

MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. NUCLEAR REGULATORY COMMISSION
AND THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
REGARDING THE DEMOLITION OF THE
ENRICO FERMI ATOMIC POWER PLANT, UNIT 1 FACILITY LOCATED
IN MONROE COUNTY, MICHIGAN
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR 800.6(b)(1)

WHEREAS, the United States Nuclear Regulatory Commission (NRC), through its review of the Fermi Atomic Power Plant, Unit 3 (Fermi 3) combined license (COL) application pursuant to 10 CFR 51, has determined that the construction of the proposed Fermi 3 facility will have an adverse effect upon the Enrico Fermi Atomic Power Plant (Fermi 1), which appears to meet the criteria for listing in the National Register of Historic Places (NRHP); and

WHEREAS, the NRC has consulted with the Michigan State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 USC 470f); and

WHEREAS, the NRC and SHPO have participated in the consultations and the NRC has invited Detroit Edison Company (DTE), as owner of the Fermi 1 property and NRC general licensee pursuant to 10 CFR Part 50, to be a signatory to this Memorandum of Agreement (MOA) in accordance with 36 CFR 800.6(c)(2);

NOW, THEREFORE, the NRC, DTE, and the SHPO agree that the demolition of Fermi 1 (Project) shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

DTE shall notify the NRC and the Michigan SHPO of completion of Stipulations I and II prior to the demolition of the Fermi 1 structure.

I. RECORDATION

- A. DTE has provided (in 2009) the SHPO with the following original recordation documents:
 - “Preliminary National Register of Historic Places Evaluation for the Enrico Fermi Atomic Power Plant”, Commonwealth Cultural Resources Group; March 2009.
 - “Fermi-1: New Age for Nuclear Power”, E. Alexanderson and H. Wagner, editors, published by the American Nuclear Society, 1979. 454 pages.
- B. The above documents shall be deposited by the SHPO in the State Archives of Michigan and another original copy of the documentation shall be submitted by DTE to the Monroe County Library’s Ellis Reference & Information Center.

II. EXHIBIT

DTE, in consultation with the American Nuclear Society and/or other interested parties and the SHPO, shall develop and establish a public exhibit regarding the history of the Fermi 1 Plant. The parties shall consult to develop a mutually acceptable plan for the scope, location, design and duration of this exhibit.

III. AMENDMENT

The NRC, the SHPO or DTE may propose to the other parties that this MOA be amended, whereupon the parties will consult in accordance with 36 CFR 800.6(c)(7) to consider such an amendment.

IV. DISPUTE RESOLUTION

Disputes regarding the completion of the terms of this agreement shall be resolved by consultation between the signatories. If, within thirty (30) days of an objection to this agreement, the signatories cannot agree on a resolution, any one of the signatories may request the participation of the Advisory Council on Historic Preservation (Council) to assist in resolving the dispute in accordance with 36 CFR 800.6(b)(1)(v).

V. TERMINATION

Upon completion of Stipulations I and II, if this MOA is not amended following the consultation set out in Stipulations III and IV, it may be terminated by any signatory or invited signatory. The signatory proposing to terminate this MOA shall so notify the other signatories, explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination. Within 30 days following this notification of termination, any one of the signatories shall notify the other signatories if it will: a) initiate consultation to execute a subsequent MOA that explicitly terminates or supersedes its terms; or b) request the comments of the Council under 36 CFR 800.7(a) and proceed accordingly. Upon completion (i.e., conclusion) of the exhibit established in Stipulation II, DTE shall offer exhibit items pertaining to the history of Fermi 1 to local, State and Federal agencies and non-profit organizations potentially interested in permanent retention or display of these items.

Execution of this MOA by the NRC, DTE, and the Michigan SHPO and implementation of its terms evidence the NRC has afforded the Council an opportunity to comment on the Project and its effects on historic properties and the NRC has taken into account the effects of the Project on historic properties.

SIGNATORIES:

UNITED STATES NUCLEAR REGULATORY COMMISSION

By: _____ Date: _____

Scott Flanders, Director,
Office of New Reactors, Division of Site and Environmental Reviews

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Brian D. Conway, State Historic Preservation Officer

INVITED SIGNATORY:

DETROIT EDISON COMPANY

By: _____ Date: _____

Peter W. Smith, Director
Nuclear Development - Licensing & Engineering