PMFermiCOLPEm Resource

From: Lemont, Stephen
Sent: Tuesday, June 23, 2009 10:55 AM
To: Randall Westmoreland
Cc: Masnik, Michael; Doub, Peyton; Kirk LaGory; John Hayse; Weeks, David A.; FermiCOL Resource
Subject: RE: Follow-up to 6-4-09 Fermi 3 BA Discussion Call 062309

Randy,

Based on a phone message I received from you yesterday, I understand that, due to scheduling conflicts, there has been a delay in B&V's terrestrial survey schedule, and that they will be conducting the survey during the last week of June after all as we had originally requested.

Thanks,
Steve

Please note change in mail stop.

Stephen Lemont, Ph.D.
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From: Doub, Peyton
Sent: Monday, June 22, 2009 9:51 AM
To: Lemont, Stephen; Randall Westmoreland
Cc: Masnik, Michael; Kirk LaGory; John Hayse; Weeks, David A.; FermiCOL Resource
Subject: RE: Follow-up to 6-4-09 Fermi 3 BA Discussion Call

While I would have preferred at least a one-week delay in the vegetation survey to better maximize the likelihood of detecting the eastern prairie fringed orchid, I still concur that the week of 6/21 would still technically "fall within the flowering period" of the species (although at the earliest extreme) and still constitute an "adequate" survey. Therefore, I too concur with Items 3 and 4 (the terrestrial items) of the course of action outlined below.

-Peyton

J. Peyton Doub, PWS, CEP
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US Nuclear Regulatory Commission
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From: Lemont, Stephen
Sent: Monday, June 22, 2009 6:54 AM
To: Randall Westmoreland
Cc: Masnik, Michael; Doub, Peyton; Kirk LaGory; John Hayse; Weeks, David A.; FermiCOL Resource
Subject: Follow-up to 6-4-09 Fermi 3 BA Discussion Call

Randy,

This is a follow-up to document our phone conversation on the afternoon of June 19, 2009, PM, regarding the four action items for DTE Energy (DTE) and Black and Veatch (B&V), which were identified during our Fermi 3 Biological Assessment (BA) conference call on June 4, 2009. Participants on the June 19 call were Steve Lemont of the U.S. Nuclear Regulatory Commission (NRC), Randy Westmoreland of DTE, and Kirk LaGory of Argonne National Laboratory (Argonne)

The four action items are repeated below followed by a summary of our discussions and follow-up action items on each as applicable. Please review this information and let me know if you have any questions or comments. Otherwise, please implement the follow-up action items as indicated below, and forward this email to others for action as necessary.

FOLLOW-UP ON DTE AND B&V ACTION ITEMS FROM 6-4-09 BA CONFERENCE CALL

1. **Action Item: DTE will check on the availability of historic mollusk surveys in the western basin and other location-specific data from the Michigan Natural Features Inventory.**

   Discussion: Randy has located some survey reports that are in the public record, but has not looked into the Michigan Natural Resources Inventory, which is a website on the Internet.

   Follow-up Action Items:
   a) Randy will send copies of the survey reports to Steve Lemont.
   b) The Argonne aquatic biologist will search the Michigan Natural Resources Inventory website for relevant information.

2. **Action Item: DTE will consider making commitments to survey areas [for the rayed bean] to be disturbed prior to dredging.**

   Discussion: Randy Westmoreland stated that DTE employs someone on their environmental staff, Matt Shackelford, who reportedly is an expert on mollusks in Lake Erie, including the rayed bean and its habitat. According to Randy, Mr. Shackelford believes there would be no habitat in Lake Erie for the rayed bean in the vicinity of the Fermi site, due to the following conditions in the area: strong seiche events, unfavorable sediment types, strong wave action, ice scouring, and presence of numerous zebra mussels. According to Randy, Mr. Shackelford also indicated that if required by a U.S. Army Corps of Engineers (USACE) permit condition for Fermi 3, DTE would conduct a rayed bean survey prior to dredging as they have done before on other projects. Therefore, DTE will not commit at this time to conducting a rayed bean survey to support the Fermi 3 environmental review. Steve Lemont indicated that if requested by the U.S. Fish and Wildlife Service and/or the USACE, the need for DTE to conduct a rayed bean survey could become a condition of the combined license if granted.

   Follow-up Action Items:
   - Randy will look into having Mr. Shackelford provide the NRC with a written statement regarding his opinions as stated above, to include a statement of his credentials as an expert in this area. Randy will also ask Mr. Shackelford to provide other documentation, if available, to support his statements.

- If either or both of the above is not possible, then the NRC and Argonne aquatic biologists would like to have a conference call with Mr. Shackelford in the near term.

3. **<u>Action Item</u>: B&V will consider moving the planned Summer 2009 survey event to late June in order to include the most likely flowering period for the eastern prairie fringed orchid.**

   <u>Discussion</u>: According to Randy, Ralph Brooks of B&V plans to conduct his next vegetative survey the week of June 21, 2009; and believes that it should not be delayed until later because such a delay would compromise the integrity and intent of this survey--which is to look for late Spring flora. According to Randy, Mr. Williamson also stated his belief that the week of June 22 would be an appropriate time to look for the eastern prairie fringed orchid. Kirk LaGory concurred with this approach..

   <u>Follow-up Action Item</u>:
   - Ralph Brooks will include a search for the eastern prairie fringed orchid and its habitat in his vegetative survey during the week of June 21, 2009.

4. **<u>Action Item</u>: B&V will also consider doing a broader "pedestrian" survey of areas of the wetland outside the transect to look for the eastern prairie fringed orchid.**

   <u>Discussion and Follow-up Action Item</u>:
   - B&V will conduct the pedestrian survey as requested.

Thanks,
Steve Lemont

Please note change in mail stop.

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From: Lemont, Stephen
Sent: Tuesday, June 16, 2009 4:53 PM
To: 'tylendac@dteenergy.com'; Randall Westmoreland
Cc: Masnik, Michael; Doub, Peyton; Kirk LaGory; 'John Hayse'; Weeks, David A.; FermiCOL Resource
Subject: Fermi 3 BA Discussion Call Notes 06-04-09 final.doc 061609
Importance: High

Craig and Randy,

I have attached the notes from the conference call on June 4, 2009, regarding the Fermi 3 Biological Assessment (BA). Please pass this on to the Black and Veatch (B&V) participants on the call. If you have any comments on these notes, please let me know.

In the attachment, I highlighted in yellow some issues on which DTE Energy (DTE) and/or B&V owes the NRC a response. These action items are also listed below. I would like to get feedback from DTE on these matters before the end of this week.

DTE and B&V Action Items from 6-4-09 BA Conference Call

5. DTE will check on the availability of historic mollusk surveys in the western basin and other location-specific data from the Michigan Natural Features Inventory.

6. DTE will consider making commitments to survey areas [for the rayed bean] to be disturbed prior to dredging.

7. B&V will consider moving the planned Summer 2009 survey event to late June in order to include the most likely flowering period for the eastern prairie fringed orchid.

8. B&V will also consider doing a broader "pedestrian" survey of areas of the wetland outside the transect to look for the eastern prairie fringed orchid.

Thanks,
Steve Lemont

Please note change in mail stop.

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Subject: RE: Follow-up to 6-4-09 Fermi 3 BA Discussion Call 062309
Sent Date: 6/23/2009 10:55:21 AM
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From: Lemont, Stephen

Created By: Stephen.Lemont@nrc.gov

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