

August 22, 2011

Ms. Martha MacFarlane Faes
Michigan Deputy State Historic Preservation Officer
State Historic Preservation Office
702 W. Kalamazoo Street
P.O. Box 30740
Lansing, MI 48909-8240

SUBJECT: REQUEST FOR REVIEW OF SUPPLEMENTAL INFORMATION RELATED TO
SECTION 106 PROCESS FOR THE FERMI NUCLEAR POWER PLANT, UNIT 3
COMBINED LICENSE APPLICATION REVIEW SHPO #ER06-683

Dear Ms. Faes:

Per our May 17, 2011, phone conversation and my July 6, 2011, email to you, we are drafting a Memorandum of Agreement (MOA) to resolve the adverse effects of demolishing the Fermi 1 facility. We are also providing, per your suggestion, the opportunity for potentially interested parties to express their views on resolving adverse effects of the undertaking. For your information, the list of parties that I emailed you on June 2, 2011, has been expanded to the enclosed list (see Enclosure 1).

Also, we recently received Detroit Edison's enclosed supplemental response to RAI¹ CR4.1.3-6, dated May 13, 2011, which contains the results of additional cultural resource investigations conducted to support proposed site layout changes that Detroit Edison submitted to the U.S. Nuclear Regulatory Commission (NRC) in a letter dated January 10, 2011. These changes consist of shifts in the Meteorological (MET) Tower, Access Road, Construction Laydown Area, and Onsite Transmission Line Corridor locations, as shown in figures 1 through 5 of Enclosure 2. The NRC finds that no National Register of Historic Places (NRHP)-eligible sites would likely be impacted by ground-disturbing activities within these areas, and we concur with the findings, summarized and/or quoted below, in the "Summary and Conclusions" section on Pages 7 and 8 of Commonwealth Cultural Resources Group's (CCRG) letter report to Mr. Douglas Timpe, dated March 30, 2011, in this RAI response:

¹ Request for Additional Information

- 1) Site 20MR285 is not eligible for listing in the NRHP. This was the only archaeological site produced from a CCRG field survey in 2009 of the proposed MET Tower and Access Road location. It "...consisted of non-diagnostic twentieth-century debris and three assumed pet burials. Because of the lack of diagnostic artifacts, the absence of structural indicators (foundations, cellars, cisterns), and the lack of prehistoric archaeological material, this site is not eligible for listing in the NRHP." Thus, in accordance with NRC Staff Guidance² derived from guidance from the Advisory Council On Historic Preservation, information about this site cannot be withheld from public disclosure. Therefore, the text in Enclosure 2 indicating that this site is a sensitive historic resource that is to be withheld from public disclosure has been struck through, and the document is now publicly available.
- 2) No further testing for archaeological resources is needed at the currently proposed new MET Tower and Access Road location within the Fermi property. "In December 2010, the location of the proposed MET Tower and Access Road location was revised from the area surveyed by CCRG in 2009. Based on the results of the 2009 field survey, combined with additional map and aerial photograph review, CCRG concludes that the unsurveyed portions of the 2010 impact areas are unlikely to contain significant archaeological sites. Early nineteenth-century maps of the area show it as marsh. Later maps and aerial photographs reveal that the area had been drained for agricultural use. Further, construction of a water tower may have impacted any archaeological site(s) within the only remaining high ground." Thus, the NRC concurs with CCRG, who "...recommends no further testing for archaeological resources at the currently proposed MET Tower and Access Road location within the Fermi property."
- 3) No further archaeological fieldwork is needed at the proposed Construction Laydown Area. As indicated by CCRG's 2009 visual reconnaissance, the proposed Construction Laydown area was extensively disturbed by past dumping and construction episodes. Because the location of the 2010 proposed Construction Laydown area is still within the area of past disturbance, NRC concurs with CCRG that "No further archaeological fieldwork is recommended for the area."
- 4) No further archaeological survey is recommended for the proposed Onsite Transmission Line corridor. Sections of the proposed Onsite Transmission Line corridor were visually inspected and shovel tested by CCRG in 2008. All of the examined sections were found to be disturbed by road construction and possibly structure demolition (Demeter et al. 2008). As stated on Page 2 of the CCRG letter report: "No additional field survey was conducted in 2010 within the previously unsurveyed portion of the proposed Onsite Transmission Line corridor, as it traverses areas of obvious disturbance and generally non-wooded wetland with no apparent high ground. These environmental conditions offer low potential for the existence of prehistoric or historic archaeological sites." Thus, NRC concurs with CCRG that no further archaeological survey is needed for the proposed Onsite Transmission Line corridor.

² This guidance, titled "STAFF GUIDANCE FOR WITHHOLDING SENSITIVE INFORMATION ABOUT HISTORIC RESOURCES IN ACCORDANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT" (which can be found, using accession number ML111080735, on NRC's Agencywide Documents Access and Management System (ADAMS) at www.nrc.gov/reading-rm/adams.html), states: "Only information about a historic resource, as defined in Section 301 of NHPA, may be kept confidential under Section 304; that is, the information must be about a property that is listed on, or eligible for listing on, the National Register (36 CFR 60.4). Information about a historical site that is not listed on, or is not eligible for listing on, the National Register may not be withheld from FOIA disclosure under Section 304."

The NRC concludes that there are no historic properties affected by these proposed site layout changes. Please provide any comments you may have within 30 calendar days of your receipt of this letter. If we have received no comments in that time, we will assume you have no objections to our findings. If you have any questions or concerns, please contact me at 301-415-6208 or by email at John.Fringer@nrc.gov.

Sincerely,

/RA/

John Fringer, P.E.
Environmental Project Manager
Environmental Technical Support Branch
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-033

Enclosures: As stated

cc: See next page

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Docket No.: 52-033

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