

PMFermiCOLPEm Resource

From: Olson, Bruce
Sent: Tuesday, April 06, 2010 12:41 PM
To: 'Randall D Westmoreland'; Craig D Tylenda
Cc: Kirk LaGory; Fringer, John; Hayse, John; FermiCOL Resource
Subject: Conference Call on RAIs--April 5, 2010
Attachments: Conference call notes bao rev-04-05-10.doc; RAIs requesting items not docketed.docx

Conference call notes are attached.

Reference data requested for docketing through 10 CFR 2.390 procedures is summarized in the attached table also. This material is considered necessary for the NRC to complete its independent review and prepare a Draft EIS.

A review of all environmental RAIs is planned for later this week or early next week, pending review and evaluation of recent submittals from Detroit Edison.

Thanks.....

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Hearing Identifier: Fermi_COL_Public
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From: Olson, Bruce

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Files	Size	Date & Time
MESSAGE	555	4/6/2010 12:41:26 PM
Conference call notes bao rev-04-05-10.doc	40442	
RAIs requesting items not docketed.docx	30571	

Options

Priority: Standard
Return Notification: No
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Conference Call for the Fermi 3 COL Environmental Review

Monday, April 5, 2010, 2:00 PM Eastern Time

Purpose

To discuss issues related to the Fermi 3 COL Environmental Review

Participants

U.S. Nuclear Regulatory Commission (NRC): John Fringer
Argonne National Laboratory (Argonne): Kirk LaGory
Detroit Edison: Randy Westmoreland

Summary of Discussions and Associated Action Items

The summary of discussions during the conference call is presented below. Action items are identified below as **[ACTION ITEM]**.

March 24 and 30 RAI Response and ER Rev 1 Submittals

- LaGory indicated that the ER and supplemental RAI responses were currently being reviewed by the staff. He identified a few issues that would require additional information including input and output files for new dose calculations (LADTAP and GASPARG). Westmoreland indicated that since the original response to the request for input and output files was considered acceptable, a new RAI may be needed. He will check with his management to determine the need for a new RAI **[ACTION ITEM]**.
- Westmoreland discussed the possibility that, since dose calculations would be redone soon based on DCD rev 7 (issued last week), it might be worthwhile to just wait for the new calculation packages based on rev 7 to be developed. There was some discussion about the need for a decision (by NRC) since this was ultimately a schedule issue. Apparently, rev 7 is expected to be the final revision submitted by GE-Hitachi **[ACTION ITEM]**.
- LaGory asked for a copy of the entire COLA rev 2. Since Detroit Edison already sent this to NRC, Fringer said that he would send a CD to Argonne **[ACTION ITEM]**.
- LaGory said that the figure files sent for GE3.1-1 were in various file formats that were either not sufficiently high resolution or in a format that could not be read by Argonne's graphics department. Argonne would prefer all figure files be submitted as .jpeg, .png, or .tif format and at a resolution of at least 300 dpi as originally requested for GE2-2.

RAI Response Submittals with Materials not Provided for Docketing

- There are 16 RAIs that are considered incomplete because the information was provided only in the reading room and therefore cannot be cited as a reference (see notes from March 15 conference call). LaGory stated that he had input from SMEs regarding the need for this information, and that about 75% of the original requested materials was still needed. The preferred method of submittal is as sensitive (Sensitive Unclassified Non-Safeguards Information [SUNSI]) and kept non-public on ADAMS. Procedures and requirements are defined in 10 CFR 2.390 and the individual RAI requests can be reviewed with NRC for clarification if necessary.

- Westmoreland wants to take this up with his management to see a preferred approach and to check if the information qualifies as SUNSI **[ACTION ITEM]**.
- The new status table for these RAIs will be forwarded to Detroit Edison **[ACTION ITEM]**.

**Status of Detroit Edison 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
Updated April 5, 2010**

Requested Items not Submitted for Docketing

RAI Number¹	Response Date/ ADAMS Accession No.	Status of Response	Question Summary (RAI)	Full Text (supporting information)	Comments
AE2.4.2-1 ESRP 2.4.2 10 CFR 51.71(d)	7/31/09 ML09229071 3	Not complete	Provide copies of correspondence with Federal and State agencies (U.S. Fish and Wildlife Service [USFWS], Michigan Department of Natural Resources [DNR], Ohio DNR, Canadian agencies, etc.) regarding potential impacts to aquatic species and monitoring studies for Fermi 3.	Discussions with agencies regarding Fermi 3 and threatened and endangered species were mentioned in the text of the ER (Sections 2.4.1.2.1 and 2.4.1.2.2, for example), but references were not provided. At the site audit, it was mentioned that written records of discussions with these agencies existed, but are not publically available. This correspondence is needed for the impact analysis to be presented in the EIS.	[4/5/10] Recommend report be provided as sensitive (SUNSI) and not be made available to the public. [9/10/09] Response unacceptable. NRC requires that the discussions/correspondence identified in the RAI response (or an acceptable summary of those discussions) be submitted for docketing (under oath or affirmation) because they will be cited as references in the EIS.
AE5.3.1.2-1	6/19/09 ML09194026	Not complete	Provide information pertinent to the evaluation of the	The impingement and entrainment information that is	[4/5/10] Recommend report be provided as sensitive (SUNSI)

¹ RAI numbers follow a specific form. RAIs apply to a specific section from the Environmental Standard Review Plan (ESRP; U.S. Nuclear Regulatory Commission. 1999. *Standard Review Plans for Environmental Reviews for Nuclear Power Plants*. NUREG-1555. Office of Nuclear Reactor Regulation, Washington, D.C. October, 1999), and the RAI number consists of the relevant ESRP section number followed by a unique number (e.g., the first RAI related to ESRP Section 2.7 would be numbered 2.7-1). If the RAI applies to more than one section of the ESRP, then the next higher section number is used (e.g., if an RAI is applicable to Sections 3.3.4, 3.3.5, and 3.3.6, then the RAI is assigned to Section 3.3, such as 3.3-1).

RAI Number1	Response Date/ ADAMS Accession No.	Status of Response	Question Summary (RAI)	Full Text (supporting information)	Comments
ESRP 5.3.1.2 10 CFR 51.71(d)	2		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.	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.	and not be made available to the public. [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.)

RAI Number1	Response Date/ ADAMS Accession No.	Status of Response	Question Summary (RAI)	Full Text (supporting information)	Comments
CR4.1.3-1 ESRP 4.1.3 ESRP 5.1.3 10 CFR 51.71 (d) 36 CFR 800 36 CFR 63	7/31/09 ML09229071 3	Complete	Provide copies of all past, present, and future correspondence and documentation of discussions between Detroit Edison (or its consultants), and the State Historic Preservation Office (SHPO), regarding cultural resources and/or historic properties in the direct and/or indirect areas of potential effect (APEs) for Fermi 3, and Fermi 1 and 2 as they relate to Fermi 3.	Comments from the SHPO on the findings of the Phase I reports conducted for the project, including comments on National Register of Historic Places (NRHP)-eligibility of those cultural resources identified within the archaeological and architectural APEs for the project, were not available at the time that the ER was prepared. This information will be used to complete the NEPA analysis and to support compliance with Section 106. Note that personal correspondence can be provided in reading rooms.	[4/5/10] Information no longer needed. [9/10/09] Response unacceptable. Regarding the three additional documents placed in reading rooms on or before August 7, 2009, and any future correspondence and documentation to be provided, NRC requires that these items (or an acceptable summary of the content of these items) be submitted for docketing (under oath or affirmation) because they will be cited as references in the EIS.
HH5.3.4-1 ESRP 5.3.4 40 CFR 141.70	7/31/09 ML09229071 3	Not complete	Provide documentation related to the consultation with the Michigan Department of Community Health on infectious diseases associated with Lake Erie for the last 10 years.	Section 5.3.4.IV of the ESRP (Thermophilic Microorganisms) recommends inclusion of the results of consultations with the State Public Health Department, related to any regional outbreaks of waterborne diseases. Documentation related to the consultation with the Michigan Department of Community Health is needed for the staff to perform this assessment.	[4/5/10] Recommend correspondence be provided as sensitive (SUNSI) and not be made available to the public. Alternatively, a summary of the correspondence would be acceptable. [9/10/09] Response unacceptable. NRC requires that the information identified in the RAI response (or an acceptable summary of that information) be submitted for

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					docketing (under oath or affirmation) because it will be cited as a reference(s) in the EIS.
HY2.3.1-14 ESRP 2.3.1 10 CFR 51.70(b)	6/19/09 ML09194026 2	Not complete	Provide copies of the following: <ul style="list-style-type: none"> • DTE Energy Nuclear Generation Memorandum, January 5, 2005; • EnviroSolutions Remedial Action Plan Closure Report (Fuel Tank Release), Dec. 2007; • NPMA-05-0001; • ACRES International Comprehensive Report #P13827.00, dated July 2001; • Facsimile to Mick Blunden from Mike Parrish, dated 12/19/2000, containing dredging map; • MDEQ Permit No. 04-58-009-P, dated (issued) July 21, 2004; • January 2001 Dredging Story (handwritten note); • MDEQ NPDES Permit No. MI0037208; 	These documents are cited in the ER, but are not publicly available. They need to be made available to the NRC staff so they can be cited as references in the EIS.	[4/5/10] Recommend the following reports be provided as sensitive (SUNSI) and not be made available to the public: <ul style="list-style-type: none"> • EnviroSolutions Remedial Action Plan Closure Report (Fuel Tank Release), Dec. 2007; • NPMA-05-0001; • ACRES International Comprehensive Report #P13827.00, dated July 2001; • Storm Water Pollution Prevention Plan for Fermi 2 Plant, Rev. 7, including SWPPP Appendices; • Facsimile to Mike Parrish from Mick Blunden, dated 01/03/2001 (in reading room as "Permit revisions to Mechanical 12-2000." Other reports in original request are no longer needed. [7/17/09] Response

RAI Number1	Response Date/ ADAMS Accession No.	Status of Response	Question Summary (RAI)	Full Text (supporting information)	Comments
			<ul style="list-style-type: none"> • Storm Water Pollution Prevention Plan for Fermi 2 Plant, Rev. 7; • Facsimile to Mike Parrish from Mick Blunden, dated 01/03/2001; • USACE Detroit District approval letter for dredging by hydraulic means, dated Nov. 8, 2000; • USACE Detroit District Permit No. 88-001-040-8, dated May 26, 2004; and • Detroit Edison Final Siting Study Report. 		<p>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.</p>
SE2.5.4-1 ESRP 2.5.4 ESRP 4.4.3 ESRP 5.8.3 10 CFR 51.45 10 CFR 51.70 Executive Order 12898 59 CFR 7629	6/19/09 ML09194026 2	Not 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.	<p>[4/5/10] Recommend correspondence be provided as sensitive (SUNSI) and not be made available to the public. Alternatively, personal information in correspondence could be redacted or a summary provided.</p> <p>[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</p>

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					<p>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.)</p>
SE4.4.2-1 ESRP 4.4.2 ESRP 5.8.2 10 CFR 51.45 10 CFR 51.70	6/19/09 ML09194026 2	Not 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.	<p>[4/5/10] Recommend correspondence be provided as sensitive (SUNSI) and not be made available to the public. Alternatively, personal information in correspondence could be redacted or a summary provided</p> <p>[7/17/09] Response unacceptable. All of the requested items of correspondence will need to be provided for docketing</p>

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					because they will be cited as references in the EIS.
SE4.4.2-2 ESRP 4.4.2 ESRP 5.8.2 10 CFR 51.45 10 CFR 51.70	6/19/09 ML09194026 2	Not 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.	[4/5/10] Recommend correspondence be provided as sensitive (SUNSI) and not be made available to the public. Alternatively, personal information in correspondence could be redacted. [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 ESRP 4.4.2 ESRP 5.8.2 10 CFR 51.45 10 CFR 51.70	6/19/09 ML09194026 2	Not 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.	[4/5/10] Recommend correspondence be provided as sensitive (SUNSI) and not be made available to the public. Alternatively, personal information in correspondence could be redacted or a summary provided. [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.

RAI Number1	Response Date/ ADAMS Accession No.	Status of Response	Question Summary (RAI)	Full Text (supporting information)	Comments
SE4.4.2-4 ESRP 4.4.2 ESRP 5.8.2 10 CFR 51.45 10 CFR 51.70	6/19/09 ML09194026 2	Not 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.	[4/5/10] Recommend correspondence be provided as sensitive (SUNSI) and not be made available to the public. Alternatively, personal information in correspondence could be redacted or a summary provided. [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 ESRP 5.11 10 CFR 51.45 10 CFR 51.70	6/19/09 ML09194026 2	Not complete	Provide copies of all correspondence and documentation of personal communications used to support the cumulative 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 projects that were considered in determining that cumulative impacts would be SMALL were not identified in ER Section 5.11.	[4/5/10] Recommend correspondence be provided as sensitive (SUNSI) and not be made available to the public. Alternatively, personal information in correspondence could be redacted or a summary provided. [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.
TE2.4.1-3	7/31/09 ML09229071	Not complete	Provide copies of all correspondence with	Input from resources agencies is critical to ensuring a	[3/19/10] Recommend correspondence be provided

RAI Number1	Response Date/ ADAMS Accession No.	Status of Response	Question Summary (RAI)	Full Text (supporting information)	Comments
ESRP 2.4.1 10 CFR 51.71 (d)	3		regulatory, natural heritage, and wildlife agencies.	thorough and complete review of project impacts. Provide copies of correspondence (letters/emails) from USFWS (11/26/07) and Michigan DNR (11/28/07).	as sensitive (SUNSI) and not be made available to the public. [9/10/09] Response unacceptable. NRC requires that the items provided in the reading rooms only—the email from USFWS and the two MDNR correspondence records (or an acceptable summary of the discussions in those items)—be submitted for docketing (under oath or affirmation) because they will be cited as references in the EIS.
TE2.4.1-4 ESRP 2.4.1 10 CFR 51.71 (d)	6/19/09 ML09194026 2	Not 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.	[3/19/10] Recommend redacted copy of report be provided. [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 ESRP 2.4.1 10 CFR 51.71 (d)	6/19/09 ML09194026 2	Not 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	[3/19/10] Recommend redacted copy of report be provided. [7/17/09] Response unacceptable. The requested

RAI Number1	Response Date/ ADAMS Accession No.	Status of Response	Question Summary (RAI)	Full Text (supporting information)	Comments
				is not available elsewhere.	report must be submitted for docketing because the NRC needs to cite it as a reference in the EIS.
TE2.4.1-6 ESRP 2.4.1 10 CFR 51.71 (d)	6/19/09 ML09194026 2	Not 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.	[3/19/10] Recommend report be provided as sensitive (SUNSI) and not be made available to the public. [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.
TE2.4.1-8 ESRP 2.4.1 10 CFR 51.71 (d)	6/19/09 ML09194026 2	Not 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.	[3/19/10] Information was provided in response to other RAIs and is no longer needed. [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.