## PMFermiCOLPEm Resource

**From:** Lemont, Stephen
**Sent:** Wednesday, July 22, 2009 12:26 PM
**To:** Tonacci, Mark
**Subject:** FYI: Notes From 7-17-09 Conference Call on Detroit Edison's 6-19-09 RAI Response Submittal
**Attachments:** Status of 6-19-09 RAI Responses as of 7-17-09.docx

Mark,

The notes from my 7-17-09 conference call with Detroit Edison are included below and in the attachment as an FYI. The particular issue Peter Smith raised regarding the issue of putting reference documents in reading rooms is highlighted in yellow below. This issue is of general importance to the overall project and was identified based on specific initial RAI responses discussed in the attachment.

If you have additional questions on this matter, please let me know.

Thanks,
Steve

***Please note new fax number.***

*Stephen Lemont, Ph.D.*
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Office of New Reactors
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**From:** Lemont, Stephen
**Sent:** Monday, July 20, 2009 2:39 PM
**To:** Randall Westmoreland
**Cc:** Kirk LaGory; John Hayse; FermiCOL Resource
**Subject:** Notes From 7-17-09 Conference Call on Detroit Edison's 6-19-09 RAI Response Submittal

Randy,

This email summarizes the discussions during our conference call on July 17, 2009, to discuss the U.S. Nuclear Regulatory Commission's (NRC's) specific comments on Detroit Edison's June 19, 2009 Requests for Additional Information (RAI) response submittal, as well as general comments and issues pertaining to Detroit Edison's June 19 submittal and all future RAI responses. The general comments and issues were discussed first. Also summarized are the action items for Detroit Edison from the call. If you have any comments on, or suggested changes to these notes, please let me know.

**CONFERENCE CALL PARTICIPANTS**
NRC - Stephen Lemont
Detroit Edison - Randy Westmoreland, Michaela Eddy
Argonne National Laboratory (Argonne) - Kirk LaGory
Advent Engineering Services - Chris Becker

## GENERAL COMMENTS AND ISSUES

1. Docketing of Requested Documents and Other Items. Detroit Edison is currently providing reading room access only to several documents and other items requested in the RAIs. The NRC needs all requested documents and other items (with the possible exception of the 2006 site selection study), including those from the June 19 submittal and all future submittals, to be submitted by Detroit Edison for docketing. This is because all of these items will be cited as references in the Environmental Impact Statement (EIS); and all cited EIS references must be readily publicly available either in ADAMS or elsewhere. Randy Westmoreland stated that he will take this matter under advisement and discuss it with his management. Some of the items may be withheld only in the short term because they relate to the contentions. Steve Lemont stated that all requested documents and other items need to be submitted for docketing on or before December 30, 2009, in order to maintain the environmental review schedule; and that NRC would be amenable to further discussion on the matter, including discussions on a case-by-case basis. However, the bottom line is that the NRC will not be able to issue the Draft and Final EIS without all of these items being on the docket.

2. Modifications to Future RAI Response Submittal Schedule. NRC requested that Detroit Edison modify its future RAI response submittal schedule, on a monthly basis or as necessary, to include items identified in partial RAI responses that would be transmitted at a later date. (For example, the June 19 submittal indicated that the final aquatic monitoring report would be available by November 25, 2009, so that future submittal date should be included in the future submittal schedule submitted with the July 31 RAI response submittal.) This would greatly help NRC and Argonne in our tracking of RAI responses. It was also requested that Detroit Edison update its future submittal schedule monthly, as needed, to indicate any changes in response submittal dates. Randy Westmoreland stated that Detroit Edison can provide these schedule modifications.

3. Future RAI Conference Calls. Steve Lemont indicated that NRC and Detroit Edison should have RAI conference calls on an as needed basis, rather than a set schedule of bi-weekly calls as had originally been proposed. NRC and Argonne are developing a list of unanswered RAIs that we believe, for various reasons (e.g., complexity), we will need to discuss with Detroit Edison in advance of its responses to be sure Detroit Edison and its consultants are on the right track to providing what NRC needs. These would be among the subjects of future scheduled conference calls. The goal of this approach is to attempt to avoid the need for a second round of RAIs and associated schedule impacts. Of course, there can be conference calls held at any time to discuss questions Detroit Edison may have on the RAIs and any other matters pertaining to the environmental review. Detroit Edison agreed with this approach.

4. Future Electronic File Transmittal Requests. Steve Lemont asked if Detroit Edison could break future RAI response submittals into separate files (i.e., ones for the cover letter and each RAI response), and--in addition to providing four (4) copies of these on CDs to Steve Lemont--to upload them to Argonne's FTP site. This would greatly facilitate our handling of the RAI responses as they are received. Randy Westmoreland stated that breaking future submittals into separate files would be OK, but that he would have to discuss the matter of uploading files to Argonne's FTP site with his management and get back to us.

## SPECIFIC COMMENTS ON JUNE 19 RAI RESPONSES

NRC's comments on specific RAI responses that were discussed are included in the attached table. This is a table in which NRC and Argonne are tracking the status of Detroit Edison's RAI responses in its June 19 submittal, and will be incorporated into NRC's overall project RAI response status table. The status tables are adapted from the original RAI table, with columns added for Response Date/ADAMS Accession Number, Status of Response (i.e., level of completeness), and Comments. Only RAI responses that were not deemed fully acceptable and complete were discussed during the call. NRC pointed out that many of these RAI-specific comments and issues could affect future RAI responses, and should therefore be considered accordingly by Detroit Edison in developing its future submittals.

## ACTION ITEMS FOR DETROIT EDISON

1. Docketing of Requested Documents and Other Items. Randy Westmoreland will discuss with his management the matter of the NRC's requirement to submit all requested documents and other items for docketing; and will get back to NRC with a response or for further discussion. This applies to the June 19 submittal and all future submittals.

2. Modifications to Future RAI Response Submittal Schedule. Detroit Edison will provide the future RAI response schedule modifications as requested above.

3. Future Electronic File Transmittal Requests. Detroit Edison will break future RAI response submittals into separate files, but Randy Westmoreland will discuss the matter of uploading these files to Argonne's FTP site with his management and get back to us.

4. Whereabouts of Dispersed SHPO Staff. Detroit Edison will seek information on the whereabouts of dispersed Michigan State Historic Preservation Office (SHPO) staff and provide that information to NRC. (NRC will look into this as well.)

Please contact me if you have any questions or need additional information. We look forward to receiving Detroit Edison's responses on the action items, and to receiving your future RAI response submittals.

Thanks,
Steve Lemont

***Please note new fax number.***

*Stephen Lemont, Ph.D.*
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**Hearing Identifier:** Fermi_COL_Public
**Email Number:** 442

**Mail Envelope Properties** (1FA53ADF29758448974A8AC1118E627EB5B7966DCD)

**Subject:** FYI: Notes From 7-17-09 Conference Call on Detroit Edison's 6-19-09 RAI Response Submittal
**Sent Date:** 7/22/2009 12:26:24 PM
**Received Date:** 7/22/2009 12:26:28 PM
**From:** Lemont, Stephen

**Created By:** Stephen.Lemont@nrc.gov

**Recipients:**
"Tonacci, Mark" <Mark.Tonacci@nrc.gov>
Tracking Status: None

**Post Office:** HQCLSTR01.nrc.gov

| **Files** | **Size** | **Date & Time** |
|---|---|---|
| MESSAGE | 8203 | 7/22/2009 12:26:28 PM |
| Status of 6-19-09 RAI Responses as of 7-17-09.docx | 34234 | |

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

**Status of Detroit Edison June 19, 2009 Responses to**
**U.S. Nuclear Regulatory Commission (NRC) Requests for Additional Information (RAIs)**
**Fermi Nuclear Power Plant, Unit 3 (Fermi 3)**
**Combined License Application - Environmental Report**

| RAI Number[1] | Response Date/ ADAMS Accession Number | Status of Response | Question Summary (RAI) | Full Text (supporting information) | Comments |
|---|---|---|---|---|---|
| AL9.3-2<br>ESRP 9.3 (I)<br>10 CFR 51.50(c)<br>NEPA Section 102(2)(C)(iii) | 6/19/09 ML091940262 | Complete | Provide copies of the Alternative Site Selection Reports (both the original site selection study completed in 2006 and the 2008 update on which the alternative sites discussion in ER Section 9.3 is based). | The Alternative Site Selection Reports contain details not presented in the ER and would enable a more complete understanding of the alternative site selection process and the data available for each of the identified candidate sites. The reports are not publically available but are needed as primary references to support the alternatives analysis to be presented in the EIS. | [7/17/09] Response acceptable. |
| AE2.4.2-2<br>ESRP 2.4.2<br>10 CFR 51.71(d) | 6/19/09 ML091940262 | Partially Complete | Provide a copy of the interim monitoring report "Aquatic Ecology Survey, Detroit Edison Company Fermi 3 Project, Interim Report" prepared by AECOM Environment, and dated December 2008. Provide a more recent version and the final report when available. | ER Section 2.4.2 indicated that additional aquatic ecology monitoring was underway and the information in the requested interim report was discussed at the Fermi 3 site audit. This report contains the most recent available information that:<br>• evaluates the abundance and occurrence of aquatic organisms in the vicinity of the Fermi site;<br>• identifies the aquatic habitat features in the vicinity of the Fermi site;<br>• provides additional support for statements in the ER that Federal and State-listed threatened and endangered aquatic species have not been observed in the vicinity of the Fermi site; and<br>• evaluates impingement mortality associated with the intake structure based upon the first half of the ongoing one-year monitoring effort.<br>The final report is expected to include the | [7/17/09] Response acceptable. Final report to be provided on or before 11/25/09 must be submitted for docketing because it will be cited as a reference in the EIS. |

| RAI Number[1] | Response Date/ ADAMS Accession Number | Status of Response | Question Summary (RAI) | Full Text (supporting information) | Comments |
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| | | | | results of the entire one-year monitoring effort for aquatic ecology, including results of the entrainment monitoring at the existing Fermi 2 intake. | |
| AE2.4.2-4<br>ESRP 2.4.2<br>10 CFR 51.71(d) | 6/19/09<br>ML091940262 | Partially Complete | Provide a copy of the interim monitoring report "Water Quality Survey Detroit Edison Company Fermi 3 Project, Interim Report," prepared by AECOM Environment, and dated December 2008. Provide a more recent version and the final report when available. | The requested interim report was discussed at the Fermi 3 site audit and provides the most recent information about water quality in the vicinity of the Fermi site. The report is not publically available and is needed for the analysis of impacts to be presented in the EIS. | [7/17/09] Response acceptable. Final report to be provided on or before 11/25/09 must be submitted for docketing because it will be cited as a reference in the EIS. |
| AE5.3.1.2-1<br>ESRP 5.3.1.2<br>10 CFR 51.71(d) | 6/19/09<br>ML091940262 | Partially Complete | Provide information pertinent to the evaluation of the cumulative impacts of impingement and entrainment on aquatic resources in the Western Basin of Lake Erie by providing copies of recent 316(b) evaluation reports from the Detroit Edison Monroe Plant and from other power plants (e.g., Bayshore in Ohio) within the Western Basin of Lake Erie. | The impingement and entrainment information that is provided in ER Section 5.3.1.2.4 for other nearby power generation facilities dates from 1978 or earlier. Evaluation of cumulative impacts from the proposed Fermi 3 facility would be enhanced by consideration of more recent impingement and entrainment data for other nearby facilities. Please supplement the information in the ER by submitting the most recent 316(b) evaluation reports that are available. | [7/17/09] Response unacceptable. NRC requires that the two documents identified in the RAI response be submitted for docketing because they will be cited as references in the EIS. Randy Westmoreland of Detroit Edison stated that he will discuss with his management the matter of NRC's requirement to submit these and all requested documents and other items for docketing; and will get back to NRC with a response or for further discussion. **(NOTE: This applies to all such issues for the June 19 submittal identified in this table and to <u>all</u> future RAI response submittals.)** |
| CR4.1.3-6<br>ESRP 4.1.3<br>ESRP 5.1.3<br>10 CFR 51.71(d) | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of current Phase I Cultural Resources reports prepared for the Fermi 3 project and copies of forthcoming Phase I reports that have been | Information included in this documentation is critical to ensuring a thorough and complete EIS review of project impacts. This information will be used to complete the NEPA analysis and to support compliance with the Section | [7/17/09] The requested Phase I report was provided, but revisions based on SHPO comments were not because those comments have not yet been received. NRC needs to know when the revisions |

| RAI Number[1] | Response Date/ ADAMS Accession Number | Status of Response | Question Summary (RAI) | Full Text (supporting information) | Comments |
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| 36 CFR 800 | | | revised per SHPO comments. Reports should be in color, and include all figures, photos, and appendices. | 106 process. | will be provided, and the additional RAI CR4.1.3-6 submittal(s) needs to be added to Detroit Edison's future RAI response submittal schedule. To meet the environmental review schedule, this information must be provided with the December 30, 2009 RAI submittal or sooner. **(NOTE: This requirement also applies to Detroit Edison's response to RAIs CR4.1.3-7, CR4.1.3-8, and CR4.1.3-9.)** Randy Westmoreland stated that Detroit Edison will provide NRC with copies of all its existing and future correspondence with the SHPO, in association with this RAI and other Cultural Resources (CR) RAIs as applicable, which would include any revised reports. He also stated that Detroit Edison has received no response from the SHPO on any items submitted to them by Detroit Edison to date. Apparently, the Michigan SHPO has been dissolved, and its staff dispersed to other State agencies. (Randy will seek information on the whereabouts of these individuals and provide that information to NRC. NRC and Argonne will look into this as well.) The main outstanding issues with the SHPO are the Fermi 2 National Register of Historic Places (NRHP) eligibility, Fermi 1 NRHP eligibility and mitigative measures, and comments on the Fermi 3 Phase 1 and Maritime |

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| | | | | | Assessment reports. Randy further stated that the SHPO had previously indicated that NRC and the U.S. Army Corps of Engineers would have to be involved in any meetings and conference calls with Detroit Edison and the SHPO. |
| CR4.1.3-8<br>ESRP 4.1.3<br>ESRP 5.1.3<br>10 CFR 51.71(d)<br>36 CFR 800 | 6/19/09 ML091940262 | Partially Complete | Provide a copy of the Maritime Assessment report when available. Report should be in color, and include all figures, photos, and appendices. | Information included in this report describes the results of archaeological studies in Lake Erie for the Fermi 3 project. The report is critical to ensuring a thorough and complete EIS review of project impacts. This information will be used to complete the NEPA analysis and to support compliance with the Section 106 process. | [7/17/09] Updates of this report based on comments from the SHPO should be provided if and when available. To meet the environmental review schedule, this information must be provided with the December 30, 2009 RAI submittal or sooner. |
| HH6.2-1<br>ESRP 6.2<br>Reg. Guides 4.1 and 4.15 | 6/19/09 ML091940262 | Complete | Provide results from groundwater monitoring that has been done at the Fermi site in support of the Nuclear Energy Institute (NEI) Ground Water Protection Initiative. Describe any changes being planned to provide monitoring coverage under this initiative for Fermi 3. | Section 2.3.3.2 of the ER mentions groundwater monitoring done as part of the voluntary NEI initiative but Section 6.2 of the ER does not provide any results from groundwater monitoring. | [7/17/09] Response acceptable. |
| HY2.3.1-2<br>ESRP 2.3.1<br>10 CFR 51.70(b) | 6/19/09 ML091940262 | Partially Complete | Provide maps or isopach contour maps and descriptions of the areal extent and depth of all existing gravel fills on the Fermi site.<br>Provide copies of Fermi 1 and Fermi 2 construction drawings: (DWG # 6C721-24; 6C721-9 (Fermi 1); | As determined during the site audit, more detailed information on geologic and hydrogeologic conditions is needed to assess the groundwater flow systems that could be affected from construction and operation of Fermi 3. | [7/17/09] Response incomplete. Isopach contour maps and descriptions of the areal extent and depth of all existing gravel fills on the Fermi site--these have not been completed and, therefore, have not yet been supplied by Detroit Edison. NRC needs confirmation from Detroit Edison that <u>all</u> of these requested items will be transmitted to us no later |

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| | | | 6C721-32; 6C721-23; 6C721-33; 6M721-2130; 6M721-2250; and 6C721-40). | | than December 30, 2009. Also, these items must be submitted for docketing because they will be cited as references in the EIS.<br><br>[7/17/09] Response unacceptable. Fermi 1 and Fermi 2 construction drawings--NRC must be provided copies of all of the requested drawings for docketing because they will be cited as references in the EIS. |
| HY2.3.1-14<br><br>ESRP 2.3.1<br><br>10 CFR 51.70(b) | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of the following:<br>• DTE Energy Nuclear Generation Memorandum, January 5, 2005;<br>• EnviroSolutions Remedial Action Plan Closure Report (Fuel Tank Release), Dec. 2007;<br>• NPMA-05-0001;<br>• ACRES International Comprehensive Report #P13827.00, dated July 2001;<br>• Facsimile to Mick Blunden from Mike Parrish, dated 12/19/2000, containing dredging map;<br>• MDEQ Permit No. 04-58-009-P, dated (issued) July 21, 2004; | These documents are cited in the ER, but are not publically available. They need to be made available to the NRC staff so they can be cited as references in the EIS. | [7/17/09] Response unacceptable. Only 4 of the 13 requested documents were provided to NRC for docketing. The remaining 9 have been provided in the reading rooms only. NRC must be provided with copies of these 9 documents for docketing because they will be cited as references in the EIS. |

| RAI Number[1] | Response Date/ ADAMS Accession Number | Status of Response | Question Summary (RAI) | Full Text (supporting information) | Comments |
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| | | | • January 2001 Dredging Story (handwritten note);<br>• MDEQ NPDES Permit No. MI0037208;<br>• Storm Water Pollution Prevention Plan for Fermi 2 Plant, Rev. 7;<br>• Facsimile to Mike Parrish from Mick Blunden, dated 01/03/2001;<br>• USACE Detroit District approval letter for dredging by hydraulic means, dated Nov. 8, 2000;<br>• USACE Detroit District Permit No. 88-001-040-8, dated May 26, 2004; and<br>• Detroit Edison Final Siting Study Report. | | |
| HY4.2.1-9<br>ESRP 4.2.1<br>10 CFR 51.50 | 6/19/09<br>ML091940262 | Incomplete | Provide descriptions of the best management practices (BMPs) to be used for the disposal of the spoil from Fermi 3. | Detroit Edison has indicated that BMPs will be developed after the layout of Fermi 3 is finalized. These will provide an important basis for the assessment of construction impacts in the EIS. | [7/17/09] Response unacceptable. Detroit Edison provided a copy of a Michigan Department of Environmental Quality BMP for spoil piles and stated that it would comply with this BMP. NRC believes this BMP is too general, and the staff needs to be provided with more information on the specific BMPs that Detroit Edison will employ for specific dredge/spoil materials at specific storage/disposal areas. We also |

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| | | | | | need to know when this information will be provided for docketing. |
| LU1.2-1a<br>ESRP 1.2<br>10 CFR 51.45(d)<br>10 CFR 51.71 | 6/19/09<br>ML091940262 | Complete | Provide a copy of the 2003 agreement between the USFWS and Detroit Edison regarding the Detroit River International Wildlife Refuge (DRIWR). | The NRC staff needs to properly document in the EIS the consultations Detroit Edison has pursued with Federal, State, regional, and local agencies including 1) current status of agreements, 2) environmental concerns of the authorizing agency that are to be addressed in the EIS, and 3) potential problems that may affect the granting of any other Federal, State, regional, and local agency authorizations. | [7/17/09] Response acceptable. |
| SE2.5.4-1<br>ESRP 2.5.4<br>ESRP 4.4.3<br>ESRP 5.8.3<br>10 CFR 51.45<br>10 CFR 51.70<br>Executive Order 12898<br>59 CFR 7629 | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of all correspondence and documentation of personal communications used to support the analysis in the ER sections on environmental justice. | The staff needs to be able to identify the authority that was cited in ER Sections 2.5.4.2.4, 4.4.3.3, and 5.8.3 and the information contained within to support statements related to low-income and minority populations, subsistence uses, and impact evaluation on those populations. | [7/17/09] Response unacceptable. All of the requested items of correspondence will need to be provided for docketing because they will be cited as references in the EIS. It was discussed that Detroit Edison may need to submit these items to NRC with a request that portions be considered proprietary or confidential (e.g., personal identifiable information, or PII), and that NRC's Office of General Counsel (OGC) would consider these requests and possibly allow redaction of certain information. However, we would need to discuss this matter further with OGC before Detroit Edison takes any action to submit the documentation. **(NOTE: This also applies to RAIs SE4.4.2-1, SE4.4.2-2, SESE4.4.2-3, SE4.4.2-4, and SE5.11-2.)** |

| RAI Number[1] | Response Date/ ADAMS Accession Number | Status of Response | Question Summary (RAI) | Full Text (supporting information) | Comments |
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| SE4.4.2-1<br>ESRP 4.4.2<br>ESRP 5.8.2<br>10 CFR 51.45<br>10 CFR 51.70 | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of all correspondence and documentation of personal communications used to support the analysis in the ER sections on education. | The staff needs to be able to identify the authority that was cited in ER Sections 4.4.2.4.1 and 5.8.2.4.1 and the information contained within to support statements related to impact evaluations on education. | [7/17/09] Response unacceptable. All of the requested items of correspondence will need to be provided for docketing because they will be cited as references in the EIS. |
| SE4.4.2-2<br>ESRP 4.4.2<br>ESRP 5.8.2<br>10 CFR 51.45<br>10 CFR 51.70 | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of all correspondence and documentation of personal communications used to support analysis in the ER sections on public safety and social services. | The staff needs to be able to identify the information obtained to support statements related to impact evaluation on public safety and social services, where such authoritative references were used in the evaluation. Although no mention of contacts was made in ER Sections 4.4.2.4.3 or 5.8.2.4.3, Detroit Edison indicated during the site audit that some contacts had been made. | [7/17/09] Response unacceptable. All of the requested items of correspondence will need to be provided for docketing because they will be cited as references in the EIS. |
| SE4.4.2-3<br>ESRP 4.4.2<br>ESRP 5.8.2<br>10 CFR 51.45<br>10 CFR 51.70 | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of all correspondence and documentation of personal communications used to support analysis in the ER sections on public utilities. | The staff needs to be able to identify the information obtained to support statements related to impact evaluation on public utilities. Although no mention of contacts was made in ER Sections 4.4.2.4.4 or 5.8.2.4.4, Detroit Edison indicated during the site audit that some contacts had been made. | [7/17/09] Response unacceptable. All of the requested items of correspondence will need to be provided for docketing because they will be cited as references in the EIS. |
| SE4.4.2-4<br>ESRP 4.4.2<br>ESRP 5.8.2<br>10 CFR 51.45<br>10 CFR 51.70 | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of all correspondence and documentation of personal communications used to support analysis in the ER sections on tourism and recreation. | The staff needs to be able to identify the information obtained to support statements related to impact evaluation on public utilities. Although no mention of contacts was made in ER Sections 4.4.2.4.5 or 5.8.2.5, Detroit Edison indicated during the site audit that some contacts had been made. | [7/17/09] Response unacceptable. All of the requested items of correspondence will need to be provided for docketing because they will be cited as references in the EIS. |
| SE5.11-2<br>ESRP 5.11<br>10 CFR 51.45 | 6/19/09<br>ML091940262 | Partially Complete | Provide copies of all correspondence and documentation of personal communications used to support the cumulative | The projects that were considered in determining that cumulative impacts would be SMALL were not identified in ER Section 5.11. | [7/17/09] Response unacceptable. All of the requested items of correspondence will need to be provided for docketing because they will be cited as references in |

| RAI Number[1] | Response Date/ ADAMS Accession Number | Status of Response | Question Summary (RAI) | Full Text (supporting information) | Comments |
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| 10 CFR 51.70 | | | impact analysis presented in the ER, including but not limited to discussions with local government authorities on current or future activities/projects (public or private) in the vicinity of the Fermi site. | | the EIS. |
| TE2.4.1-2<br>ESRP 2.4.1<br>10 CFR 51.71 (d) | 6/19/09<br>ML091940262 | Partially Complete | Provide the interim report on the confirmatory updated terrestrial ecology survey for the first six months of study. Provide a more recent version and the final report when available. | The confirmatory terrestrial ecology survey was begun in July 2008 and is to be completed in July 2009. Results of this survey will be critical to the EIS analysis of ecological impacts. | [7/17/09] Response unacceptable. The requested interim report must be submitted for docketing because the NRC needs to cite it as a reference in the EIS. Further, we understand that the final report will be transmitted on 11/25/09, and this must be submitted for docketing as well. |
| TE2.4.1-4<br>ESRP 2.4.1<br>10 CFR 51.71 (d) | 6/19/09<br>ML091940262 | Partially Complete | Provide a copy of the 2000 report "Wildlife Management Plan for DTE Fermi Property." | The report "Wildlife Management Plan for DTE Fermi Property" was reviewed during the site audit and is needed as an EIS reference. The plan provides information that is needed for an assessment of the impacts of construction and operations of Fermi 3. The plan is not available elsewhere. | [7/17/09] Response unacceptable. The requested report must be submitted for docketing because the NRC needs to cite it as a reference in the EIS. |
| TE2.4.1-5<br>ESRP 2.4.1<br>10 CFR 51.71 (d) | 6/19/09<br>ML091940262 | Partially Complete | Provide a copy of the July 2002 report "Wildlife Management Program Re-Certification for Fermi Power Plant." | The report "Wildlife Management Program Recertification for DTE Fermi Property" was reviewed during the site audit and is needed as an EIS reference. The report is not available elsewhere. | [7/17/09] Response unacceptable. The requested report must be submitted for docketing because the NRC needs to cite it as a reference in the EIS. |
| TE2.4.1-6<br>ESRP 2.4.1<br>10 CFR 51.71 (d) | 6/19/09<br>ML091940262 | Partially Complete | Provide a copy of the "Wetland Delineation/Wetlands Functional Values Assessment Report." | The "Wetlands Delineation and Wetlands Functional Values Assessment Report," reviewed during the site audit, is needed as a reference for the EIS. Report data will be used to complete the analysis of impacts to wetlands. The report is not available elsewhere. | [7/17/09] Response unacceptable. The requested report must be submitted for docketing because the NRC needs to cite it as a reference in the EIS. |

| RAI Number[1] | Response Date/ ADAMS Accession Number | Status of Response | Question Summary (RAI) | Full Text (supporting information) | Comments |
|---|---|---|---|---|---|
| TE2.4.1-8<br>ESRP 2.4.1<br>10 CFR 51.71 (d) | 6/19/09<br>ML091940262 | Partially Complete | Provide a copy of Ducks Unlimited's (DU's) anecdotal fox snake sighting map. | During the site audit, the location of the sighting of the fox snake by DU personnel was described and a map showing the location of the sighting was examined. The map will be used as an EIS reference and will support the impact analysis. | [7/17/09] Response unacceptable. The requested report must be submitted for docketing because the NRC needs to cite it as a reference in the EIS. |
| TE2.4.1-11<br>ESRP 2.4.1<br>10 CFR 51.71 (d) | 6/19/09<br>ML091940262 | Partially Complete | Provide a copy of the November 7, 2008 Wetlands Assessment letter from Michigan Department of Environmental Quality (MDEQ) and the Jurisdictional Determination letter from the U.S. Army Corps of Engineers (USACE). | The requested letters will support the analysis of impacts to wetlands that will be presented in the EIS. The information is not available elsewhere. | [7/17/09] Response incomplete. Two of the requested letters were provided. However, the jurisdictional determination letter from the Corps of Engineers was not provided because it has not yet been received from the Corps. Detroit Edison stated that this letter will be provided when received. Therefore, this RAI remains open. |