue, nor have [Petitioners] shown that this plan is inadequate.

PPL Bell Bend, LLC (Bell Bend Nuclear Power Plant), LBP-09-18, 70 NRC ___, (slip op. at 27) (Aug. 10, 2009) (citations omitted). Like the application in *Bell Bend*, the Fermi 3 ER now

the licensee for the material and takes responsibility for eventual disposal or Detroit Edison remains responsible for eventual disposal, the environmental impacts of disposal are bounded by those in Table S-3.

states that, if necessary, further temporary storage would be developed in accordance with NUREG-0800, Standard Review Plan 11.4, Appendix 11.4-A, and describes the environmental and dose-related impacts of temporary storage. NRC3-10-0010, Attachment 1, at 4. Thus, the Licensing Board decision in *Bell Bend* further supports the conclusion that the “omission” in this case has been cured.

The present circumstances are also similar to those in the North Anna COL proceeding. There, the Licensing Board admitted a portion of Contention 1, which alleged that the Applicant should have explained its plan for the management of LLRW given the lack of an offsite disposal facility. *See Virginia Electric & Power Co. (Combined License Application for North Anna Unit 3), Order (Dismissing Contention 1 as Moot), ___ NRC ___* (slip op. at 2-3) (August 19, 2009). Like Contention 3 in this proceeding, the *North Anna* Licensing Board construed Contention 1 as a contention of omission. *Id.* The Applicant revised its application to include a plan for the LLRW management and then filed a motion for summary disposition. The *North Anna* Licensing Board concluded that “it is no longer true that the COLA lacks a plan for the management of such wastes in the absence of a disposal facility” and that the contention of omission had therefore become moot.⁵ *Id.* at 4. Accordingly, the *North Anna* Licensing Board dismissed Contention 1. *Id.* Similarly, it is no longer true that the Fermi 3 ER lacks a plan for management of low-level wastes in the absence of a disposal facility. Thus, as with Contention 1 in the *North Anna* proceeding, Contention 3 is moot and should be dismissed.

⁵ The admitted low-level waste contention in the North Anna proceeding was based on a failure to address Class B and C waste in the Final Safety Analysis Report (“FSAR”). The North Anna contention was therefore a “safety” contention. In contrast, the admitted contention in the Fermi 3 proceeding is an “environmental” contention based on the Applicant’s ER. This difference between the admitted contentions does not alter the fact that the “omission” has been cured in both cases.

Because the alleged omission in the application has been cured by the revision to the COL application, Contention 3, as admitted by the Licensing Board, is now moot.⁶ There remains no genuine issue as to any material fact relevant to the admitted contention. Accordingly, Detroit Edison is entitled to a decision as a matter of law.

CONCLUSION

For the above reasons, the Licensing Board should grant summary disposition of Contention 3.

Respectfully submitted,

/s/ signed electronically by

David A. Repka
Tyson R. Smith
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

Bruce R. Maters
The Detroit Edison Co.
One Energy Plaza
Detroit, Michigan 48226

COUNSEL FOR THE
DETROIT EDISON COMPANY

Dated at Washington, District of Columbia
this 26th day of April 2010

⁶ The Intervenor has not to date elected to revise or amend Contention 3 based on the new information provided in Detroit Edison's February 16, 2010 letter to the NRC. The Licensing Board's scheduling order, dated September 11, 2009, specifically stated that new or amended contentions must be submitted "in a timely fashion based on the availability of the [new] information." Order at 2. The Licensing Board also explained that "[i]n general, a proposed new or amended contention shall be deemed timely under 10 C.F.R. § 2.309(f)(2)(iii) if it is filed within thirty (30) days of the date when the new and material information on which it is based first becomes available." *Id.*

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
THE DETROIT EDISON COMPANY)	Docket No. 52-033-COL
)	
(Fermi Nuclear Power Plant, Unit 3))	

STATEMENT OF MATERIAL FACTS
ON WHICH NO GENUINE DISPUTE EXISTS

The Detroit Edison Company submits, in support of its motion for summary disposition of Contention 3, this statement of material facts as to which Detroit Edison contends that there is no genuine issue to be heard.

1. The Detroit Edison Company filed the combined license (“COL”) application for Fermi Unit 3 on September 18, 2008. The application included an Environmental Report (“ER”) and a Final Safety Analysis Report (“FSAR”).
2. On March 9, 2009, Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environmental Alliance of Southwestern Ontario, Don’t Waste Michigan, Sierra Club, Keith Gunter, Edward McArdle, Henry Newman, Derek Coronado, Sandra Bihn, Harold L. Stokes, Michael J. Keegan, Richard Coronado, George Steinman, Marilyn R. Timmer, Leonard Mandeville, Frank Mantei, Marcee Meyers, and Shirley Steinman (collectively “Intervenors”) filed their “Petition for Leave to Intervene in Combined Operating License Proceedings and Request for Adjudication Hearing” (“Petition”). Proposed Contention 3 alleged that “[t]he COLA violates NEPA by failing to address the environmental impacts of the ‘low-level’ radioactive waste that it will generate in the absence of licensed disposal facilities or capability to isolate the radioactive waste from the environment.”
3. In its Memorandum and Order dated July 31, 2009, the Licensing Board admitted a portion of Contention 3 as an environmental “contention of omission.” LBP-09-16, ___ NRC ___, slip op. at 25. The Licensing Board narrowed Contention 3 as follows:

The ER for Fermi Unit 3 is deficient in discussing the Applicant’s plans for management of Class B and C wastes. The ER assumes the existence of an offsite disposal facility for those wastes. In light of the current lack of a licensed offsite disposal facility, however, and the uncertainty whether a new disposal facility will become available during the license term, the ER must either describe the Applicant’s plan for storing Class B

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
THE DETROIT EDISON COMPANY) Docket No. 52-033-COL
(Fermi Nuclear Power Plant, Unit 3))

AFFIDAVIT OF PETER W. SMITH IN
SUPPORT OF SUMMARY DISPOSITION OF CONTENTION 3

I, Peter W. Smith, do hereby state as follows:

1. I am the Director, Nuclear Development – Licensing and Engineering, for the Detroit Edison Company. In my current position, I have overall responsibility for the combined license (“COL”) application for Fermi Unit 3.

2. In a letter dated February 16, 2010, I provided, on behalf of the Detroit Edison Company, a response to an NRC Staff request for additional information regarding low-level waste management for Fermi Unit 3. The letter included revised content for the Fermi 3 COL application. Specifically, the letter provided revised text for the Fermi 3 Environmental Report (“ER”) Sections 3.5.2.3 and 3.8.3 as well as several sections of the Final Safety Analysis Report (“FSAR”). *See* Letter to NRC Document Control Desk from Peter W. Smith, Director, Nuclear Development – Licensing and Engineering, Detroit Edison Company, NRC3-10-0010, “Detroit Edison Company Response to NRC FSAR Request for Additional Information Letter No. 4 and ER Request for Additional Information Letter No. 2” (ADAMS Accession No. ML100500278).

3. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

Executed in accord with 10 C.F.R. § 2.304(d),

/s/ Peter W. Smith

Peter W. Smith
The Detroit Edison Company
One Energy Plaza
Detroit, MI 48226

Dated at Detroit, Michigan
this 26th of April 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
THE DETROIT EDISON COMPANY) Docket No. 52-033-COL
(Fermi Nuclear Power Plant, Unit 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of “APPLICANT’S MOTION FOR SUMMARY DISPOSITION OF CONTENTION 3,” “STATEMENT OF MATERIAL FACTS IN SUPPORT OF SUMMARY DISPOSITION,” and “AFFIDAVIT OF PETER W. SMITH” in the captioned proceeding have been served via the Electronic Information Exchange (“EIE”) this 26th day of April 2010, which to the best of my knowledge resulted in transmittal of the foregoing to the following persons.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Ronald M. Spritzer, Chair
Michael F. Kennedy
Randall J. Charbeneau
E-mail: rms4@nrc.gov
E-mail: mfk2@nrc.gov
E-mail: Randall.Charbeneau@nrc.gov

Marian Zabler, Esq.
Marcia Carpentier, Esq.
Sara Kirkwood, Esq.
Robert M. Weisman, Esq.
Joseph Gilman, Paralegal
E-mail: mlz@nrc.gov
E-mail: marcia.carpentier@nrc.gov
E-mail: sara.kirkwood@nrc.gov
E-mail: rmw@nrc.gov
E-mail: jsg1@nrc.gov

Johanna Thibault, Law Clerk
Ann Hove, Law Clerk
E-mail: jrt3@nrc.gov
E-mail: ann.hove@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

Beyond Nuclear, Citizens for Alternatives to
Chemical Contamination, Citizens
Environmental, Alliance of Southwestern
Ontario, Don't Waste Michigan, Sierra Club
et al.
316 N. Michigan St., Ste. 520
Toledo, OH 43604-5627
Terry J. Lodge, Esq.
TJLodge50@yahoo.com

Beyond Nuclear
Reactor Oversight Project
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Paul Gunter, Director
E-mail: paul@beyondnuclear.org

/s/ signed electronically by
Tyson R. Smith
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

COUNSEL FOR THE
DETROIT EDISON COMPANY