



STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

GARY HEIDEL
EXECUTIVE DIRECTOR

May 9, 2011

BRUCE OLSON
U S NUCLEAR REGULATORY COMMISSION
TWO WHITE FLINT NORTH MAIL STOP T-7J8
11545 ROCKVILLE PIKE
ROCKVILLE MD 20852-2738

RE: ER06-683 Enrico Fermi Atomic Power Plant - Fermi 3 Power Plant Licensing, Sections 16, 17, 19, 20, 21, 28 & 29, T6S, R10E, Frenchtown Township, Monroe County (NRC)

Dear Mr. Olson

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, the State Historic Preservation Officer (SHPO) concurs with the determination of the U. S. Nuclear Regulatory Commission that the proposed undertaking will have an **adverse effect** on the Enrico Fermi (Fermi I) Nuclear Power Plant, which appears to meet the criteria for listing in the National Register of Historic Places as one of the first power reactors of its type that operated safely and proved the feasibility of the fast breeder design on a commercial scale.

This undertaking meets the criteria of adverse effect because: *the undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association [36 CFR § 800.5(a)(1)]* Specifically, the undertaking will result in:

- Physical destruction of or damage to all or part of the property.

The finding of adverse effect will prompt the U. S. Nuclear Regulatory Commission, hereinafter referred to as "Agency", to consult further to resolve the adverse effect pursuant to 36 CFR § 800.6 by proceeding with the following steps:

(1) Per 36 CFR § 800.6(a), the Agency shall continue consultation with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties. The Agency shall submit a case study outlining these efforts for review by the SHPO.

(2) In accordance with 36 CFR § 800.6(a)(4), the Agency shall make information regarding this finding available to the public, providing the public with an opportunity to express their views on resolving adverse effects of the undertaking. Pursuant to 36 CFR § 800.11(e), copies or summaries of any views provided by consulting parties and the public shall be made available to the SHPO as part of the case study outlined in (1).



(3) The Agency shall immediately notify the Advisory Council on Historic Preservation (Advisory Council), Old Post Office Building, 1100 Pennsylvania Avenue, NW, Suite 809, Washington, D.C. 20004, of the adverse effect finding per 36 CFR § 800.6 (a)(1). The notification to the Advisory Council should be similar to the project information submitted to this office and should include the following documentation as outlined in 36 CFR § 800.11(e).

- A description of the undertaking, specifying the federal involvement, and its area of potential effects, including photographs, maps and drawings, as necessary.
- A description of the steps taken to identify historic properties.
- A description of the affected historic properties, including information on the characteristics that qualify them for inclusion in the National Register of Historic Places.
- A description of the undertaking's effects on historic properties.
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects.
- Copies or summaries of any views provided by consulting parties and the public.

(4) The Agency shall invite the Advisory Council to participate in consultation if the undertaking will affect a National Historic Landmark, if a Programmatic Agreement will be developed as a result of the finding of adverse effect, or if the Agency wants the Advisory Council to participate in consultation. The Advisory Council will advise of its decision to participate in consultation within fifteen (15) days of receipt of this notification or other request. If the Advisory Council chooses not to participate in consultation, the Agency shall resolve the adverse effect without Advisory Council participation and pursuant to 36 CFR § 800.6(b)(1).

(5) If the Agency, the SHPO and, if applicable, the Advisory Council agree on how the adverse effects will be resolved, they shall execute a Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(c).

(6) If the Agency and the SHPO fail to agree on the terms of the MOA, the Agency shall request the Advisory Council to join the consultation. If the Advisory Council decides to join the consultation, the Agency shall proceed in accordance with 36 CFR § 800.6(b)(2). If the Advisory Council decides not to join the consultation, the Advisory Council will notify the Agency and proceed to comment in accordance with 36 CFR § 800.7.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian

organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

Please note that the Section 106 process will not conclude according to 36 CFR § 800.6 "Resolution of Adverse Effects" until the consultation process is complete, an MOA is developed, executed and implemented, and, if applicable, the formal comments of the Advisory Council have been received.

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Martha MacFarlane Faes, Deputy State Historic Preservation Officer, at (517) 335-2720 or by email at FaesM@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,



Brian D. Conway
State Historic Preservation Officer

BDC:DLA:BGG

Enclosure(s)

copy: Advisory Council on Historic Preservation
Theodore Smith, NRC
Collette Luff, COE
Randy Westmoreland, Detroit Edison