

Attachment 1

Draft Order

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Alex S. Karlin, Chairman
Dr. Anthony J. Baratta
Dr. William M. Murphy

In the Matter of

PROGRESS ENERGY FLORIDA, INC.

(Combined License Application for Levy County
Nuclear Power Plant, Units 1 and 2)

Docket No. 52-029-COL, 52-030-COL

[date]

ORDER

(Order Compelling Disclosure of Groundwater Models With Regard to Contention 4)

Joint Intervener's Motion dated September 27, 2010, requesting that disclosures be compelled from Progress Energy Florida (PEF) to supplement the initial disclosure by PEF is hereby granted.

Progress Energy will produce the original and revised DWRM2 groundwater model and any other water-related models referred to in the DEIS and/or relied upon by the NRC in drawing their conclusions regarding groundwater use. Production should include, but is not limited to, all water-related computer models, iterations, input files and reports, parameters, input data, boundary conditions, assumptions, and all iterations and results, in a model-ready digital format. In short, everything necessary for evaluation of any water model PEF has devised and upon which NRC has relied.

Progress Energy will have 10 days from the date of this order to provide the required information.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Alex S. Karlin, Chairman

ADMINISTRATIVE JUDGE

Rockville, Maryland

[DATE]

Attachment 2

Exhibit A

Mary Olson

From: EcologyPartyNoNukes [nonukes@ecologyparty.org]
Sent: Sunday, September 26, 2010 10:18 AM
To: Mary Olson
Subject: Exhibit A corrected

Begin forwarded message:

From: "George, Stefanie N." <stefanie.george@pillsburylaw.com>
Date: September 16, 2010 6:52:36 PM EDT
To: EcologyPartyNoNukes <nonukes@ecologyparty.org>
Cc: "O'Neill, John H." <John.ONeill@pillsburylaw.com>, "Haemer, Robert B." <robert.haemer@pillsburylaw.com>, "Jody Martin" <Jody.Martin@nrc.gov>, maryolson@main.nc.us
Subject: RE: Discussion on Levy correction

Hi Cara,

The RAI response and model cited in the DEIS were provided in Progress's disclosures as items PROD0000719 and PROD0000920, respectively. I've also attached them for your convenience. You'll note that this is a different model than the one you asked for on July 8.

Thank you,
 Stefanie

Stefanie Nelson George | Pillsbury Winthrop Shaw Pittman LLP

Tel: 202.663.9382 | Fax: 202.663.8007
 2300 N Street, NW | Washington, DC 20037-1122

Email: stefanie.george@pillsburylaw.com
www.pillsburylaw.com

From: EcologyPartyNoNukes [<mailto:nonukes@ecologyparty.org>]
Sent: Thursday, September 16, 2010 2:01 PM
To: George, Stefanie N.
Cc: O'Neill, John H.; Haemer, Robert B.; Jody Martin; maryolson@main.nc.us
Subject: Discussion on Levy correction

I apologize. Corrections in the request have been made below.

Cara

Hello, Stefanie,

Previously I had requested we be provided certain computer model files and was

told by you that we were not entitled to them by discovery (see copy of thread below). On page 5-24, line 7, of the Levy DEIS, there is a reference to "a local-scale groundwater model developed by PEF" and recalibrated at NRC reviewers' request to improve "goodness of fit." The DEIS notes that "A detailed description of this model and the recalibration process is provided by PEF in a response to requests for additional information (PEF 2009d)." We have contacted SWFWMD, as you suggested, and also NRC, in an effort to obtain the actual computer model files referenced in the DEIS, but have been unsuccessful. We are eager, as agreed upon, to engage in substantive discussions regarding parts of Contention 4 but inasmuch as the DEIS apparently relies upon this recalibrated model's conclusions (which Pillsbury contends support summary disposition) I'm sure you can understand that we would need to be able to review all water-related computer model input files and reports, parameters, input data, boundary conditions, assumptions, and results, in a model-ready digital format. The components in question are necessary prerequisites for productive discussion on summary disposition or settlement of any part of Contention 4.

We look forward to receiving the necessary files as soon as possible to facilitate our discussions.

Thank you.
Cara

From: "George, Stefanie N."
<stefanie.george@pillsburylaw.com>

Date: July 9, 2010 11:52:56 AM EDT

To: "Levy Nuke" <levynuke@ecologyparty.org>

Subject: RE: Request for material needed to assess disclosure.

Hi Cara,

The program is referenced in the tech memo, and it's our understanding that

it's available from the State of Florida. Progress has already provided all

materials required to be disclosed by 10 C.F.R. § 2.336(a) that were

identified as relevant through a search of the

information and documentation

reasonably available to and under the possession,
custody and control of

Progress. The NRC regulations do not entitle you to
disclosures from CH2M

Hill.

Thanks,

Stefanie

Stefanie Nelson George | Pillsbury Winthrop Shaw
Pittman LLP

Tel: 202.663.9382 | Fax: 202.663.8007

2300 N Street, NW | Washington, DC 20037-1122

Email: stefanie.george@pillsburylaw.com

<<mailto:stefanie.george@pillsburylaw.com>>

www.pillsburylaw.com <<http://www.pillsburylaw.com>
/>

From: Levy Nuke
[<mailto:levynuke@ecologyparty.org>]

Sent: Friday, July 09, 2010 10:33 AM

To: George, Stefanie N.

Cc: Mary Olson

Subject: Re: Request for material needed to assess
disclosure.

Good morning to you, too, Stefanie,

The document you reference contains the results of running the program and

we believe it necessary to examine the program itself to ascertain its

relevance. Please send, or have CH2MHill send us the required items.

Thank you so much,

Cara

On Jul 9, 2010, at 10:15 AM, George, Stefanie N. wrote:

Good morning,

The information you requested was also included in our initial

disclosures. It's document
PROD0000338.

Thanks,

Stefanie

Stefanie Nelson George | Pillsbury
Winthrop Shaw Pittman LLP

Tel: 202.663.9382 | Fax: 202.663.8007

2300 N Street, NW | Washington, DC
20037-1122

Email: stefanie.george@pillsburylaw.com

<<mailto:stefanie.george@pillsburylaw.com>>

www.pillsburylaw.com <<http://www.pillsburylaw.com>>

From: Levy Nuke
[<mailto:levynuke@ecologyparty.org>]

Sent: Thursday, July 08, 2010 10:18 AM

To: George, Stefanie N.

Cc: Jody Martin; Mary Olson

Subject: Request for material needed to
assess disclosure.

Hi, Stefanie,

Submitted PEF disclosure document
PROD0000028.pdf includes several
exhibits

titled GROUNDWATER MODELING
IN SUPPORT OF A WATER USE
PERMIT APPLICATION

FOR

PROGRESS ENERGY FLORIDA'S
PROPOSED LEVY NUCLEAR PLANT.

We are unable to assess this PEF
disclosure without electronic copies of the

actual hydrologic model

and software used by PEF as bases for
this disclosed document.

Intervenors hereby request the hydrologic model referenced above, used by

PEF, and any and all software used to run said model, so that we may

conduct

our own analysis.

We would very much appreciate receiving these electronic items as soon as possible.

Thank you very much, and I look forward to hearing from you.

Cara Campbell

Ecology Party

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 **Ecology Party of Florida**

Attachment 3

Exhibit B

Mary Olson

From: EcologyPartyNoNukes [nonukes@ecologyparty.org]
Sent: Sunday, September 26, 2010 9:15 PM
To: Mary Olson
Subject: Exhibit B

Begin forwarded message:

From: Cara Campbell <clc@slashconsumption.com>
Date: July 13, 2010 2:16:00 PM EDT
To: Robert Peterson <Robert.Peterson@swfwmd.state.fl.us>
Subject: Re: Request for DWRM2 Model Information

Robert:

Thank you so much. I will probably be calling with questions at some point so thanks in advance for that help, too!

Cara

On Jul 13, 2010, at 2:02 PM, Robert Peterson wrote:

Cara: In response to your request, please find information on where to download the DWRM2 data files, model documentation and disclaimer. This information will be available at the listed site and will be updated from time to time so you might want to check back periodically. Note that the available installer is set up for installation on C: only.

Installation:

(1) download from Environment Services, Inc. web site <http://www.groundwatermodels.com> . Click on the "Clients" button, make up a log-in and then you'll see a list of files to download under the heading "Projects (Note: sometimes you need to click the login button twice if you don't get in the first time). Relevant DWRM code and documentation is uploaded to this site. There are several DWRM downloads:

DWRM Version 2 Updated October 2009
DWRM2-FTMR Documentation
DWRM2-FTMR Tutorial
DWRM V2 Model Calibration runs
DWRM Reports

The first 3 files are the most important. The last two are provided only for reference. DWRM v1 and v2 reports have been combined into one zip file. The calibration runs zip file contains both steady and transient

runs.

You will need Groundwater Vistas Version 5.39 Build 22 or higher to run DWRM2 with Focus TMR. If you have version 4 of Groundwater Vistas you will need to purchase an upgrade from ESI. If you have an older version of Version 5, simply download the latest update from the same area that you downloaded DWRM2/FTMR.

To activate the Focus Telescopic Mesh Refinement (FTMR) functionality in Groundwater Vistas and use DWRM V2, you will need a copy of the key code file. This file is called swfwmd.org and is attached to this email. You must place this file in your gwv5 directory in order to use Focus TMR in Groundwater Vistas.

Please read the Model Disclaimer: (See attached file: DISCLAIMER.DWRM2.doc)

(2) You must have a C:\DWRM2 directory on your hard disk in order to use this in the same way the District does. The installer (first file in the list above) will create this directory automatically. If you decide to put the DWRM2 directory and/or files in another location on your disk, Jim and I will not be able to offer support when you use DWRM2 and Focus TMR. The DWRM2 and the Focus TMR procedures are set up with a particular directory structure in mind. If you choose to install the files in another location, you are on your own. NOTE: The District is set up to receive model data files using D:.

(3) The installer for DWRM2 (first file in the list above). After installing, you should have several maps in the DWRM2\Maps directory, a Groundwater Vistas file called DWRM2_2006_101309.gwv in the DWRM2 directory, and numerous ArcGIS shape files to be copied to your C:\DWRM2\shapefiles directory. The contents of DWRM Reports contain model documentation files (original DWRM report and subsequent DWRM2 report). These files can also be copied to your C:\DWRM2\ directory within a subdirectory called DWRM Reports.

(4) Read the original DWRM report and the final DWRM2 report, in particular the chapters that discuss Focus TMR.

(5) To use Focus TMR, copy the attached file (swfwmd.org) into your Groundwater Vistas directory (default is c:\gwv5).

Using Focus TMR:

To use the focus tmr technique, you must use the file DWRM2_2006_101309.gwv.

Run this model.

Select Grid/Export/Focus TMR. (if you cannot access this menu, see #5 above)

Follow the instructions in the tutorial outlined above.

If you have any questions, please don't hesitate to call me.
Thanks

From: Cara Campbell [<mailto:clc@slashconsumption.com>]
Sent: Tuesday, July 13, 2010 1:53 PM
Cc: Robert Peterson
Subject: Re: DWRM Model Information

Hi, Mr. Peterson

We just spoke and I am asking you for the links needed to access the DWRM Flow model.

Thank you so very much for your help!

Cara

On Jul 13, 2010, at 9:12 AM, Ron Basso wrote:

Ms. Campbell:

I left you a voice mail message this morning. Robert Peterson in our Tampa Regulatory Dept is the project manager overseeing the DWRM 2 model. His extension is 2035 at the phone number (813)985-7481. His email address is Robert.Peterson@swfwmd.state.fl.us

Ron Basso, P.G.
Senior Professional Geologist
Hydrologic Evaluation Section
Southwest Florida Water Management District
ph 1-800-423-1476 (in state)
ph 352-796-7211, ext. 4291 (outside state)
FAX 352-797-5799

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<swfwmd.org>

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Attachment 4

Exhibit C

Mary Olson

From: EcologyPartyNoNukes [nonukes@ecologyparty.org]
Sent: Sunday, September 26, 2010 9:15 PM
To: Mary Olson
Subject: Exhibit C

Begin forwarded message:

From: Cara Campbell <clc@slashconsumption.com>
Date: July 14, 2010 10:33:20 AM EDT
To: Robert Peterson <Robert.Peterson@swfwmd.state.fl.us>
Subject: Re: Question on DWRM2

Thanks so much for letting me know.

Cara

On Jul 14, 2010, at 9:57 AM, Robert Peterson wrote:

Cara: Jim reminded me to point out that generic MODFLOW input files could be obtained. Let me know if you need these for DWRM2

From: James Rumbaugh [<mailto:jumbaugh3@earthlink.net>]
Sent: Wednesday, July 14, 2010 9:12 AM
To: Robert Peterson
Subject: RE: Question on DWRM2

Hi Robert,

You might also point out though that you can get a generic set of input files for the model which would not require any proprietary software. for example, we can provide the raw MODFLOW input files which they can then run using software free on the USGS web site.

At 08:43 AM 7/14/2010, you wrote:

Correct. The District uses GWV as a tool for development and/or review of groundwater flow models. This does not mean that other pre processor / post processing model platforms cannot be utilized. SWFWMD is set up to review GWV files in an efficient manner. If other platforms are used, substantial documentation on the part of the model user may be required in support of a water use permit application. In all cases, models developed for use in evaluating impact criteria in the SWFWMD must be calibrated to available water level targets and aquifer performance test data and should be thoroughly documented. If you have any additional questions or need of assistance, please don't hesitate to call me. Thanks

From: Cara Campbell [<mailto:clc@slashconsumption.com>]
Sent: Tuesday, July 13, 2010 11:53 PM
To: Robert Peterson
Subject: Question on DWRM2

Hello, Robert

I looked over your e-mail more closely & I have a question.

You wrote:

You will need Groundwater Vistas Version 5.39 Build 22 or higher to run DWRM2 with Focus TMR. If you have version 4 of Groundwater Vistas you will need to purchase an upgrade from ESI. If you have an older version of Version 5, simply download the latest update from the same area that you downloaded DWRM2/FTMR.

Am I correct in concluding that in order for someone to check the SWFWMD DWRM2 model the purchase of proprietary software is required?

Thanks for your help,

Cara

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~~~~~  
~~~~~  
Jim Rumbaugh
Environmental Simulations, Inc.
300 Mountain Top Rd.
Reinholds, PA 17569
(610) 670-3400
(610) 670-9239 fax
jrumbaugh@groundwatermodels.com
<http://www.groundwatermodels.com>

~~~~~  
~~~~~  
Software,
Information, &
Services for Groundwater
Modeling

Keep up with Groundwater Vistas: See the link to my Blog at groundwatermodels.com
~~~~~

~~~~~

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Attachment 5

Exhibit D

Mary Olson

From: EcologyPartyNoNukes [nonukes@ecologyparty.org]
Sent: Saturday, September 25, 2010 11:07 AM
To: Mary Olson
Subject: Exhibit D
Attachments: image001.png; ATT1054727.htm; ML0934411353.pdf; ATT1054728.htm

Begin forwarded message:

From: "Martin, Jody" <Jody.Martin@nrc.gov>
Date: August 16, 2010 9:13:39 AM EDT
To: EcologyPartyNoNukes <nonukes@ecologyparty.org>
Subject: RE: Groundwater model

Sorry Cara, that ML numbers should have been ML093441135. I have also attached the document.

The Mac issue is annoying. I have a Mac at home myself, and occasionally encounter problems. There has been more of a push recently to make more NRC programs Mac accessible. For example, they just made the EHD platform independent, but I guess some things still aren't working. One tip is that lots of the NRC programs have difficulty on Safari, but if you download Mozilla Firefox, that tends to work better. I know that people inside the agency have continuously complained about the Mac issue, as far as someone you could speak to, I'm not 100% sure. The public document room people may be able to help, or you could send in a comment to the webmaster from the "contact us" section on the website. I know that the agency is aware of the problem, but as for most things in a federal agency, being able to fix it comes down to budget issues. But the more comments about it, the higher priority it will become.

--Jody

Jody C. Martin
 Attorney
 Office of the General Counsel
 U.S. Nuclear Regulatory Commission
 (301)415-1569
jody.martin@nrc.gov

From: EcologyPartyNoNukes [<mailto:nonukes@ecologyparty.org>]
Sent: Friday, August 13, 2010 2:40 PM
To: Martin, Jody
Subject: Re: Groundwater model

Hi, Jody,

I cannot open those documents because I have a Mac which the NRC has decided they will not support even though approximately 12% of the people have Macs. I did see the description of the first document, ML093441350 and it reads:
[LER 91-001-00:on 901205,determined that automatic containment isolation valve would not function during DBA condition.Caused by undersized spring](#)

[pack in valve motor operator.Spring pack replaced.W/910103 ltr.](#)

So that doesn't *sound* as if it's relevant, but the rest of the titles look good. I wish I could look at them. The help desk is seeing if they can e-mail the documents.

Do you have any suggestions as to whom I should speak regarding the Mac issue? I was unable to look at the DEIS when it was released & had to call to ask someone from the Meta System help desk to send it to me.

Thanks & have a good weekend!

Cara

Attachment 6

Exhibit E

Mary Olson

From: EcologyPartyNoNukes [nonukes@ecologyparty.org]
Sent: Sunday, September 26, 2010 9:16 PM
To: Mary Olson
Subject: Exhibit E

Begin forwarded message:

From: Joseph Hagin <Joseph.Hagin@swfwmd.state.fl.us>
Date: August 30, 2010 8:06:34 AM EDT
To: Cara Campbell <clc@slashconsumption.com>
Subject: RE: Progress Energy Levy Power Plant

Good Morning, I apologize, the file was sent to our legal department to review all documents to see which ones are "Public Record Exempt". If you have any questions regarding your request, please contact Pam Gifford @x 4156. Please let me know if I can assist you any further.

Joseph Hagin
Contractor
Brooksville Regulation Dept.
2379 Broad Street
Brooksville, FL 34604
352-796-7211x4364
Joseph.Hagin@swfwmd.state.fl.us

From: Cara Campbell [<mailto:clc@slashconsumption.com>]
Sent: Sunday, August 29, 2010 6:17 PM
To: Joseph Hagin
Subject: Fwd: Progress Energy Levy Power Plant

Mr. Hagin:

You and I spoke a day or so after I sent the e-mail below. You told me then that you realized the documents I requested were not on the website for public view and that you would get back to me after contacting your supervisor to make sure the documents could be provided to me. I have not heard back from you and it has been almost 2 weeks.

Please let me know how to access the PEF WUP application and the permit itself.

I appreciate your help.

Cara Campbell

Begin forwarded message:

From: Cara Campbell <clc@slashconsumption.com>
Date: August 18, 2010 2:18:01 PM EDT
To: Joseph Hagin <Joseph.Hagin@swfwmd.state.fl.us>
Subject: Re: Progress Energy Levy Power Plant

Mr. Hagin,

Thank you very much. I clicked on the hyperlink & was a bit puzzled, but then I realized there was a typo & I should go to www.watermatters.org. I'm afraid I cannot locate a tab or category for "Public records Exempt." Might you be so kind as to provide the url?

With appreciation,

Cara

All told, Florida has the dubious distinction of having 13 lobbyists for each one of its 160 legislators. The national average, according to the Center for Public Integrity, is 5-to-1.

On Aug 18, 2010, at 1:48 PM, Joseph Hagin wrote:

Good Afternoon, all the documents pertaining to this WUP permit # 13262.000 are available on our website at www.watermaters.org. The submitted application will be under the Category "Public Records Exempt". Please contact us at the below number for any assistance.

Joseph Hagin
Contractor
Brooksville Regulation Dept.
2379 Broad Street
Brooksville, FL 34604
352-796-7211x4364
Joseph.Hagin@swfwmd.state.fl.us

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Attachment 7

Exhibit F

Mary Olson

From: EcologyPartyNoNukes [nonukes@ecologyparty.org]
Sent: Sunday, September 26, 2010 9:16 PM
To: Mary Olson
Subject: Exhibit F

Begin forwarded message:

From: Pam Gifford <Pamela.Gifford@swfwmd.state.fl.us>
Date: September 1, 2010 8:21:28 AM EDT
To: Cara Campbell <clc@slashconsumption.com>
Cc: Marti Moore <Martha.Moore@swfwmd.state.fl.us>
Subject: RE: Levy Nuclear Plant

Ms. Campbell:

The District did not just receive the water use permit application. It received the entire site certification package that includes many other aspects of the site certification of the nuclear plant (e.g., noise studies, Department of Transportation considerations, site plans, etc.). The Water Use Permit application is just a part of that package which I located in Volume 5, together with CDs containing the groundwater modeling data. There are many parts of the file within the District records that contain sensitive information, however, may not pertain to the water use portion of the certification plan. However, to make sure I have all the information related to the water use, I am reviewing the District's entire file of record for this Plant. Additionally, I need to talk to a District staff member(s) today regarding any records he/they may have related to review of the water use information. After I speak with him/them, I will be able to provide the Water Use information to you.

In the meantime, I am providing you with a link to the modified Conditions of Certification for the Plant dated February 23, 2010. This includes the Conditions of the Southwest Florida Water Management District.

http://www.dep.state.fl.us/siting/files/certification/pa08_51_2010_B.pdf

Finally, the District does not issue a water use permit for power plants such as the Levy Nuclear Plant. It reviews the information it receives as it relates to water use and then submits its conditions for water use to the siting office and then the District conditions are included in the Conditions of Certification for the Plant (which is the file that I have provided a link to).

Pamela A. Gifford, CLA
Certified Legal Assistant
Office of General Counsel
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604
(352) 796-7211, ext. 4156

(352) 754-6878 (Fax)

From: Cara Campbell [<mailto:clc@slashconsumption.com>]

Sent: Tuesday, August 31, 2010 6:07 PM

To: Pam Gifford

Subject: Re: Levy Nuclear Plant

Ms. Gifford,

I would very much like to get some of the information this week. If you cannot give me the urls, please let me know why water use information is exempt from being available to the public and why that might be. I can understand that proprietary information on the plans and defenses of a nuclear plant would be sensitive information, but water use?

I really appreciate your help,

Cara

The idea that we industrialized humans are immune to the natural laws that have restrained growth in other species, and humans in previous social regimes, is to me so self-servingly blind as to be morally reprehensible.

Richard Heinberg, [Powerdown](#)

On Aug 30, 2010, at 11:25 AM, Pam Gifford wrote:

I am working on your public records request. Because of the nature of the site, I need to review the file for any exempt information. I have several boxes to review. I am working on this today and hopefully will be able to complete that task today.

If you have any questions regarding your request, please do not hesitate to call me.

Pamela A. Gifford, CLA
Certified Legal Assistant
Office of General Counsel
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604
(352) 796-7211, ext. 4156
(352) 754-6878 (Fax)

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Attachment 8

Exhibit G

Mary Olson

From: Levy Nuke [levynuke@ecologyparty.org]
Sent: Saturday, September 25, 2010 11:17 AM
To: Mary Olson
Subject: Exhibit G
Signed By: levynuke@ecologyparty.org

Begin forwarded message:

From: "Martin, Jody" <Jody.Martin@nrc.gov>
Date: September 9, 2010 9:28:21 AM EDT
To: Levy Nuke <levynuke@ecologyparty.org>, "Bruner, Douglas" <Douglas.Bruner@nrc.gov>
Subject: RE: PEF Groundwater model in DEIS

Hi Cara,

As we discussed on the phone, the NRC staff's evaluation of PEF's groundwater model is discussed in Section 2.3.1.2 of the Levy DEIS, which starts on page 2-24. While the NRC did not actually run the model ourselves, the staff issued several requests for additional information (RAIs) to PEF regarding its groundwater model. PEF's responses to these RAIs provided detailed information regarding the model, modifications made to the model to better represent the LNP site, and additional modifications made to recalibrate the model to better reflect observed site groundwater conditions

Note that the correct accession number for the RAI response referenced in Chapters 2 (PEF2009f) and Chapter 5 (PEF2009d) of the DEIS is ML093620182. The correct accession number is provided in Appendix C of the DEIS. The references in Chapters 2 and 5 will be corrected in the FEIS.

Best Regards,

Jody

Jody C. Martin
 Attorney
 Office of the General Counsel
 U.S. Nuclear Regulatory Commission
 (301)415-1569
jody.martin@nrc.gov

From: Levy Nuke [<mailto:levynuke@ecologyparty.org>]
Sent: Wednesday, September 08, 2010 12:03 AM
To: Martin, Jody; Bruner, Douglas
Subject: PEF Groundwater model in DEIS
Importance: High

Hello, Jody and Doug,

Late this afternoon I received a voice-mail message from Mary Olson regarding the groundwater model relied upon in the Levy DEIS. I will not be able to get in touch with her until late tomorrow morning, and at this point time seems to be critical so, just to be certain I am getting things right, let me go over what it is I understand to be true at this point; I welcome any corrections. On page 5-24, line 7 of the DEIS, there is a reference to "a local-scale groundwater model developed by PEF" and recalibrated at NRC reviewers' request to improve "goodness of fit." The DEIS notes that "A detailed description of this model and the recalibration process is provided by PEF in a response to requests for additional information (PEF 2009d)." I believe the document referred to as PEF 2009d is discovery document PROD0000338.pdf, and the model is also referenced in PROD0000028.pdf; please let me know if I'm incorrect. Mary's message seemed to indicate that NRC has no access to and has not reviewed the computer model PEF developed. Am I understanding correctly that NRC assumes PEF's computer model, all boundary conditions and model assumptions are accurate, reliable, and represent conditions at the proposed site, and that NRC has accepted results from that recalibrated model without any double-checking by NRC?

Please let me know if I understood Mary's message correctly.

Thanks very much for your time,

Cara