

April 29, 2015

Chairman Stephen G. Burns  
Commissioner Kristine L. Svinicki  
Commissioner William C. Ostendorff  
Commissioner Jeff Baran

In the matter of  
DTE ELECTRIC CO.  
(Fermi Nuclear Power Plant, Unit 3)  
Docket No. 52-033

Dear Chairman and Commissioners,

This letter is to inform the Commission that the NRC staff has completed consultation with the U.S. Fish and Wildlife Service (FWS) on the northern long-eared bat. With the receipt of FWS concurrence and the conclusion of consultation on this species, the NRC has completed ESA consultation on the Fermi Unit 3 project.

On April 5, 2015, the NRC staff notified the Commission that FWS published an Endangered Species Act (ESA) listing determination of "threatened" for the northern long-eared bat in the Federal Register on April 2, 2015 (80 FR 17,943). The NRC developed a supplemental biological assessment for the bat and submitted it to FWS on April 3, 2015 (Ex. NRC000020). By letter dated April 28, 2015, FWS provided its concurrence with the NRC's conclusion in the supplemental BA that construction and operation of Fermi 3 may affect, but is not likely to adversely affect the northern long-eared bat and that "any potential effects are insignificant and/or discountable" (Ex. NRC000021). Consistent with the previous FWS concurrence letter on the BAs for the Indiana bat and the rufa red knot bird, the letter acknowledges that if transmission lines are built, future interaction with FWS may be necessary. The NRC staff has provided an updated exhibit list in Attachment A to this letter to reflect these developments in the record.

Respectfully submitted,

/Signed (electronically) by/  
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Dated at Jersey City, New Jersey  
this 29th day of April 2015

# **Attachment A**

## **Updated Staff Exhibit List**

## ATTACHMENT A

### Staff Exhibits for Fermi Mandatory Hearing

Exhibit Number	Panel Number/ Sponsoring Witness(es)	Document Description/Title
NRC000001	Frank Akstulewicz	SECY-14-0132, Staff Statement in Support of the Uncontested Hearing for Issuance of Combined License for the Fermi Nuclear Power Plant Unit 3 (Nov. 20, 2014), ADAMS Accession No. ML14282A639.
NRC000002	Frank Akstulewicz	Draft Combined License, Enrico Fermi Nuclear Plant Unit 3 (Dec. 4, 2014), ADAMS Accession No. ML14296A600.
NRC000003	Mark Delligatti	Draft Record of Decision, Combined License Application for Enrico Fermi Nuclear Plant Unit 3 (Dec. 5, 2014), ADAMS Accession No. ML14303A425.
NRC000004	Frank Akstulewicz & Mark Delligatti	NRC Staff Responses to Commission Prehearing Questions (Jan. 14, 2015), ADAMS Accession No. ML15014A507.
<b>NRC000005</b>	Frank Akstulewicz	<b>NON-PUBLIC – NRC Staff Responses to Non-Public Commission Prehearing Question (Jan. 14, 2015), ADAMS Accession No. ML15014A512.</b>
NRC000006A	Frank Akstulewicz	Fermi 3 COL Application – Part 1 and Part 2 (FSAR) through Chapter 2, Section 2.4 (March 2010 & October 2014), ADAMS Accession Nos. ML14308A337, ML101110278, & ML14309A431-ML14309A440.
NRC000006B	Frank Akstulewicz	Fermi 3 COL Application – Part 2 (FSAR), Chapter 2, Section 2.5.1 (October 2014), ADAMS Accession Nos. ML14309A441 & ML14309A442.
NRC000006C	Frank Akstulewicz	Fermi 3 COL Application – Part 2 (FSAR), Chapter 2, Sections 2.5.2 and 2.5.3 (October 2014), ADAMS Accession Nos. ML14309A443 & ML14309A444.
NRC000006D	Frank Akstulewicz	Fermi 3 COL Application – Part 2 (FSAR), Chapter 2, Sections 2.5.4 through Appendices (October 2014), ADAMS Accession Nos. ML14309A445-ML14309A455 & ML14309A457.
NRC000006E	Frank Akstulewicz	Fermi 3 COL Application – Part 2 (FSAR), Chapters 3-19 (October 2014), ADAMS Accession Nos. ML14309A458-ML14309A459 & ML14309A461-ML14309A477.
NRC000006F	Frank Akstulewicz	Fermi 3 COL Application – Part 3 (ER) through Chapter 2, Section 2.4 (February 2011), ADAMS Accession No. ML110600476-ML110600479, ML110600481, & ML110600483-ML110600485.
NRC000006G	Frank Akstulewicz	Fermi 3 COL Application – Part 3 (ER), Chapter 2, Section 2.5 through Chapter 4 (February 2011), ADAMS Accession Nos. ML110600486-ML110600489.

Exhibit Number	Panel Number/ Sponsoring Witness(es)	Document Description/Title
NRC000006H	Frank Akstulewicz	Fermi 3 COL Application – Part 3 (ER), Chapters 3-10 (February 2011), ADAMS Accession Nos. ML110600491-ML110600497.
NRC000006J <sup>1</sup>	Frank Akstulewicz	Fermi 3 COL Application – Parts 4, 5, 7, 8, 10, & NEI References <sup>2</sup> (various dates), ADAMS Accession Nos. ML14055A130, ML14295A167-ML14295A168, ML14295A170, ML14295A172-ML14295A174, ML12095A138, ML12095A140, ML14295A176, ML080910051, ML072710311, ML103410542, ML083380347, ML072780417, ML072600383, ML083380351, ML091050234, ML091460627, & ML111751698.
<b>NRC000007A</b>	Frank Akstulewicz	<b>NON-PUBLIC – Fermi 3 COL Application – Part 9 &amp; Non-Public NEI Reference (February 2012 &amp; July 2009), ADAMS Accession Nos. ML12095A142 &amp; ML092120160.<sup>3</sup></b>
NRC000008A	Frank Akstulewicz	Fermi 3 FSER, Chapters 1-10 and front matter (various dates), ADAMS Accession Nos. ML14287A676, ML14300A223, ML14300A376, ML14198A557, ML14246A385, ML14258B088, ML12306A280, ML14255A121, ML14183A622, ML13158A238, ML14192A986, ML14251A364, & ML13184A336.
NRC000008B	Frank Akstulewicz	Fermi 3 FSER, Chapters 11-20 and Appendices (various dates), ADAMS Accession Nos. ML13221A431, ML13358A219, ML14198A596, ML14197A260, ML12306A506, ML14196A296, ML13122A419, ML13162A357, ML14198A009, ML14238A661, ML14300A222, ML14302A567, ML14308A401, ML14279A181, ML14302A270, & ML14302A591.
<b>NRC000009</b>	Frank Akstulewicz	<b>NON-PUBLIC - Fermi 3 FSER, Chapter 19, Attachment 19.B (November 2014), ADAMS Accession No. ML14198A017.<sup>4</sup></b>
NRC000010A	Mark Delligatti	NUREG-2105, Environmental Impact Statement for the Combined License (COL) for Enrico Fermi Unit 3, Vol. 1 (January 2013), ADAMS Accession No. ML12307A172.

<sup>1</sup> The letter “I” was skipped because of potential confusion with the number “1.”

<sup>2</sup> Part 6 of COL applications is reserved for Limited Work Authorizations (LWAs). No LWA was requested for Fermi 3, so there is no Part 6 in the COL application. Part 9 of the COL application contains proprietary and sensitive information and is listed as a separate exhibit.

<sup>3</sup> The Fermi 3 COL application also contains safeguards information (SGI) that may not be placed in ADAMS or filed through the Electronic Information Exchange (EIE). Commissioners can obtain hard copies of the SGI portion of the application by contacting Judy Petrucelli or John Frost in the Office of Nuclear Security and Incident Response (NSIR).

<sup>4</sup> The Fermi 3 FSER also contains SGI that may not be placed in ADAMS or filed through the EIE. Commissioners can obtain hard copies of the SGI portion of the FSER by contacting Judy Petrucelli or John Frost in NSIR.

Exhibit Number	Panel Number/ Sponsoring Witness(es)	Document Description/Title
NRC000010B	Mark Delligatti	NUREG-2105, Environmental Impact Statement for the Combined License (COL) for Enrico Fermi Unit 3, Vol. 2 (January 2013), ADAMS Accession No. ML12307A176.
NRC000010C	Mark Delligatti	NUREG-2105, Environmental Impact Statement for the Combined License (COL) for Enrico Fermi Unit 3, Vol. 3 (January 2013), ADAMS Accession No. ML12307A177.
NRC000010D	Mark Delligatti	NUREG-2105, Environmental Impact Statement for the Combined License (COL) for Enrico Fermi Unit 3, Vol. 4 (January 2013), ADAMS Accession No. ML12347A202.
NRC000011	Frank Akstulewicz & Mark Delligatti	Staff Presentation Slides – Overview (Feb. 4, 2015).
NRC000012	Frank Akstulewicz	Staff Presentation Slides – Safety Panel 1 (Feb. 4, 2015).
NRC000013	Frank Akstulewicz	Staff Presentation Slides – Safety Panel 2 (Feb. 4, 2015).
NRC000014	Mark Delligatti	Staff Presentation Slides – Environmental Panel 1 (Feb. 4, 2015).
NRC000015	Mark Delligatti	Staff Presentation Slides – Environmental Panel 2 (Feb. 4, 2015).
NRC000016	Mark Delligatti	NRC Staff Responses to Commission Additional Pre-hearing Questions (Jan. 30, 2015)
NRC000017	Mark Delligatti	NRC Staff Responses to Commission Post-Hearing Questions (Feb. 19, 2015), ADAMS Accession No. ML15050A665.
NRC000018	Mark Delligatti	Supplemental Biological Assessment (rufa red knot) (Feb. 2015) ADAMS Accession No. ML15043A747.
NRC000019	Mark Delligatti	Concurrence Letter from U.S. Fish and Wildlife Service to NRC on Supplemental Biological Assessment (rufa red knot) (Mar. 23, 2015) ADAMS Accession No. ML15092A737.
NRC000020	Mark Delligatti	Supplemental Biological Assessment (northern long-eared bat) (Apr. 3, 2015) ADAMS Accession No. ML15093A316.
NRC000021	Mark Delligatti	Concurrence Letter from U.S. Fish and Wildlife Service to NRC on Supplemental Biological Assessment (northern long-eared bat) (Apr. 28, 2015) ADAMS Accession No. ML15119A271.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of	)	
	)	
DTE ELECTRIC CO.	)	Docket No. 52-033-COL
	)	
(Fermi Nuclear Power Plant, Unit 3)	)	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (revised), I hereby certify that copies of the foregoing "NRC Staff Notification Letter" dated April 29, 2015, have been served upon the Electronic Information Exchange, the NRC's E-Filing System, in the above captioned proceeding, this 29th day of April, 2015.

**/Signed (electronically) by/**

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Dated at Jersey City, New Jersey  
this 29th day of April, 2015