UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

and

NATURAL RESOURCES DEFENSE COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

Pursuant to Local Rule 7.1 and Rule 37 of the Federal Rules of Civil Procedure, Defendants DTE Energy Company and Detroit Edison Company (collectively, "Detroit Edison") move for an order compelling Plaintiff's compliance with Rules 33 and 34 of the Federal Rules of Civil Procedure. Such an order is appropriate because Plaintiff has failed to: (1) organize and label its documents to correspond to Detroit Edison's requests for production as required by Federal Rule 34(b); (2) specify records in sufficient detail to enable Detroit Edison to locate the information sought as required by Federal Rule 33(d); and (3) search for and produce relevant and responsive documents covering the period from 2005 to the present from nine of the Environmental Protection Agency's ten regional offices. Detroit Edison conferred in good faith with counsel for Plaintiff in an effort to obtain the relief sought in the Motion without Court

action. Fed. R. Civ. P. 37(a). In addition, in accordance with Local Rule 7.1(a)(2)(A), counsel for Detroit Edison contacted counsel for Plaintiff and provided an explanation for the legal basis for the Motion. Plaintiff does not concur.

Respectfully submitted, this 8th day of April 2011.

HUNTON & WILLIAMS LLP

/s/ Brent A. Rosser
F. William Brownell
bbrownell@hunton.com
Mark B. Bierbower
mbierbower@hunton.com
Makram B. Jaber
mjaber@hunton.com
Brent A. Rosser
brosser@hunton.com
Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
(202) 955-1500

Counsel for Defendants

Matthew J. Lund (P48632)
Pepper Hamilton LLP
100 Renaissance Center, 36th Floor
Detroit, Michigan 48243
lundm@pepperlaw.com
(313) 393-7370

Michael J. Solo (P57092)
Office of the General Counsel
DTE Energy
One Energy Plaza
Detroit, Michigan
solom@dteenergy.com
(313) 235-9512

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2011, the foregoing **DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE** was served electronically only on the following attorneys of record in accordance with an agreement reached among the parties:

Ellen E. Christensen
U.S. Attorney's Office
211 W. Fort Street
Suite 2001
Detroit, MI 48226
313-226-9100
Email: ellen.christensen@usdoj.gov

James A. Lofton
Thomas Benson
Justin A. Savage
Kristin M. Furrie
U.S. Department of Justice
Environmental and Natural Resource Div.
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044
202-514-5261
Email: thomas.benson@usdoj.gov
justin.savage@usdoj.gov
kristin.furrie@usdoj.gov
jim.lofton@usdoj.gov

Holly Bressett
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Phone: (415) 977-5646
Email: Holly.Bressett@sierraclub.org

Andrea S. Issod
Sierra Club
85 2nd Street, 2nd Floor
San Francisco, CA 94105
415-977-5544
Email: andrea.issod@sierraclub.org

/s/ Brent A. Rosser

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BRIEF IN SUPPORT OF DEFENDANTS'
MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH
RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

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STATEMENT OF ISSUES PRESENTED

In responding to Defendants' ("Detroit Edison") requests for production under Federal Rule of Civil Procedure ("Federal Rule" or "Rule") 34(b), whether Plaintiff United States ("EPA") is permitted to dump 4.6 million pages of unorganized documents on Detroit Edison without labeling them to correspond to Detroit Edison's specific requests.

Detroit Edison's Answer: No.

In responding to interrogatories under Federal Rule 33(d), whether EPA is permitted to provide vague references to its productions without providing the information needed for Detroit Edison to locate and identify the information sought.

Detroit Edison's Answer: No.

In responding to Detroit Edison's requests for production under Rule 34, whether EPA is permitted to unilaterally limit its search for responsive documents to just one of EPA's ten regional offices.

Detroit Edison's Answer: No.

CONTROLLING OR OTHER APPROPRIATE AUTHORITY

FED. R. CIV. P. 33(d)

FED. R. CIV. P. 34(b)

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United States v. Duke Energy Corp., No. 1:00 CV 1262 (M.D.N.C.), orders dated Dec. 13, 2001 and Feb. 5, 2002

United States v. Illinois Power Co., No. 99-833-MJR (S.D. Ill.), orders dated Jan. 10, 2001 and Oct. 23, 2001

INTRODUCTION

Detroit Edison seeks an order requiring EPA to comply with Rules 33 and 34 of the Federal Rules of Civil Procedure. Such an order is necessary because EPA has—among other things—engaged in document dumps totaling more than 4.6 million pages of unorganized documents, which amounts to roughly *1,800* banker's boxes of documents. EPA claims these documents are responsive to Detroit Edison's First Set of Requests for Production. But it has not organized and labeled them to correspond to the categories in Detroit Edison's requests as required under Federal Rule 34(b). Based on EPA's representations, it appears that over 95% of the documents constitute a prepackaged mixture of documents EPA has produced in other New Source Review ("NSR") cases from 2000 to 2004, despite the fact that Detroit Edison requested documents covering 2005 to the present as well.

EPA's productions lack any meaningful organization. They contain no index, key, or table of contents. Detroit Edison cannot determine which documents are responsive to which of Detroit Edison's requests. It cannot determine whether EPA has documents that are responsive to a particular request. It cannot determine who possessed the documents. It cannot determine whether certain documents have been produced. It cannot determine whether EPA's responses are complete. Likewise, in response to several interrogatories, EPA has not provided details that allow Detroit Edison to locate information sought as required by Federal Rule 33(d). Instead, EPA makes vague references to the documents it has produced or will produce at some unspecified time. Finally, EPA has refused to search for the same types of documents it has been ordered to produce in other NSR cases. This includes documents from nine of the ten EPA

regional offices charged with enforcement of the very NSR regulations at issue in this case. Detroit Edison's motion to compel should be granted.[1]

BACKGROUND

Like Detroit Edison's pending Motion for Protective Order, Doc. No. 81, this Motion is necessitated by EPA's non-compliance with the Federal Rules and its efforts to litigate a case that is different from the one EPA described to the Court on January 19, 2011. EPA told the Court at that time this case could be ready for trial in less than two weeks from now, and that any discovery by EPA would be limited to "maybe" filing supplemental expert reports. Tr. of Hr'g on Pl.'s Mot. for Prelim. Inj. at 142, 144 (excerpts attached as Ex. B). EPA specifically told the Court:

> I think for the expedited trial we're talking about here, it would make sense to focus on Monroe 2 because as the Court knows we've got all the information for the most part together and I think if [Detroit Edison] . . . think[s] there might be some additional discovery, if they want to supplement expert reports in a reasonable time maybe we'll do the same if they do. ... I think this [case] is something we can [try] in another 90 days as the Court has suggested.

Id. The Court presumably relied on these representations—in addition to the extensive filings already before it—in setting the expedited case schedule. Detroit Edison—and likely the Court—did not anticipate EPA would then serve extensive written discovery, identify three new

[1] The prejudice to Detroit Edison caused by EPA's failure to comply with its discovery obligations is exacerbated by the headstart EPA had in preparing its case and the expedited trial schedule EPA obtained. Months before bringing this action, EPA used its investigative authority to prepare its case under Section 114 of the Clean Air Act, 42 U.S.C. § 7411(a), which permits EPA to demand certain records from owners or operators of facilities subject to regulation under the Clean Air Act. As a result, Detroit Edison was required to search for and produce to EPA tens of thousands of pages of documents before this litigation commenced. Nevertheless, many of EPA's requests in its First Set of Requests for Production mirror EPA's Section 114 requests to Detroit Edison, thereby expanding this litigation and increasing the burden on the company. Moreover, in contrast to EPA's strategy in dumping documents on Detroit Edison, EPA demanded that Detroit Edison reproduce any documents already produced to EPA under Section 114 unless the company "specifically identifies those previously produced Documents responsive to a particular Request, *e.g.*, identify the Bates number and Document title in Defendants' written responses to a specific Request." Pl.'s First Set of Doc. Req. to Defs. DTE Energy and Detroit Edison at 2 (Ex. A).

experts, conduct third-party discovery, demand 20 fact depositions, attempt to expand the case beyond the tube projects specifically identified in its Notice of Violation (*see* Doc. No. 81), and produce 4.6 million pages of unorganized documents on Detroit Edison. Indeed, in response to just *one* of EPA's requests for production, Detroit Edison recently collected and produced to EPA approximately 30 gigabytes of data. This equates to approximately *5 million* pages of Microsoft Excel files. This is not the simple case EPA described to the Court in January.

A. Detroit Edison's Discovery Requests.

Detroit Edison served its First Set of Interrogatories and First Set of Requests for Production of Documents on EPA on February 1. Exs. C and D. On February 10, EPA raised concerns regarding the scope of several of the document requests. Letter from Kristin Furrie (U.S. Department of Justice ("DOJ")) to Mark Bierbower (Hunton & Williams LLP ("H&W")) (Feb. 10, 2011) (Ex. E). Detroit Edison agreed to narrow several of them. Letter from Jennifer Smith (H&W) to Kristin Furrie (DOJ) (Feb. 23, 2011) (Ex. F). EPA also indicated it would be producing a hard drive containing 4.5 million pages of documents produced in other NSR cases through 2004. *See, e.g.*, Ex. E at 2. EPA did not describe the manner or form in which these documents would be produced. Nor did it state that Detroit Edison—rather than EPA—would be responsible for reviewing them to determine which documents might be responsive to which of Detroit Edison's requests. With respect to documents from 2005 to the present, EPA stated that it would not be searching for documents from nine of EPA's ten regional offices. *Id.* Rather, EPA said it would limit its search to EPA headquarters and the Region 5 office in Chicago. *Id.* Detroit Edison did not agree to the form of EPA's production. Nor did it agree to EPA's decision to limit the scope of its search. Nevertheless, EPA elected to proceed in that manner.

B. EPA's Responses to Detroit Edison's Discovery Requests.

EPA served its responses to Detroit Edison's request for production and interrogatories on March 7. *See* Exs. G and H. EPA objected to many of Detroit Edison's requests as overbroad, unduly burdensome and irrelevant but did not move for a protective order. EPA produced 4.5 million pages of documents on a hard drive, cited eleven EPA websites, and referred Detroit Edison to EPA databases that "may contain documents responsive to Detroit Edison requests." Ex. G at 2-3, 6. Detroit Edison reviewed the hard drive to determine whether the documents were organized to correspond to Detroit Edison's requests. They were not. Rather, EPA's production is disorganized and confusing. The following is a screen shot of a small portion of the 83-page hard drive inventory from EPA's initial production.

Microsoft Excel - 55788 000042_DOJ Production hard drive ...

File Edit View Insert Format Tools Data Window WorkSite Help Adobe PDF

Arial 10

A437 E:\FRC\FRC0098\F-412-00-0160-03\

	A	B	C	D	E	F	G
429	E:\FRC\FRC0079\A-412-96-0125-01\	0.0 GB	0.0 GB	11	1	0.1%	9/24/2009
430	E:\FRC\FRC0098\	0.6 GB	0.6 GB	13941	70	0.9%	9/25/2009
431	E:\FRC\FRC0098\F-412-99-0065-03\	0.1 GB	0.1 GB	3335	1	25.2%	9/25/2009
432	E:\FRC\FRC0098\F-412-97-0125-01\	0.0 GB	0.1 GB	1406	1	8.8%	9/25/2009
433	E:\FRC\FRC0098\F-412-00-0096-06\	0.0 GB	0.0 GB	1402	1	8.3%	9/25/2009
434	E:\FRC\FRC0098\F-412-00-0096-01\	0.0 GB	0.0 GB	1002	1	7.5%	9/25/2009
435	E:\FRC\FRC0098\F-412-95-0078-12\	0.0 GB	0.0 GB	811	1	7.0%	9/25/2009
436	E:\FRC\FRC0098\F-412-99-0058-01\	0.0 GB	0.0 GB	872	1	6.2%	9/25/2009
437	E:\FRC\FRC0098\F-412-00-0160-03\	0.0 GB	0.0 GB	653	1	4.9%	9/25/2009
438	E:\FRC\FRC0098\F-412-97-0178-01\	0.0 GB	0.0 GB	654	1	4.2%	9/25/2009
439	E:\FRC\FRC0098\F-412-99-0041-04\	0.0 GB	0.0 GB	539	1	3.6%	9/25/2009
440	E:\FRC\FRC0098\F-412-98-0107-02\	0.0 GB	0.0 GB	457	1	3.1%	9/25/2009
441	E:\FRC\FRC0098\F-412-81-0012-03\	0.0 GB	0.0 GB	385	1	2.7%	9/25/2009
442	E:\FRC\FRC0098\F-412-99-0044-03\	0.0 GB	0.0 GB	318	1	2.4%	9/25/2009
443	E:\FRC\FRC0098\F-412-01-0071-01\	0.0 GB	0.0 GB	265	1	2.1%	9/25/2009
444	E:\FRC\FRC0098\F-412-97-0171-02\	0.0 GB	0.0 GB	264	1	2.0%	9/25/2009
445	E:\FRC\FRC0098\F-412-00-0160-02\	0.0 GB	0.0 GB	279	1	2.0%	9/25/2009
446	E:\FRC\FRC0098\F-412-92-0057-01\	0.0 GB	0.0 GB	191	1	1.7%	9/25/2009
447	E:\FRC\FRC0098\F-412-95-0078-13\	0.0 GB	0.0 GB	153	1	1.1%	9/25/2009
448	E:\FRC\FRC0098\F-412-97-0175-03\	0.0 GB	0.0 GB	115	1	1.0%	9/25/2009

3.8.2011 21-33-49

Ready

Start 11:28 AM

See also First Produc. Inventory -- Pl.'s Resps. to Defs.' Reqs. for Produc. of Docs. (Ex. I).

The documents do not appear to be organized by date or subject matter. They appear to reside in nine different "directories." Ex. G at 6. Though EPA described those directories, the descriptions are inadequate and in at least one case inaccurate. EPA states, for example, that "[t]he APC-EPAAPC01-13 directory contains non-confidential business information responsive material collected from prior case productions that are responsive to your requests." *Id.* at 7. EPA does not, however, describe the nature or subject matter of that business information, how and from whom that information was collected, the cases in which the information has been produced, how the information corresponds to Detroit Edison's specific document requests, or even how the documents might be relevant to this case against Detroit Edison.[2] EPA also claims that one of the directories contains documents produced in 2000 by "EPA Regions 2, 3 and 5 (i.e. the Regions where the initial power plant initiative cases were filed)." *Id.* at 6. But EPA initially filed two NSR cases in Region 4 as well.

Moreover, EPA claims that the websites it referenced contain documents that "are responsive to multiple Detroit Edison requests." *Id.* at 3. But some of the websites contain materials that have nothing to do with the Clean Air Act. One website contains materials related

[2] During the meet and confer process, EPA's counsel suggested that Detroit Edison should not be prejudiced by the nature of EPA's production because Detroit Edison's counsel, Hunton & Williams, was involved in at least some of the cases in which those documents were produced. Thus, it was asserted, Hunton & Williams should be "familiar with" those documents. That is not a valid excuse for EPA's failure to comply the Federal Rules for numerous reasons, not the least of which is the lack of any organization for such a voluminous production of documents. *See In re Mentor Corp.*, No. 4:08-MD-2004, 2009 U.S. Dist. LEXIS 5791, *6 (M.D. Ga. Jan. 22, 2009). Moreover, Detroit Edison requests many documents that are specific to this case and likely have not been requested in other NSR cases. *See, e.g.*, Ex. D at 11-30 (requesting documents supporting allegations in Complaint; documents describing each project at Monroe 2 which EPA contends to be a "modification"; documents relating to EPA's June 4, 2010 Notice of Violation; documents relating to emissions calculations performed in this case; documents relating to EPA's determination that the work performed at Monroe Unit 2 was not routine maintenance, repair or replacement; documents relating to inspections of any Detroit Edison plant since 1970; documents relating to EPA's oversight of Michigan's implementation of the PSD and NSR program; communications between EPA and Michigan relating to enforcement of NSR; communications between EPA and Michigan relating to facts underlying the Complaint; documents relating to EPA's review of state actions regarding implementation of NSR provisions of Michigan's SIP; documents relating to EPA's experts in this case).

to unrelated statutes such as the Endangered Species Act, the Federal Insecticide, Fungicide and Rodenticide Act and California's Oil Spill Prevention and Response Act. EPA indicates that some of the documents on the websites "may have been subsequently superseded" but does not identify which documents it believes fit that category. *Id.* at 3 n.1. In response to Detroit Edison's interrogatories, EPA also made vague references to documents that "have been or will be produced" without providing any additional details. *See, e.g.*, Ex. H at 34, 36, 37, 39, 40, 41, 42, 43, and 46. To the extent it claims that documents containing responsive information "have been ... produced," EPA does not indicate when those documents were produced or how it proposes that Detroit Edison find them. To the extent it claims that documents containing responsive information "will be produced," EPA does not indicate when it will produce them.

C. EPA's Supplemental Production.

On March 14, EPA served an additional 140,000 pages of documents. Like EPA's first production, EPA did not organize the documents to correspond to Detroit Edison's requests. In addition, EPA did not provide an index, key, or table of contents. The folders on the discs are labeled in a manner that makes it impossible to determine their subject matter. The following is a screen shot of the inventory from EPA's second production.

Microsoft Excel - Spreadsheet of DOJ Productions_(3497056...

	Date	Disc	Folders	Subfolders	Bates Prefix	# Documents	# Images / Pages	Notes
2	3/7/2011	DTE-EPA01	001		EPAHQ_DTERFP	391	4,334	
3	3/7/2011	DTE-EPA02	Images	0 through 41	USEXP_DTERFP	831	43,460	
4			Native		EPA5_DTE1ROG			Not true natives; all
5	3/7/2011	DTE-EPA03	Images	0 through 28	EPA5_DTE1RFP	4,062	37,621	
6			Native		EPA5_DTE1RFP			
7	3/14/2011	DTE-EPA04	Images	R5	EPA5_DTE1RFP	3,470	46,703	
8				Rog	EPA5_DTE1ROG			
9			Native		EPA5_DTE1RFP			
10	3/14/2011	DTE-EPA05	Images	HQ	EPAHQ_DTE1RFP	704	8,457	
11			Native		EPAHQ_DTE1RFP			

Second Produc. Inventory -- Pl.'s Resps. to Defs.' Reqs. for Produc. of Docs. (Ex. J). EPA stated that this production—which equates to approximately 54 banker's boxes of documents—contained "additional documents responsive to Defendants' First Request for Production of Documents to Plaintiff United States" but failed to provide any additional information. Letter from Beth Walinskas (DOJ) to Jennifer Smith (H&W) (Mar. 14, 2011) (Ex. K).

D. The Parties' Meet and Confer Efforts.

On March 18, Detroit Edison expressed concerns related to EPA's responses to Detroit Edison's discovery. Letter from Brent Rosser (H&W) to Thomas Benson (DOJ) (Mar. 18, 2011) (Ex. L). Detroit Edison requested that EPA organize and label its documents to correspond to its requests. *Id.* at 1-2. EPA refused. It claimed that its review for responsive documents was "wind[ing] down," and that EPA's production complied with the Federal Rules. Letter from

Thomas Benson (DOJ) to Brent Rosser (H&W) (Mar. 24, 2011) at 2-3 (Ex. M). EPA stated *for the first time* that "the documents have been produced as they were kept in the normal course of business, which is sufficient under Rule 34(b)(2)(E)(i)." *Id.* at 3 n.2. EPA did not, however, provide any information in support of this new claim. The new claim appeared inconsistent with EPA's prior statement that the documents were "collected and produced in prior litigation," including documents "produced in response to specific document requests in the *United States v. Illinois Power* case ...." Letter from Kristin Furrie (DOJ) to Jennifer Smith (H&W) (Feb. 28, 2011) at 3 (Ex. N); Ex. G at 7. Detroit Edison also requested that EPA comply with Rule 33(d), and that EPA search all EPA regional offices for responsive documents from 2005 to the present. Ex. L at 4.[3]

Detroit Edison sent a letter to EPA on March 31 reiterating many of the points raised in its March 18 letter. Letter from Brent Rosser (H&W) to Thomas Benson (DOJ) (Mar. 31, 2011) (Ex. O). Detroit Edison stated that EPA's compliance was necessary because the expedited case schedule was "becoming more and more unworkable as EPA's non-compliance continues." *Id.* at 3. In response, EPA asserted that its productions were proper and accused Detroit Edison of doing "nothing more than seek[ing] delay for delay's sake." Letter from Kristin Furrie (DOJ) to Brent Rosser (H&W) (Apr. 4, 2011) at 1 (Ex. P). Detroit Edison does not seek delay. It seeks EPA's compliance with the Federal Rules.

EPA also purported to identify a "contradiction" in Detroit Edison's analysis that EPA "has produced too many documents and yet not produced enough." *Id.* No such contradiction exists. Given the complexity of the case and the experience of other NSR cases, Detroit Edison is not surprised by the volume of documents EPA has produced. *See, e.g.*, *United States v. Duke*

[3] Detroit Edison's March 18 letter addressed several other issues with EPA's responses to its discovery requests, but it appears the parties have resolved many of those issues.

Energy Corp., 278 F. Supp. 2d 619, 622 (M.D.N.C. 2003) ("After a lengthy discovery period, which produced 4.6 million pages of documents, extensive discovery disputes, and numerous pretrial motions, the parties now move for summary judgment."). Rather, it is surprised by the manner and form in which EPA has produced them. In a final effort to resolve the parties' dispute, the parties held additional meet and confers on April 4 and April 8. The parties were unable to resolve these matters, requiring the filing of this Motion.

ARGUMENT

I. EPA HAS FAILED TO COMPLY WITH FEDERAL RULE 34(b).

A party has two options under Rule 34(b) for the production of documents in response to discovery requests. A party must either produce documents as they are kept in the usual course of business or label them to correspond to the categories in the requests. FED. R. CIV. P. 34(b). This rule prohibits parties from "simply dumping large quantities of unrequested materials onto the discovering party along with the items actually sought." 8A CHARLES ALAN WRIGHT, ARTHUR R. MILLER, and RICHARD L. MARCUS, FEDERAL PRACTICE AND PROCEDURE, § 2213 (2008). It also prohibits parties from "dump[ing] massive amounts of documents, which ... have no logical order to them, on their adversaries and demand that they try to find what they are looking for." *In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 351, 363 (N.D. Ill. 2005) (internal citations omitted). As one court stated:

> [I]t would not be good faith for the producing party to simply produce all of the documents in its possession and respond, "this is how the documents are kept in the ordinary course of business; here's an index; good luck figuring it out; the rules require you to comb through the proverbial haystack and find the needle you are looking for."

In re Mentor Corp., 2009 U.S. Dist. LEXIS 5791, at *6. This is EPA's position in this case, except that EPA has failed to provide *even an index*.

A. EPA Document Dumps Have Been Rejected in Other NSR Cases.

EPA's argument that its productions comply with Rule 34(b) cannot be squared with the decisions rejecting similar EPA document dumps in other NSR cases. In *United States v. Duke Energy Corp.*, No. 1:00 CV 1262 (M.D.N.C.), EPA moved for a five-month extension of the case schedule so that it could organize and label over 300,000 pages of documents. *Id.*, Order at 1 (Dec. 13, 2001) ("[T]he United States has been ordered to segregate relevant documents itself, as opposed to merely doing a document dump wherein other parties have to go through the documents.") (Ex. Q). Like EPA's productions here, EPA's production was "not indexed, organized, or labeled to correspond to defendant's discovery requests." Order at 6, *United States v. Duke Energy Corp.*, No. 1:00 CV 1262 (M.D.N.C. Feb. 5, 2002) (Ex. R). The court found that "the documents are of no practical use to defendant," and granted EPA's motion for an extension to allow EPA "to produce documents in an ordered manner without engaging in a 'document dump.'" *Id.* at n.1. The court hoped that such an order would "cure any problems with prior production ... and avoid them in any future productions." *Id.* Likewise, in *United States v. Illinois Power Co.*, No. 99-833-MJR (S.D. Ill.), the court rejected EPA's argument that the defendant should be required to sort through documents. The court observed that EPA "is certainly more familiar with its documents than [the defendant is], and can more readily locate responsive documents stored it its archives." *Id.*, Order at 3 (Oct. 23, 2001) (Ex. S). In response to EPA's concern regarding the burdens that a review would impose, the court stated that the "large number of documents" was an "inescapable characteristic of [NSR litigation], which fact was surely known to the United States before suit was filed." *Id.*

EPA's refusal to organize its documents is contrary to the demands it placed on Detroit Edison in responding to EPA's discovery requests. EPA demanded that Detroit Edison *reproduce* documents it provided to EPA under Section 114 unless the company "specifically

identifies those previously produced Documents responsive to a particular Request, *e.g.*, *identify the Bates number and Document title* in Defendants' written responses to a specific Request." Ex. H at 2 (emphasis added). EPA also stated that Detroit Edison may only identify documents "in place of a written answer ... [if] the *specific sections or pages* from the document that are responsive to the Interrogatory are identified." Pl. United States' First Set of Interrogs. to Defs. at 3 (Ex. T) (emphasis added). EPA provides no reason for its refusal to adhere to similar requirements when responding to Detroit Edison's discovery requests. *See, e.g., Nat'l Day Laborer Org. Network v. U. S. Immigration & Customs Enforcement Agency*, No. 10 Civ. 3488 (SAS), 2011 U.S. Dist. LEXIS 11655, at *30 (S.D.N.Y. Feb. 7, 2011) ("The Government would not tolerate such a production when it is a receiving party, and it should not be permitted to make such a production when it is a producing party.").

The government's practice of dumping documents has been harshly criticized. In a recent case presenting "important questions concerning the Government's discovery obligations in civil litigation," Judge Scheindlin issued a clear signal to government agencies that document dumps in civil litigation were not acceptable. *SEC v. Collins & Aikman Corp.*, 256 F.R.D. 403, 405 (S.D.N.Y. 2009). A defendant challenged the SEC's production of 10.6 million pages of documents maintained on databases. Like EPA's production here, the SEC's production was not organized and labeled to correspond to the categories in the defendant's requests. Rather, it was a collection of documents the agency had assembled in prior SEC investigations. *Id.* at 413. In rejecting this document dump, the court stated that "[l]ike any ordinary litigant, the Government must abide by the Federal Rules of Civil Procedure." *Id.* at 414. The Government, the court observed, is "not entitled to special consideration concerning ... discovery, *especially when it voluntarily initiates an action.*" *Id.* (emphasis added). The court found that the documents

collected during the SEC's investigations "can only be provided in a useful manner if the agency organizes or labels them to correspond to each demand." *Id.* at 413. The court granted the defendant's motion to compel, and ordered the SEC to comply with Rule 34(b). *Id.* at 418. The Court should order EPA to do the same here.

B. The Documents Were Not Produced as They Are Kept in the Usual Course of EPA's Business.

EPA seeks to avoid the obligation to organize its documents by arguing that the 4.6 million pages of documents were produced as they are kept in the usual course of business. "A party choosing to produce documents as maintained in the ordinary course of business 'bears the burden of demonstrating that the documents made available were in fact produced consistent with that mandate.'" *Collins & Aikman Corp.*, 256 F.R.D. at 409 (quoting *Pass & Seymour, Inc. v. Hubbell Inc.*, 255 F.R.D. 331, 334 (N.D.N.Y. 2008)). To carry this burden, a party must do more than represent that the documents have been produced as they are maintained. *Pass & Seymour*, 255 F.R.D. at 334 (finding attorney's statement that documents produced had been assembled as maintained did not satisfy burden). Rather, the disclosing party must provide information regarding how the documents are organized in the party's ordinary course of business. *Id.* at 335. In addition, the disclosing party must provide information "regarding its search for the documents, including where the documents produced were maintained, whether they came from a single source or file or from multiple points of origin, the identity of the record custodians, and the manner in which they were organized." *Id.* at 334.

EPA has not shown that its production satisfies the business records option under Rule 34(b)(2)(E)(i). Nor could it. The 4.5 million pages of documents produced to Detroit Edison were collected and assembled from various sources and locations during the course of prior NSR cases over the past decade. *See, e.g.*, Ex. E at 2 ("[T]he United States will provide documents

from all ten EPA regions to the extent that such documents have been previously produced in other New Source Review cases against coal-fired utilities."). Likewise, at least some of the 140,000 additional pages of documents were collected and assembled from the offices of Region 5 and EPA headquarters "in response to DTE's specific requests." Ex. P at 3. These documents were thus not produced as they are kept be in the usual course of EPA's business. They were "accumulated during a specific, non-routine occurrence, and by their very nature are not business records under Rule 34(b)(2)(E)(i)." *Mizner Grand Condo. Ass'n, Inc. v. Travelers Prop. Cas. Co. of Am.*, 270 F.R.D. 698 (S.D. Fla. 2010) (documents collected in prior litigations were not produced as they were kept in the normal course of business); *see also Collins & Aikman Corp.*, 256 F.R.D. at 412-13 (production of records obtained during prior SEC investigations did not satisfy the business records option because they were collected during the course of investigations).[4] To the extent EPA's lawyers at DOJ may have *stored* documents they have collected over the past decade in other NSR cases, such documents "are no longer kept in the 'usual course of business,' they are kept in the usual course of '*storage*,' and the option granted by the first clause of Rule 34(b) no longer exists." *In re Sulfuric Acid*, 231 F.R.D. at 363

[4] Following the parties' unsuccessful April 4 meet and confer, counsel for EPA sent an email to counsel for Detroit Edison stating that they would "provide further information that demonstrates that we are producing documents in the normal course of business as required by Rule 34(b)(2)(e)(i). Accordingly, as soon as we can, we will provide custodian information for the documents that we have produced to you other than the documents produced to you on the hard drive. For the documents on the hard drive, we will produce a description of the location of document according the bates number of the documents. The location will be the office or region where the documents originated." Email from Kristin Furrie (DOJ) to Brent Rosser, et al. (H&W) (Apr. 6, 2011) (Ex. U). As shown, however, explaining where documents may have originated before being culled out and selected for production in this and *other* litigation does not constitute producing documents "as they kept are in the usual course of business." While Detroit Edison appreciates the offer for additional information at some unspecified future time, the information will not cure the underlying failure to comply with the Federal Rules and will unduly delay a resolution of the issue. Because of the time sensitivities in this case, Detroit Edison is filing this motion promptly and seeking expedited treatment to avoid further delay.

(internal citations omitted). That leaves EPA "with the obligation to 'organize and label' the documents to correspond to the document requests." *Id.*[5]

Even if the documents could be construed as being produced as they are "kept in the usual course of business," EPA's production fails to comply with Rule 34(b)(2)(E)(i). A party "may not excuse itself from compliance with Rule 34 ... by utilizing a system of record-keeping which conceals rather than discloses relevant records, or makes it unduly difficult to identify or locate them, thus rendering the production of the documents an excessively burdensome and costly expedition." *Kozlowski v. Sears, Roebuck & Co.*, 73 F.R.D. 73, 76 (D. Mass. 1976). As noted, there is no way for Detroit Edison to know—among other things—where the documents originated, who possessed them, or whether EPA's production is even complete. To find the documents and information responsive to its requests, Detroit Edison would thus have to examine and sort through each folder.[6] This is a task that Federal Rule 34(b) assigns to EPA, not Detroit Edison.

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[5] Unlike the documents lawyers for DOJ have collected and assembled during previous NSR cases, government records like those "reflecting purchases and sales, employee performance and salaries" are presumably "created and maintained in an efficient manner such that production as they are kept in the ordinary course of business would allow for easy analysis of—for example—a contract, False Claims Act, or a Title VII claim." *Collins & Aikman Corp.*, 256 F.R.D. at 413 (rejecting SEC's argument that documents collected during prior SEC investigations were produced as they were kept in the normal course of business).

[6] EPA suggests that its failure to organize and label the documents should be excused because of the text searchable feature of its production. Not so. EPA's argument, if accepted, would obviate the requirements regarding the form and manner of production under Rule 34(b). Moreover, similar arguments have been rejected by several courts. *See, e.g.*, *Collins & Aikman Corp.*, 256 F.R.D. at 411 ("[The defendant] could search the document databases using appropriate search terms, but the inaccuracy of such searches is by now relatively well known."); *Graske v. Auto-Owners Ins. Co.*, 647 F. Supp. 2d 1105, 1109 (D. Neb. 2009) ("[T]he fact that the documents can be electronically searched by key term is not sufficient to discharge defendant's duty to sufficiently identify the location of the relevant documents."); *Pass & Seymour*, 255 F.R.D. at 337 (granting motion to compel in part where "[p]laintiff's initial production, while capable of being converted into text searchable format, contained no organizational information regarding the documents produced"); *Residential Constructors, LLC v. ACE Prop. & Cas. Ins. Co.*, No. 2:05-CV-01318-BES-GWF, 2006 WL 1582122, at *1-2 (D. Nev. June 5, 2006) (finding

II. EPA HAS FAILED TO COMPLY WITH FEDERAL RULE 33(d).

In addition to the problems with EPA's productions, several of its responses to Detroit Edison's interrogatories cite Rule 33(d) but fail to specify the records in sufficient detail for Detroit Edison to locate and identify the information sought, as required by the rule. *See, e.g.*, Ex. H at 34, 36, 37, 39, 40, 41, 42, 43, and 46. For example, in response to Detroit Edison's request that EPA identify "inspection reports and records of inspections for any Detroit Edison coal-fired power plant since 1970," EPA responded in part as follows:

> As in prior cases, the United States is producing all inspection reports prepared for Clean Air Act related inspections of coal-fired electric generating units prior to January 1, 1997. Pursuant to Rule 33(d), Plaintiff references that production in response to this Interrogatory.

Id. at 40. EPA does not identify what "that production" means. Nor does it indicate whether those inspection reports have even been produced and, if so, when. Likewise, in response to other interrogatories, EPA states that responsive documents "have been or will be produced to Fed. R. Civ. P. 33(d)" without providing any additional information. *Id.* at 34, 36-37, 39, 41-43, 46. Vague references to a mass of documents do not comply with Federal Rule 33(d). *See, e.g., See Sungjin Fo-Ma, Inc. v. Chainworks, Inc.*, No. 08-CV-12393, 2009 WL 2022308, at * 4 (E.D. Mich. July 8, 2009) ("[D]irecting the opposing party to an undifferentiated mass of records is not a suitable response to a legitimate request for discovery."). Federal Rule 33(d) "requires substantially more than making available a documents repository." *See In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 320, 326 (N.D. Ill. 2005). To the extent EPA has provided or will provide documents to Detroit Edison pursuant to Federal Rule 33(d), the Court should order EPA to identify those documents by Bates number.

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that forty-one boxes of documents with no index or table of contents, although text searchable, did not comply with plaintiff's obligation under Rule 34).

III. EPA'S UNILATERAL REFUSAL TO SEARCH FOR RELEVANT AND RESPONSIVE DOCUMENTS IS WITHOUT MERIT.

Finally, EPA's unilateral decision to search for relevant documents from only one of its ten EPA regional offices is without merit. Indeed, EPA made this unilateral decision despite a holding in another NSR case that a defendant was "entitled to production of responsive documents from all ten Regions of EPA, insofar as these offices are involved in the enforcement of the Clean Air Act." Order at 4, *United States v. Illinois Power Co.*, No. 99-833-MJR (S.D. Ill. Jan. 10, 2001) (Ex. V). Detroit Edison is entitled to that same production here, and EPA has cited no case to the contrary. Moreover, having already produced documents from all EPA regions through 2004, EPA should be required to update that production and produce documents from those same regions from 2005 to the present. This is particularly true when documents from the past six years are just as relevant in this case—if not *more* relevant—than the pre-2005 documents EPA has already produced.

Because the NSR program is a nationwide program, the nine other regions do not have any greater or lesser responsibility over that program than Region 5. EPA has not—because it cannot—offered any basis for suggesting that the regulatory standards differ with geography. In addition, because EPA's enforcement efforts and interpretations have been highly inconsistent, *see, e.g.*, Doc. No. 15 at 8-12, Doc. No. 46 at 10-16, Detroit Edison is entitled to documents from other regions to support its view that EPA's interpretations in this case are nothing more than impermissible litigation positions. The views of EPA personnel in the various regional offices are "highly relevant" to this defense. *Ohio Dep't of Human Servs. v. U. S. Dep't of Health & Human Servs.*, 862 F.2d 1228, 1235 (6th Cir. 1988) (expression of opinion by agency personnel considered "highly relevant and material" to the agency's general understanding of regulatory

provisions). The Court should thus require EPA to update its search and produce documents covering the period from 2005 to the present from all ten regional EPA offices.

CONCLUSION

For these reasons, the Court should grant Detroit Edison's motion to compel and require that EPA: (1) make a good faith effort to organize or label the documents it has produced, and will produce, to correspond to the categories in Detroit Edison's document requests; (2) specify by Bates number the documents containing the information sought to the extent EPA has relied, and will rely, on Federal Rule 33(d); and (3) search for and produce responsive documents covering the period from 2005 to the present from all ten regional EPA offices.

Respectfully submitted, this 8th day of April 2011.

HUNTON & WILLIAMS LLP

/s/ Brent A. Rosser
F. William Brownell
bbrownell@hunton.com
Mark B. Bierbower
mbierbower@hunton.com
Makram B. Jaber
mjaber@hunton.com
Brent A. Rosser
brosser@hunton.com
Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
(202) 955-1500

Counsel for Defendants

Matthew J. Lund (P48632)
Pepper Hamilton LLP
100 Renaissance Center, 36th Floor
Detroit, Michigan 48243
lundm@pepperlaw.com
(313) 393-7370

Michael J. Solo (P57092)
Office of the General Counsel
DTE Energy
One Energy Plaza
Detroit, Michigan
solom@dteenergy.com
(313) 235-9512

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2011, the foregoing **BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE** was served electronically only on the following attorneys of record in accordance with an agreement reached among the parties:

Ellen E. Christensen
U.S. Attorney's Office
211 W. Fort Street
Suite 2001
Detroit, MI 48226
313-226-9100
Email: ellen.christensen@usdoj.gov

James A. Lofton
Thomas Benson
Justin A. Savage
Kristin M. Furrie
U.S. Department of Justice
Environmental and Natural Resource Div.
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044
202-514-5261
Email: thomas.benson@usdoj.gov
justin.savage@usdoj.gov
kristin.furrie@usdoj.gov
jim.lofton@usdoj.gov

Holly Bressett
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Phone: (415) 977-5646
Email: Holly.Bressett@sierraclub.org

Andrea S. Issod
Sierra Club
85 2nd Street, 2nd Floor
San Francisco, CA 94105
415-977-5544
Email: andrea.issod@sierraclub.org

/s/ Brent A. Rosser

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA, Plaintiff, and NATURAL RESOURCES DEFENSE COUNCIL, INC. AND SIERRA CLUB, Intervenor-Plaintiffs, v. DTE ENERGY COMPANY AND DETROIT EDISON COMPANY, Defendants.	Civil Action No. 2:10-cv-13101-BAF-RSW Judge Bernard A. Friedman Magistrate Judge R. Steven Whalen

BRIEF IN SUPPORT OF DEFENDANTS'
MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH
RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

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EXHIBIT A
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA Plaintiff, and NATURAL RESOURCES DEFENSE COUNCIL, and SIERRA CLUB Plaintiff-Intervenors v. DTE ENERGY COMPANY, and DETROIT EDISON COMPANY Defendants.	)	Civil Action No. 2:10-cv-13101-BAF-RSW Judge Bernard A. Friedman Magistrate Judge R. Steven Whalen

PLAINTIFF UNITED STATES' FIRST SET OF DOCUMENT REQUESTS TO DEFENDANTS DTE ENERGY AND DETROIT EDISON

Plaintiff United States, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, requests that Defendants DTE Energy Co. and Detroit Edison Co. produce any written responses and the documents responsive to the requests described below within 30 days after receipt at the United States Department of Justice, Environment and Natural Resources Division, Environmental Enforcement Section, 601 D St. NW, Washington, DC 20004, or at some other location agreed upon by counsel.

GENERAL INSTRUCTIONS

1. Scope of Discovery (Location and Custody of Documents and Information). This First Set of Requests for Production ("Requests") is directed to the above-named Defendants and covers all information in Defendants' possession, custody, and control, including information in the possession of Defendants' officers, employees, agents, servants, representatives, attorneys, or other Persons directly or indirectly employed or retained by it, or anyone else acting on Defendants' behalf or otherwise subject to its control, and any successor, parent, subsidiary, division, or affiliate.

2. Time Period. Unless otherwise indicated, these Requests apply to the time period from January 1, 2005 through the date upon which production occurs (including any supplementation as required below).

3. Supplemental Responses. These Requests impose a continuing obligation; Defendants' responses must therefore be supplemented in accordance with Fed. R. Civ. P. 26(e) if Defendants obtain additional Documents between the date of production and the termination of any trial on the matters alleged in the Complaint.

4. Documents Previously Provided. Defendants need not reproduce any Document that they previously produced pursuant to an EPA request for information under Section 114 of the Clean Air Act, 42 U.S.C. § 7414, provided that Defendant specifically identifies those previously produced Documents responsive to a particular Request, *e.g.*, identify the Bates number and Document title in Defendants' written responses to a specific Request.

5. Privilege as Applied to Document Production. If, on the basis of any claim of privilege, Defendants object to producing any Document or any portion thereof, or to disclosing any information contained therein, in response to any Request, then Defendants are requested to

specify in writing the nature of such information and Documents and the nature of the privilege claimed, so that the Court may rule on the propriety of the objection. Specifically, Defendants should identify:

a. the title of the Document;

b. the nature of the Document (*e.g.*, inter-office memorandum, correspondence, report);

c. the author or sender;

d. the addressee(s);

e. the date of the Document;

f. the name of each Person to whom the original or a copy was shown or circulated;

g. the names appearing on any circulation list relating to the Document;

h. the basis on which privilege is claimed; and

i. a summary of the Document's subject matter which provides sufficient detail to permit the Court to rule on the propriety of the objection.

6. Singular/Plural. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

7. "And" and "Or". The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

8. Document No Longer in Possession. If any Document requested is no longer in the possession, custody, or control of Defendants, state:

a. what was done with the Document;

b. when such Document was made;

c. when the Document left Defendants' possession, custody, or control;

d. the identity and address of the current custodian of the Document;

e. the Person who made the decision to transfer or dispose of the Document; and

f. the reasons for the transfer or disposition.

9. Deletions from Documents. Where anything has been deleted from a Document produced in response to a production request:

a. specify the nature of the material deleted;

b. specify the reason for the deletion;

c. when the deletion was made; and

d. identify the Person responsible for the deletion.

10. Sources of Documents. In responding to each Request, every source of Documents to which Defendants have access should be consulted, regardless of whether the source is within Defendant's immediate possession or control. All Documents in the possession of experts or Consultants must be consulted.

11. Electronic Documents. Each Request below applies to all electronic Documents. For any Documents kept electronically by Defendants, produce the Documents in their native electronic format (*i.e.*, as a Microsoft Excel file rather than a printed Document or .pdf file).

12. Inability to Respond. Whenever Defendants are unable to produce Documents in response to a Request, state the steps taken to locate responsive Documents.

13. Retention of Documents. Defendants are to retain in their possession, custody, or control, and to refrain from destroying, any Document requested herein that is in Defendants' possession, custody, or control as of the date of service of these Requests.

DEFINITIONS

1. "All" or "any" means "any and all" and shall be all inclusive.

2. "Boiler" or "Boiler Unit" means a boiler system utilized to generate steam that is provided to a turbine-generator for the production of electricity and any component of such system such as the pulverizers, burners, fans, air heaters, boiler feed pumps, economizer, feedwater heaters, reheaters, superheaters, condensers, and waterwalls.

3. "Capacity Factor" means the ratio of unit generation (in megawatt hours, Mwh) to the unit's maximum generating capability (in Mwh) during the period of time which Capacity Factor is evaluated.

4. "Capital Expenditures" means expenditures by Defendants for construction projects from its capital budget.

5. "Coal Data" means all contemporaneously developed documentation, data compilation, and reports to regulatory authorities that contain or reflect coal usage and purchase information, including all reports indicating monthly, daily, and hourly coal usage/consumption and coal analysis data (including heat content and sulfur, ash, and moisture content (percent by weight). This Request includes, but is not limited to, any monthly operating reports or similar reports that would contain such data.

6. "Communication" means any oral, written, mechanical, electronic, or other transmission of words, symbols, numbers, or depictions to a person, entity, file, or repository as data or information, including (but not limited to) correspondence, memoranda, or telephone conversations, or notes, recordings, transcriptions of meetings, or of telephone conversations, or any other document that recorded or reflected any such communication.

7. "Component" means a defined portion of the Boiler, turbine, generator, or EGU. For instance, "Boiler Components" would include the following, waterwalls, first or second reheater, first or second superheater, economizer, or steam drum.

8. "Computer Model" means any program or other automated method of analysis used to project or estimate the anticipated future generation and loading of, or demand on, Defendants' generating system, including but not limited to AWARE, ENPRO, PROMOD, PROSCREEN, PMOS, NUPLEX, FOPLEX, PROVIEW, PROSYM, IEES, POWERPRO, WASP, EGEAS, HYDRO LIFE CYCLE, PREPS, PEEM, CESMS, FUELWORKS, or OVER/UNDER.

9. "Consultant" means any person who has advised Defendants, or who acts or has acted as an agent on behalf of Defendants, whether or not for consideration.

10. "Contractor" or "Subcontractor" means any person who has advised Defendant, or who acts or has acted as an agent for or on behalf of Defendant, whether or not for consideration.

11. "Defendants" means either Defendant DTE Energy Co. or Defendant Detroit Edison Co., or both, and includes, without limitation, each successor, parent, subsidiary, division, and affiliate, past and present officers, employees, agents, servants, representatives, counsel, Consultants, Contractors, Subcontractors, or other Persons directly or indirectly employed by Defendants or anyone else, past or present, acting on behalf of or otherwise subject to Defendants' control.

12. "Depiction" means all pictures, blueprints, as-built drawings, photographs, diagrams, and Boiler cross-sectional diagrams.

13. "Document" means any and all documents as defined in Rule 34(a) of the Federal Rules of Civil Procedure, including, but not limited to, all tangible things including, without limitation, tape or other forms of audio, visual, or audio/visual recordings, written material, drawings, films, graphs, charts, photographs, phone records, and any retrievable data, whether in computer storage, carded, punched, taped, or coded form, or stored electrostatically, electromagnetically, digitally, or otherwise. Without limiting the generality of the foregoing, "document" specifically includes all contracts, agreements, forms, correspondence, letters, telegrams, telephone messages (written or audio recordings), checks, canceled checks, notices, notes, memoranda, records, reports, diaries, minutes, purchase orders, statements, worksheets, summaries, books, papers, manuals, journals, ledgers, audits, maps, diagrams, drafts, newspapers, appointment books, desk calendars, notes or summaries of personal interviews or conversations, messages (including, but not limited to reports of telephone conversations and conferences), acknowledgments, telexes, facsimiles, all other written or printed matter or communications of any kind, and all other data compilation from which information can be obtained and translated, if necessary. "Document" or "documentation" also refers to texts or treatises referred to or relied upon by Defendants' expert consultants or witnesses. Every draft or non-identical copy of a document is a separate "document" as that word is used herein.

14. "Electricity Generating Unit, " "EGU," or "Unit," means any electricity generating unit that relies, in whole or in part, on coal combustion to generate electricity, including the unit's Boiler and its components, fans, turbines, turbine blades, generators, emission control equipment, and other equipment related to the generation of electricity at the plant.

15. "Elements of the Project" mean individual replacements or other work performed during the Project, *i.e.*, the replacement of the pendant reheater and the generator rotor rewind are each Elements of the Project. Elements of the Project include, but are not limited to, work on each of the following components:

a. Economizer

b. Pendant reheater

c. Static exciter

d. Waterwalls

e. Generator lead box

f. Generator rotor

g. Expansion joints

h. Cables

i. 210 Valve

16. "EPA" means the United States Environmental Protection Agency.

17. "FERC" means the Federal Energy Regulatory Commission.

18. "Forecasts" means Defendants' system forecasts, including unit-specific information if available , regarding load predictions, system demand, megawatt production, Capacity Factor, availability, forced outage rates, coal characteristics, coal use, emissions, and/or heat input. Forecasts include Documents relating to assumptions underlying each forecast (*e.g.*, unit emissions factors, unit heat rates, unit generating capacity, production cost, emissions allowance cost, unit availability factors such as EAF, coal sulfur content, and system-wide demand growth).

19. "Generator" means the device that converts the mechanical energy from the turbine into electrical energy.

20. "Life Extension Project" or "Life Optimization" means all activities undertaken to optimize and extend the life of, or increase the availability of, a boiler, boiler component, plant, or Electricity Generating Unit, or any combination of units or portion of a unit. This definition includes, but is not limited to: overhauls of boilers; replacements or upgrades of major boiler components; plant availability programs or projects; plant reliability programs or projects; life optimization programs or projects; life assessment evaluations; plant restoration programs or projects; and plant refurbishment programs or projects.

21. "Life Extension Studies" means all plans, evaluations, reports, and memoranda analyzing, discussing or reflecting construction activities that could be, or have been, undertaken to optimize and extend the life of, or increase the availability of, a plant, boiler, boiler component, or Electricity Generating Unit. This definition includes studies or determinations pertaining to overhauls of boiler units and replacement or upgrades of major boiler components. This definition also includes: "alternative studies;" plant availability studies, determinations, or evaluations; plant reliability studies, determinations, or evaluations; life optimization studies, determinations, or evaluations; plant life cycle analysis studies, determinations, or evaluations; plant restoration studies, determinations, or evaluations; plant modernization studies, determinations, or evaluations; life assessment studies, determinations, or evaluations; plant refurbishment studies, determinations, or evaluations; generating facility evaluations; fossil heat

unit evaluation measures; and studies analyzing the need for capital expenditures to extend the useful economic life of a coal-fired boiler, unit, or plant.

22. "New Source Review" or "NSR" means Parts C and D of Title I of the Clean Air Act, 42 U.S.C. §§ 7470-7515, and the implementing federal and state regulations.

23. "Nonattainment NSR" means Part D of Title I of the Clean Air Act, 42 U.S.C. §§ 7501-7515, and its implementing federal and state regulations.

24. "Nonattainment NSR Permit" means any permit or authorization that is required by Part D of Title I of the Clean Air Act, 42 U.S.C. §§ 7501-7515, and/or the implementing federal and state regulations when a major stationary source under the applicable regulations is constructed or at which major modifications (as defined by the regulations) are to be commenced.

25. "Person" means the plural as well as the singular, and shall include without limitation, individuals, associations, partnerships, and corporations, or other form of legal entity.

26. "Pertain to," "pertaining to," "relate to," or "relating to" mean discuss, describe, refer to, reflect, contain, analyze, study, report on, comment on, evidence, comprise, constitute, set forth, consider, recommend, concern, depict, describe, or allude to.

27. "Project" means the work performed during the March to June 2010 outage at Monroe Unit 2. This definition includes, but is not limited to, activities conducted in preparation for the work during the outage, such as activities to gain access to the equipment, to alter the facilities, or prepare other components for the projects. This definition also includes, but is not limited to, follow-up activities, such as site cleanup.

28. "Project Documents" means all project justifications, contracts, cost-benefit analyses, Life Extension Studies, alternative options analyses, solicitations for bids, correspondence, internal memoranda or email, newsletters, proposals, notes from any source, estimates, equipment specifications, invoices, payments, purchase orders, labor costs, funding requests, work orders, approval documents, briefings, submissions to the Michigan Public Service Commission or FERC, project completion reports, proposed and executed contracts, progress reports, morning reports, outage reports, operator logs, performance tests, construction schedules, project completion reports, and minutes from corporate meetings, that relate to the Project. This includes Documents that describe or relate to differences in the operational characteristics, material, design configuration, type of components, or other type of differences in the design or performance capability between any original and replacement components.

29. "PSD" means Subchapter I, Part C, Prevention of Significant Deterioration of Air Quality of the Clean Air Act, 42 U.S.C. §§ 7470 - 7479, and the implementing federal and state regulations.

30. "PSD Permit" shall refer to any permit or authorization that is required pursuant to Part C, Prevention of Significant Deterioration of Air Quality of the Clean Air Act, 42 U.S.C. §§ 7470 - 7479, and/or the implementing federal and state regulations when a major stationary source under the applicable regulations is constructed or at which major modifications (as defined by the regulations) are to be commenced.

31. "State" means the State of Michigan.

32. "Utilization Factor" means the ratio of the capacity factor to the equivalent availability factor.

33. "You" (and any form thereof, including "Your") means Defendants and any agent or employee of Defendants, including: (i) experts whom Defendants may call as witnesses at trial; (ii) attorneys retained by Defendants; and (iii) persons who have access to the requested information and from whom Defendants can obtain such information.

34. "Your Witnesses" means: (i) employee witnesses; (ii) Your other fact witnesses that may testify at the liability trial, including, but not limited to, such witnesses that You disclose in Defendant's Initial Disclosure of Fact Witnesses and Final Witness List; (iii) Your expert witnesses; and/or (iv) any other witness whatsoever that may testify on Your behalf or at Your request at the liability trial, including third-party witnesses.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all Depictions sufficient to accurately depict or illustrate the physical layout of the Boiler Unit and EGU, including the associated turbine and generator, for Monroe Unit 2 before and after the Project, including one or more current Depictions that depict, or are sufficient to establish, the physical dimensions of the real property owned by Defendants and the coal pile and coal transportation methods.

2. Produce all Forecasts, whether prepared by Defendants or a third party, covering periods including January 1, 2005 through December 31, 2015 for the Unit.

3. Produce all Project Documents.

4. Produce all Documents reflecting any internal or external Communications regarding the potential or expected effect on emissions or Unit operation attributable to the Project.

5. Produce all Coal Data for Monroe Unit 2, or, if the data is maintained for the Monroe Power Plant as a whole, the entire Monroe Power Plant.

6. For the period from January 1, 2000 to the present, produce all Documents related to or discussing the meaning, interpretation, or application of the New Source Review provisions of state or federal law and how Defendants planned to comply with those provisions, including , but not limited to, the routine maintenance, repair, or replacement provisions, the method by which emissions calculations must be performed for determining whether there has been a "net emission increase" associated with a construction project, the interpretation of *Wisconsin Electric Power Company v. Reilly,* 893 F.2d 901 (7th Cir. 1990), the administrative determinations that were the subject of that case, and the Applicability Determination issued to Detroit Edison on May 23, 2000, and the application of NSR to Defendants' generating units. This specifically includes Documents authored by third parties and all Communications related to the subject.

7. Produce all Documents relating to forced and/or scheduled outages at Monroe Unit 2 for the period January 1, 2000 to the present, including the causes of these outages, activities conducted during these outages, and the duration of these outages. This Request includes, but is not limited to, event, performance, and design reports from the Generating Availability Data System (GADS), or any other reports of forced or scheduled outages at each

EGU, for purposes of determining the availability and reliability of each EGU or for documenting activities conducted during these outages, including any analysis of North American Electric Reliability Council (NERC) reports on plant availability/reliability. All GADS event and performance reports are requested in Excel format, as provided by NERC. All GADS design reports are requested in Acrobat or PDF format.

8. Produce all Documents relating to whether any projects similar to the Project have been performed at any electric generating unit or coal-fired boiler anywhere in the electric utility industry and how often complete Boiler Component replacements have been performed in the electric utility industry.

9. Produce all Documents, for the period from January 1, 1980 to the present, related to any efforts or practices by Defendants to avoid triggering NSR for any coal-fired generating unit. Potential examples of such efforts include, internal administrative emissions limits, synthetic minor permits, netting out of emissions increases, etc. *See also* Doc. # 46-3 (Declaration of Colin Campbell). This Interrogatory specifically includes, but is not limited to, Defendants' response to and practices for complying with EPA's May 23, 2000 Applicability Determination issued to Detroit Edison.

10. Produce all Documents related to the three PROMOD runs cited by Mr. Michael King in his November 2010 declaration in this action, including the 2009 PSCR run as originally performed and as modified by Mr. King's request, and any other PROMOD runs performed after January 1, 2008. The information to be produced includes, but is not limited to, (i) input and output data specifically identified as such, (ii) settings information; (iii) all information necessary to run the PROMOD simulations, (iv) information describing current conditions, and (v) any explanatory materials related to the operation of the model (including instructions and user guides), (vi) documents relating to the development or discussion of input values related to availability or outage rates used in the model runs, (vii) communications between Mr. King and DTE employees related to PROMOD or the runs he reviewed, and (viii) related further analyses and interpretations of the results of each of the runs. This Request includes, but is not limited to all associated files, notes, memoranda, and reports. All data inputs necessary to replicate the PROMOD runs should be produced in an electronic format suitable for loading into the PROMOD program. All data files associated with these runs, regardless of whether the use is

directly related to the version of the model run or output provided to the Michigan Public Service Commission must be provided.

11. Produce all Documents related to the amount of generation from Monroe Unit 2, including Documents related to generation from coal-fired units in general, Documents related to the factors that affect generation at Monroe Unit 2, Documents related to the relationship between generation and availability, and projections of generation from Monroe Unit 2. Documents specific to generation from Monroe Unit 2 need only be produced if they are created after January 1, 2007.

12. Produce all Documents that describe or specify the expected useful economic life, depreciation period, and the planned or projected retirement date for the Boiler, turbine, and Generator of any unit at Monroe Power Plant. Included in this Request are all financial and engineering analyses pertaining to the anticipated retirement of any Boiler or EGU at Monroe Power Plant, and all Documents discussing accounting practices related to the expected lifetime of each of Defendants' coal-fired power plants for depreciation purposes.

13. Produce all Documents that indicate or describe when a given activity is to be expensed or capitalized in Defendants' accounting records. This Request includes, but is not limited to, Defendants' internal capitalization and expense policies, including all changes and modifications thereto, as well as all internal company Documents, manuals, policies, and procedures describing the capital budget and maintenance expense budget processes that pertain to, or have been in use at, each of Defendants' Plants. This Request also includes a copy of the procedures for the approval of projects involving Capital Expenditures at Monroe Unit 2.

14. Produce all Documents summarizing or analyzing the annual maintenance budgets, annual maintenance expenditures, annual capital expenditure budget, and annual Capital Expenditures for each of the Plants.

15. Produce all Documents, including all internal company Documents, manuals, policies, and procedures, relating to the work order process for Capital Expenditures, including the techniques, methodologies, assumptions, and values used in estimating the benefits of, present values of, present worth of, or returns on, a capital expenditure.

16. Produce organizational charts illustrating the management and operational structure of DTE Energy, Detroit Edison, and the Monroe Power Plant, as well as job or position descriptions for all management and supervisory positions, as of the time of the Project.

17. Produce all training materials, internal policy memos, manuals and guidance relating to the NSR, PSD, and Nonattainment NSR provisions of the Clean Air Act and related regulations. This Request includes, but is not limited to, all manuals and guidance regarding the evaluation of projects, maintenance, or modifications to determine applicability of, or compliance with, such provisions.

18. Produce the complete property record for each of the Monroe Power Plant (including each of the individual Units), whether in paper form or in an electronic file, from original placement in service to the present, which You are required to maintain pursuant to 7 C.F.R. Pt. 1767, FERC General Instruction 12, and FERC Electric Plant Instruction 11 (Work Order and Property System Required) and FERC Definition 8 (Continuing Plant Inventory Record). This Request includes, but is not limited to, the records that Defendants are required to maintain in accordance with 7 C.F.R. Pt. 1767 General Instruction (l) (Records for Each Plant); Electric Plant Instruction (k) (Work Order and Property Record System Required); Electric Plant Instruction (j) (Additions and Retirements of Electric Plant); and the definition of "Continuing Property Records" found at 7 C.F.R. § 1767.10. This Request also specifically includes the complete property additions and retirement unit listing pertaining to Monroe Power Plant (as required to be maintained in accordance with Electric Plant Instruction (j)); including all narrative and explanatory Documents explaining terms and entries within the property unit listing, and all changes and modifications thereto, from the year each EGU was originally placed in service to the present. To the extent they are maintained in electronic format, the property records are also requested in electronic format.

19. Produce the complete property additions and retirement unit listing pertaining to the Monroe Power Plant (as required to be maintained in accordance with FERC Electric Plant Instruction No. 10), including all narrative and explanatory Documents explaining terms and entries within the property unit listing, and all changes and modifications thereto, from the year each EGU was originally placed in service to the present.

20. Produce all Documents that were reviewed in preparing, or that contain facts that support, Your responses to Plaintiffs' First Set of Interrogatories served simultaneously with these Requests.

21. Produce all Documents and Communications relating to any expert witness that You retain in connection with this litigation, including, but not limited to, contractual documents, invoices, and expert work products, and items exchanged between You and any expert witness. This Request does not apply to any materials that are not discoverable under the terms of the Expert Agreement between the Parties and filed with the Court on October 27, 2010 (Doc. # 44).

22. Produce all Documents and Communications reviewed by each expert witness that You retain in connection with this litigation.

23. Produce all articles, publications, or presentations ("public statements") that Your Witnesses have authored, co-authored, presented, or co-presented, provided that such public statements concern the subject matter(s) of Your Witnesses' testimony in this matter. For purposes of this Request, "presentations" mean PowerPoint slides, handouts, and other written materials that Your Witness reviewed, provided to, or showed an audience while lecturing or speaking.

Respectfully Submitted,

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

Dated: January 28, 2011

/s/ Thomas A. Benson
JUSTIN A. SAVAGE
Senior Counsel
THOMAS A. BENSON (MA Bar # 660308)
KRISTIN M. FURRIE
Trial Attorneys
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 616-6515
kristin.furrie@usdoj.gov

OF COUNSEL:
SABRINA ARGENTIERI
MARK PALERMO
SUSAN PROUT
Associate Regional Counsel
U.S. EPA Region 5
Chicago, IL
77 W. Jackson Blvd.

APPLE CHAPMAN
Attorney Advisor
U.S. EPA
1200 Pennsylvania Ave. NW
Washington D.C. 20460

BARBARA McQUADE
United States Attorney
Eastern District of Michigan

ELLEN CHRISTENSEN
Assistant United States Attorney
211 W. Fort St., Suite 2001
Detroit, MI 48226

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2011, the foregoing discovery requests were served via email on counsel of record.

/s/ Thomas A. Benson
Counsel for the United States

EXHIBIT B
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

And **Civil Action No. 10-13101**

NATURAL RESOURCES DEFENSE COUNCIL, INC., AND SIERRA CLUB,

Proposed Intervener-Plaintiffs,

-v-

DTE ENERGY COMPANY AND DETROIT EDISON COMPANY,

Defendants.
_____/

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
BEFORE THE HONORABLE BERNARD A. FRIEDMAN
UNITED STATES DISTRICT JUDGE
100 U. S. Courthouse & Federal Building
231 West Lafayette Boulevard West
Detroit, Michigan 48226
WEDNESDAY, JANUARY 19TH, 2011

APPEARANCES:

For the Plaintiff: **Thomas A. Benson, Esq.**
Justin A. Savage, Esq.
Ellen Christensen, Assistant United States Attorney

1 this other outstanding motion of violations in July of
2 2009, August, 35 additional projects. If this - the
3 Complaint would be amended to pick up additional projects
4 as the Government suggested that it might be to get a
5 preliminary injunction filed then it's a much different
6 case.
7 THE COURT: Well, two things: Number one, for the
8 Government, the only thing that is before me of what I've
9 read and what I'm concerned with today is the original
10 Complaint which is Monroe 2. Government, are we talking
11 about Monroe 2 or are we talking about something else?
12 MR. BENSON: Your Honor, I think for the expedited
13 trial we're talking about here, it would make sense to
14 focus on Monroe 2 because as the Court knows we've got all
15 the information for the most part together and I think if
16 Mr. Brownwell -- if you guys think there might be some
17 additional discovery, if they want to supplement expert
18 reports in a reasonable time maybe we'll do the same if
19 they do. We can figure out a way to work all that out I
20 think. We probably like to come back before the Court in
21 short order to hammer all that out. But if we want to go
22 ahead on that and then the Government is still considering
23 whether or not to bring additional claims I think those
24 would go forward on a separate track.
25 THE COURT: Those I don't know anything about.

1 THE COURT: You won't hurt my feelings.
2 MR. BROWNWELL: Your Honor, we would like time to
3 consult with our clients.
4 THE COURT: Absolutely. Okay. It's not going to
5 change the dates. It doesn't make any difference to me.
6 In a way, I'll be very honest with you I find
7 this case interesting and probably -- I think if we had a
8 jury trial, you would probably have more community finality
9 either way and it may make some sense just from -- you
10 know, this is a major health issue. But just because it's
11 a major health issue doesn't mean, you know -- it's up to
12 you. Let's do it in a reasonable period of time because it
13 won't change it.
14 You know, I think 90 days is not unreasonable,
15 but certainly I need to check my schedule. I want to make
16 sure if we set a date it's a good date.
17 MR. BROWNWELL: Your Honor, we would request more
18 like a 120 days.
19 MR. BENSON: Your Honor, if I could respond to
20 that, this case was filed in August. It's been pending for
21 six months. I think this is something we can do in another
22 90 days as the Court has suggested.
23 THE COURT: I'll compromise. I'll split the
24 difference. I want to see my schedule.
25 I'm looking at May 3rd, May 2nd. Does anybody

EXHIBIT C
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA, Plaintiff, And NATURAL RESOURCES DEFENSE COUNCIL, INC. AND SIERRA CLUB, Intervenor-Plaintiffs, v. DTE ENERGY COMPANY AND DETROIT EDISON COMPANY, Defendants.	Civil Action No. 2:10-cv-13101-BAF-RSW Judge Bernard A. Friedman Magistrate Judge R. Steven Whalen

DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants DTE Energy Company and Detroit Edison Company (collectively, "Detroit Edison"), submit their First Set of Interrogatories to Plaintiff United States of America ("Plaintiff" or "the United States"). Detroit Edison requests that Plaintiff response to these interrogatories under oath within thirty (30) days from the date of service.

INSTRUCTIONS

1. The singular shall be construed to include the plural, and the plural shall be construed to include the singular. The words "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specific request all documents that might otherwise be construed to be outside of its scope. The words "all" and "each" shall be construed as all and each..

2. If you object to any interrogatory or any portion of any interrogatory, describe the basis for asserting the objection, including any claim of privilege, in sufficient detail to permit the court to decide the validity of your objection.

3. These interrogatories are continuing in nature. If additional information becomes known regarding any of the requests, please furnish a supplemental response when such information becomes available.

DEFINITIONS

1. Unless otherwise specified, the terms "allegation" and "allegations" mean the allegations contained in the Complaint.

2. "CAA" or the "Act" means the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and all rules and regulations promulgated thereunder.

3. "CAA Modification Rules" means all NSPS, PSD, NSR, and SIP program rules, including all proposed versions of those rules from 1970 to the present, including, but not limited to, rules and regulations set forth in Title 40 of the Federal Code of Regulations, that define the term "modification" and/or "major modification" and detail the applicability of and substantive requirements for new and/or modified sources of air emissions for purposes of the PSD, NSR, and/or SIP preconstruction permitting programs and/or the NSPS program rules, like those found in, *e.g.*, 40 CFR §§ 51.165, 51.166, 52.21, 52.24, 60.2, and 60.14, and all previous versions of those rules, and any submitted and/or approved SIP program rules containing major new source review and/or general or minor new source review provisions.

4. "Communication" or "communications" refers to any and all of the following: any documents, writings, notes, oral conversations, conversations or discussions by telephone or

other exchange of information in any form (and any notes or recordations of them), including electronic mail.

5. "Complaint" means the Complaint filed in the above-captioned case.

6. "Concern" or "concerning," "relate to" or "relating to," or "refer to" or "referring to" means any document which mentions, reflects, directs attention to the matter or is in any way connected with the matter.

7. "Data and means of analysis" means, without limitation, databases (whether owned by the Plaintiff or not), computer modeling programs and all other hardware or software considered or relied upon by the Plaintiff in relation to the allegations made and relief sought in the Complaint.

8. The term "Witness" means any person that (1) may testify on Plaintiff's behalf at trial in this matter; or (2) submitted a declaration in support of Plaintiff's Motion for Preliminary Injunction, filed on August 6, 2010, on the issue of liability.

9. "Describe in full and complete detail" means to state each and every fact and opinion known to you concerning the information requested by the Interrogatory, including, but not limited to:

a. The identity of each person having knowledge of each fact or opinion relating to the information requested;

b. The identity of each document showing or relating to the answer given or any part of the answer given;

c. All relevant dates and time periods; and

d. All data and means of analysis, studies, modeling results, or other quantitative and qualitative information considered or relied upon and all calculations relating to any conclusions drawn.

10. "Detroit Edison" means the Defendants named in the Complaint in the above-captioned case.

11. The term "documents" includes originals, non-identical copies and drafts, whether electronically stored (subject to the agreements of counsel), printed, reproduced by hand or otherwise, and includes, but is not limited to, correspondence, letters, memoranda, notes, e-mails, inter- or intra-office, agency, or departmental communications, records, permits, summaries of personal or telephone conversations or interviews, minutes or records of meetings or conferences (including meetings of boards, committees, sub-committees, or any individual member thereof), press releases, contracts, agreements, purchase orders, invoices, confirmations, telegrams, telexes, books, preliminary and final reports, logs, diaries, audio recordings, video recordings, computer files, charts, photographs, notebooks, calendars, statistical statements, tables, tabulations, calculations, data, diagrams, plans, drawings, blueprints, orders, work orders, and opinions or reports of consultants, experts, attorneys, engineers, accountants, or analysts.

12. "Identify" or "Identification" means:

a. when used with respect to an individual, to state such individual's name, address, telephone number, occupation or profession, job title, and the name, address and telephone number of such individual's employer.

b. when used with respect to an organization (*e.g.*, a corporation, partnership, or association), to state the name of such organization, type of such organization, and the address and telephone number of its principal place of business.

c. when used with respect to a document, to state the nature of the document (*e.g.*, letter, memorandum, telegram, etc.), the date such document was signed, prepared, sent and/or received, the identities of the sender and recipient(s) or addressee(s), and the present location and custodian of such document. In lieu of such document identification, you may produce a legible copy of the document you are asked to identify, indicating the Interrogatory to which the document is responsive, or referring to the bates number or other identifying information in your answer to the Interrogatory.

d. when used with respect to a fact or facts, includes in addition to the recitation of all specific fact or facts, (1) the identification of all documents that substantiate the fact or from which the fact is drawn; and (2) the identification of any oral communications upon which your knowledge of the fact is founded, or which supports the fact, including the identity of the oral communicants, and the time and substance of the communication.

e. when used with respect to the allegations in the Complaint, such as the alleged effects of emissions from the Plant or the impact of the relief requested in the Complaint, includes the identification of each and every assumption considered or relied upon, all data and means of analysis, studies, modeling results or quantitative or qualitative information considered or relied upon and all calculations considered or relied upon in making such allegations.

f. when used with respect to an applicability determination under the PSD or NSR program (and their state equivalents), includes the name of the person making the request, the agency (by region, if applicable) to which each request for an applicability

determination was submitted, the agency file, case or other identification number, and the date of each determination.

g. when used with respect to a PSD or NSR permit application (and their state equivalents), includes the name of the person submitting the application, the agency (by region, if applicable) to which the application was submitted, the agency file, case or other identification number, the number of days necessary to complete the data collection and analysis required by Section 165(e) of the CAA, whether the permit was issued, the number of days between the date the permit application was submitted to the agency, and the date the agency issued or declined to issue the permit.

13. "NSR" means the non-attainment new source review regulatory programs authorized under Part D of Title I of the CAA for new and modified stationary sources located in areas that are designated as not having attained the National Ambient Air Quality Standards ("NAAQS"), 42 U.S.C. §§ 7501-7515, and the regulations promulgated there under.

14. "Nonattainment NSR" or "NNSR" shall refer to Part D of Title I of the Clean Air Act, 42 U.S.C. §§ 7501-7515, and its implementing federal and state regulations.

15. "Person" means the plural as well as the singular, and shall include, without limitation, individuals, associations, partnerships and corporations, or any other form of legal entity.

16. "Plaintiff" means Plaintiff United States of America, acting by authority of the Attorney General of the United States and includes the Administrator and the United States Environmental Protection Agency, including its present and former officers, administrators, managers, directors, employees, agents, attorneys (including, but not limited to, the Attorney General of the United States and the U.S. Department of Justice), and affiliates, and all other

persons acting or purporting to act on its behalf, as well as all other federal agencies or instrumentalities that own, operate, or are responsible for the installation, operation, or regulation of fossil fuel-fired boilers, including, but not limited to, the Department of Defense, the Federal Bureau of Prisons, the Department of Energy, the Federal Energy Regulatory Commission, and any other federal agency with the exception of the Tennessee Valley Authority.

17. "Plant" means the Monroe Power Plant located in Monroe, Michigan.

18. "PSD" means the requirements set forth in Part C of Title I of the CAA, 42 U.S.C. §§ 7470-7492, for the prevention of significant deterioration of air quality in those areas designated as attaining NAAQS, and all rules and regulations related to PSD.

19. The terms "reflecting," "referring," "referencing," "pertaining to," or "relating to" mean constituting, defining, containing, embodying, stating, dealing with, mentioning, explaining, providing any information on, detailing, discussing or in any way dealing with.

20. "SIP" means the state implementation plan adopted by Michigan pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, and which has been submitted to and/or approved by USEPA as set forth in 40 C.F.R. § 52.

21. "EPA" means the United States Environmental Protection Agency (including the Administrator of the United States Environmental Protection Agency), its headquarters, offices, regions, departments, agencies, and its present and former officers, administrators, managers, directors, employees, agents, attorneys and affiliates, and all other persons acting or purporting to act on its behalf.

22. "NSR Enforcement Actions" means all civil and administrative actions brought by EPA against utilities, including their parent corporations and subsidiaries, alleging violations

of the NSR or NSPS provisions of the Clean Air Act or the implementing provisions of any applicable SIP, since 1998.

23. Any references to "you" or "your" means the Plaintiff as defined in these discovery requests.

INTERROGATORIES

1. Describe in full and complete detail all facts that concern, relate to, refer to, or upon which you base any allegation in the Complaint that Detroit Edison modified Monroe Unit 2 in violation of the PSD or NSR provisions of the CAA.

RESPONSE:

2. Describe in full and complete detail the methodology and results of the emissions calculations upon which Plaintiff based each alleged violation in the Notice of Violation served on Detroit Edison on June 4, 2010, as well as the Complaint.

RESPONSE:

3. Identify each physical or operational change at Monroe Unit 2 that you allege in this action constitutes a "modification" under the Clean Air Act.

RESPONSE:

4. For each and every alleged change identified in response to Interrogatory No. 3, state whether, how and to what extent that change (a) affected the use of raw materials; (b) affected the hours of operation; (c) affected the rate of production; (d) affected Monroe Unit 2's capacity; (e) extended the life of Monroe Unit 2; and (f) affected Monroe Unit 2's design.

RESPONSE:

5. For each and every physical or operational change you identified in response to Interrogatory No. 3:

a. Describe in full and complete detail the reasons supporting your allegation that the activity or change constituted a "major modification;"

b. Identify the date when you first became aware of each such activity or physical or operational change, and describe the manner in which you first learned of each activity or physical change;

c. Identify all facts upon which you relied and factors you considered in determining that each such activity or physical or operational change is a "major modification" and is not excluded from the definition of "major modification" because the activity or changes do not constitute "routine maintenance, repair, and replacement" pursuant to 40 C.F.R. § 52.21(b)(2)(iii), as well as: (i) all documents your prepared, reviewed, and/or relied upon in reaching your determination referenced in this Subparagraph; and (ii) the person or persons who made the determination(s) referenced in this Subparagraph;

d. Identify all facts upon which you relied and factors you considered in determining that each activity or physical or operational change caused the alleged emissions increase and that any such increase was not due to factors independent of each activity or physical or operational change, as well as (i) all documents you prepared, reviewed, and/or relied upon in reaching your determination referenced in this Subparagraph, and (ii) the person or persons who made the determination(s) referenced

in this Subparagraph;

RESPONSE:

6. With respect to each and every physical or operational change identified in Response to Interrogatory No. 3 above:

a. Identify the "significant net emissions increase" that resulted from the each physical or operational change, and the person or persons who performed, reviewed or evaluated the calculation of the "significant emissions increase" for each physical or operational change;

b. Identify the way in which each alleged "modification" increased net emissions, the extent of the increases, and the specific air contaminant(s) of which emissions increased;

c. Identify the manner, method, methodology, or test by which such emissions or emissions rate were calculated or measured, including the data and source of data relied upon for such calculations or measurements, and the date on which the emissions or emissions rates were calculated for each physical or operational change;

d. Identify any other emissions calculations you have performed for Monroe Unit 2, including the date on which such calculations were made, and the person or persons who made the determinations or calculations;

e. Identify the maximum emission rate and the kilogram per hour of NO_x and SO_2 for Monroe Unit 2, including in your answer the rate both before and after each physical or operational change identified in Interrogatory No. 3;

f. Identify the "actual emissions" for Monroe Unit 2, as defined under C.F.R.

§ 52.21(b)(4), before and after each physical or operational change identified in Interrogatory No. 3;

g. Identify the "potential to emit" for Monroe Unit 2, as defined under 40 C.F.R. § 52.21(b)(4), before and after each physical or operational change identified in Interrogatory No. 3;

h. Identify the "source-specific allowable emissions" for Monroe Unit 2, before and after each physical or operational change identified in Interrogatory No. 3;

i. Identify the maximum achievable hourly rate before and after each physical or operational change identified in Interrogatory No. 3;

j. Identify the maximum hourly and annual emissions and the emissions limit that Monroe Unit 2 was legally and physically capable of achieving before and after each physical or operational change identified in Interrogatory No. 3;

k. Identify the person or persons who performed, reviewed, or evaluated any emissions calculation identified in response to this interrogatory;

l. Identify all documents evidencing the conduct of and/or the results obtained from any such emissions calculations.

RESPONSE:

7. Identify and describe in full and complete detail all guidance used or applied by you since 1970 in differentiating maintenance, repair or replacement that is "routine" from that which is "non-routine" for purposes of the CAA Modification Rules, as well as the dates when such guidance was first, and then subsequently so used.

RESPONSE:

8. Identify all facts, factors, criteria, or sources (including laws, rules, regulations, guidance, memoranda, books, pamphlets or any other documents) upon which Plaintiff relies either in whole or in part as guidance on the following terms as they are used in the PSD or NSR Programs:

a. "construction";

b. "modification";

c. "physical change";

d. "routine";

e. "maintenance";

f. "repair";

g. "replacement";

h. "actual emissions"

i. "representative actual emissions"

j. "baseline emissions"

k. "net emissions increase"

l. "baseload unit"

m. "baseload operation"

n. any phrase containing one or more of these terms as they relate to the PSD or NSR Programs.

RESPONSE:

9. Describe in full and complete detail all instances in which you have determined that projects at existing stationary sources located within Michigan did or did not require a preconstruction permit of any kind (including but not limited to PSD and NSR permits), and identify all documents describing, referring or relating these instances.

RESPONSE:

10. Identify all projects that have occurred since 1977 at electric utility companies which involved the replacement of tube components on boilers, including the replacement of economizers, reheaters, and waterwall tubes, and identify all documents describing, referring or relating thereto.

RESPONSE:

11. Identify all inspections reports and records of inspections for any Detroit Edison coal-fired power plant since 1970.

RESPONSE:

12. Identify any inspectors, employees or agents of Plaintiff, from 1970 to the present, who have conducted inspections or investigations of any Detroit Edison coal-fired power plant for compliance with any provision of the CAA, and identify all documents concerning such inspections.

RESPONSE:

13. Identify all persons who have or may have knowledge of the violations alleged in the Complaint, and all persons who have or may have knowledge of facts that support your allegations that each physical or operational change identified in response to Interrogatory No. 3 was "modification," or "major modification."

RESPONSE:

14. Identify all persons (including, but not limited to, current or former employees of Plaintiff) who possess knowledge of discoverable information with respect to any assertions or facts set forth in the Complaint, and for each person so identified state the paragraph or paragraphs of the Complaint with respect to which the person possesses such knowledge.

RESPONSE:

15. Identify the name, address and telephone number of each individual who in any way participated in the investigation or decision-making that led to the issuance of the Notice of Violation to Detroit Edison and/or the allegations contained in the Complaint.

RESPONSE:

16. Identify (a) each and every employee, agent or representative of Plaintiff who has visited or inspected the Plant; (b) the date or dates the person was present at the Plant; (c) all documents generated as a result of or that relate or refer to such visits or inspections; (d) the purpose of the visit or inspection and what was obtained therefrom; and (e) all communications between you and any other person or entity relating to all such visits or inspections.

RESPONSE:

17. For each Witness, state with specificity: the Witness's qualifications, including a list of all articles, publications, or presentations authored, co-authored, presented, co-presented or edited, and provide a list of all other proceedings in which the Witness has testified as an expert or fact witness, including at a trial, at a hearing of any kind, by deposition, by affidavit, or by declaration; the subject matter(s) of the Witness's anticipated testimony at any preliminary injunction hearing in this matter; the facts, documents, and communications that support or relate to the Witness's anticipated preliminary injunction testimony; and any opinions the Witness may express, the bases and reasons for those opinions, and the data or other information considered by the Witness in forming the opinions.

RESPONSE:

18. Identify all persons who provided any Witness with facts, data, opinions or other information which the Witness considered or will consider in arriving at his or her opinion. For each person identified in response to this interrogatory, provide: the person's name, occupation or profession, job title, home address and telephone number, and work address and telephone number; the name of the Witness to whom the person provided such facts, data, opinions or other information and a detailed description of the facts, data, opinions or other information provided; a description of all relevant training and experience the person has completed and the date completed.

RESPONSE:

19. Identify and describe in full and complete detail all electronic databases or other electronic document collections or compilations which Plaintiff has used since 1977 for, or containing information relating to, any of the following:

a. emissions from coal-fired electric utilities;

b. inspections of coal-fired electric utilities;

c. compliance of coal-fired electric utilities with the CAA;

d. past, present or future operation of coal-fired electric utilities;

e. communications with coal-fired electric utilities;

f. permitting of coal-fired electric utilities;

g. applicability determinations under PSD or NSR;

h. guidance on application of PSD or NSR;

i. maintenance of coal-fired electric utilities;

j. regulation of coal-fired electric utilities;

k. projections of demand for electricity or generation from coal-fired electric utilities; or;

l. projections of fuel consumption by coal-fired electric utilities.

RESPONSE:

This 1st day of February, 2011.

Matthew J. Lund (P48632)
PEPPER HAMILTON LLP
100 Renaissance Center, 36th Floor
Detroit, Michigan 48243
lundm@pepperlaw.com
(313) 393-7370

Michael J. Solo (P57092)
DTE ENERGY
One Energy Plaza
Detroit, Michigan 48226
solom@dteenergy.com
(313) 235-9512

/s/ Brent A. Rosser
F. William Brownell
Mark B. Bierbower
Makram B. Jaber
James W. Rubin
HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
bbrownell@hunton.com
mbierbower@hunton.com
mjaber@hunton.com
jrubin@hunton.com
(202) 955-1500

Brent A. Rosser
HUNTON & WILLIAMS LLP
101 South Tryon Street, Suite 3500
Charlotte, North Carolina 28211
brosser@hunton.com
(704) 378-4700
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF** was served by electronic and regular mail on this day to the following attorneys of record as follows:

Ellen E. Christensen
U.S. Attorney's Office
211 W. Fort Street
Suite 2001
Detroit, MI 48226
313-226-9100
Email: ellen.christensen@usdoj.gov

James A. Lofton
Thomas Benson
Justin A. Savage
Kristin M. Furrie
U.S. Department of Justice
Environmental and Natural Resource Div.
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044
202-514-5261
Email: thomas.benson@usdoj.gov
justin.savage@usdoj.gov
kristin.furrie@usdoj.gov

Holly Bressett
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Phone: (415) 977-5646
Email: Holly.Bressett@sierraclub.org

Andrea S. Issod
Sierra Club
85 2nd Street
2nd Floor
San Francisco, CA 94105
415-977-5544
Email: andrea.issod@sierraclub.org

This 1st day of February, 2011.

/s/Brent A. Rosser

EXHIBIT D
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA, Plaintiff, And NATURAL RESOURCES DEFENSE COUNCIL, INC. AND SIERRA CLUB, Intervenor-Plaintiffs, v. DTE ENERGY COMPANY AND DETROIT EDISON COMPANY, Defendants.	Civil Action No. 2:10-cv-13101-BAF-RSW Judge Bernard A. Friedman Magistrate Judge R. Steven Whalen

DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants DTE Energy Company and Detroit Edison Company (collectively, "Detroit Edison") submit their First Set of Requests for Production to Plaintiff United States of America ("Plaintiff" or "the United States"). Detroit Edison requests that Plaintiff respond to these discovery requests within thirty (30) days from the date of service.

INSTRUCTIONS

1. Plaintiff is required to produce all documents responsive to the requests set forth below that are in its possession, custody or control, including documents in the possession, custody or control of Plaintiff's departments, agencies, offices, officers, employees or agents (including attorneys, engineers, accountants, consultants or experts).

2. In the event any copy of any document, the production of which is requested, is not identical to any copy thereof by reason of any alterations, marginal notes, comments or other materials contained therein or attached thereto, or otherwise, all such non-identical copies shall be produced separately.

3. The singular shall be construed to include the plural, and the plural shall be construed to include the singular. The words "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specific request all documents that might otherwise be construed to be outside of its scope. The words "all" and "each" shall be construed as all and each.

4. In producing documents, all documents that are physically attached to each other when located or segregated or separated from other documents, whether by inclusion in binders, files, subfiles, or by use of dividers, tabs, or any other method, shall be left so attached, segregated, or separated. Documents shall be retained in the order in which they are maintained, in the file where found.

5. If any document or any portion of any document requested herein is not produced, describe the basis for withholding the document or portion thereof, including any claim of privilege, in sufficient detail to permit the court to decide the validity of your withholding of the document. As required under Rule 26(b)(5) of the Federal Rules of Civil Procedure, please produce a log that identifies each document withheld and, in addition, provides at a minimum the following information:

a. the place, date, and manner of preparation or other recording of the document;

b. the title and subject matter of the document;

c. the identity and position of the author, the addressee, and all recipients of the document; and

d. a statement of (i) the nature of the legal privilege claimed or other reason for withholding the document and (ii) the factual basis for that claim of privilege or other reason for withholding, including the facts establishing any claim of privilege, the facts showing that the privilege has not been waived, the status of the person claiming the privilege, and a statement as to whether the contents of the document are limited to legal advice or contain other subject matter.

6. Identify and produce each portion of any document withheld in part pursuant to Instruction 5 as to which the basis for withholding other portions of the document does not apply.

7. These requests are continuing in nature. If additional information or documents become known regarding any of these requests, please furnish a supplemental response when such information or documents become available.

DEFINITIONS

1. Unless otherwise specified, the terms "allegation" and "allegations" mean the allegations contained in the Complaint.

2. "CAA" or the "Act" means the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and all rules and regulations promulgated thereunder.

3. "CAA Modification Rules" means all NSPS, PSD, NSR, and SIP program rules, including all proposed versions of those rules from 1970 to the present, including, but not limited to, rules and regulations set forth in Title 40 of the Federal Code of Regulations, that define the term "modification" and/or "major modification" and detail the applicability of and substantive

requirements for new and/or modified sources of air emissions for purposes of the PSD, NSR, and/or SIP preconstruction permitting programs and/or the NSPS program rules, like those found in, *e.g.*, 40 CFR §§ 51.165, 51.166, 52.21, 52.24, 60.2, and 60.14, and all previous versions of those rules, and any submitted and/or approved SIP program rules containing major new source review and/or general or minor new source review provisions.

4. "Communication" or "communications" refers to any and all of the following: any documents, writings, notes, oral conversations, conversations or discussions by telephone or other exchange of information in any form (and any notes or recordations of them), including electronic mail.

5. "Complaint" means the Complaint filed in the above-captioned case.

6. "Concern" or "concerning," "relate to" or "relating to," or "refer to" or "referring to" means any document which mentions, reflects, directs attention to the matter or is in any way connected with the matter.

7. "Data and means of analysis" means, without limitation, databases (whether owned by the Plaintiff or not), computer modeling programs and all other hardware or software considered or relied upon by the Plaintiff in relation to the allegations made and relief sought in the Complaint.

8. "Detroit Edison" means the Defendants named in the Complaint in the above-captioned case.

9. The term "documents" includes originals, non-identical copies and drafts, whether electronically stored (subject to the agreements of counsel), printed, reproduced by hand or otherwise, and includes, but is not limited to, correspondence, letters, memoranda, notes, e-mails, inter- or intra-office, agency, or departmental communications, records, permits, summaries of

personal or telephone conversations or interviews, minutes or records of meetings or conferences (including meetings of boards, committees, sub-committees, or any individual member thereof), press releases, contracts, agreements, purchase orders, invoices, confirmations, telegrams, telexes, books, preliminary and final reports, logs, diaries, audio recordings, video recordings, computer files, charts, photographs, notebooks, calendars, statistical statements, tables, tabulations, calculations, data, diagrams, plans, drawings, blueprints, orders, work orders, and opinions or reports of consultants, experts, attorneys, engineers, accountants, or analysts.

10. "NSR" means the non-attainment new source review regulatory programs authorized under Part D of Title I of the CAA for new and modified stationary sources located in areas that are designated as not having attained the National Ambient Air Quality Statndards ("NAAQS"), 42 U.S.C. §§ 7501-7515, and the regulations promulgated there under.

11. "Nonattainment NSR" or "NNSR" shall refer to Part D of Title I of the Clean Air Act, 42 U.S.C. §§ 7501-7515, and its implementing federal and state regulations.

12. "Person" means the plural as well as the singular, and shall include, without limitation, individuals, associations, partnerships and corporations, or any other form of legal entity.

13. "Plaintiff" means Plaintiff United States of America, acting by authority of the Attorney General of the United States, and includes the Administrator and the United States Environmental Protection Agency, including its present and former officers, administrators, managers, directors, employees, agents, attorneys (including, but not limited to, the Attorney General of the United States and the U.S. Department of Justice), and affiliates, and all other persons acting or purporting to act on its behalf, as well as all other federal agencies or instrumentalities that own, operate, or are responsible for the installation, operation, or regulation

of fossil fuel-fired boilers, including, but not limited to, the Department of Defense, the Federal Bureau of Prisons, the Department of Energy, the Federal Energy Regulatory Commission, and any other federal agency with the exception of the Tennessee Valley Authority.

14. "Plant" means the Monroe Power Plant located in Monroe, Michigan.

15. "PSD" means the requirements set forth in Part C of Title 1 of the CAA, 42 U.S.C. §§ 7470-7492, for the prevention of significant deterioration of air quality in those areas designated as attaining NAAQS, and all rules and regulations related to PSD.

16. "SIP" means the state implementation plan adopted by Michigan pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, and which has been submitted to and/or approved by USEPA as set forth in 40 C.F.R. § 52.

17. "EPA" means the United States Environmental Protection Agency (including the Administrator of the United States Environmental Protection Agency), its headquarters, offices, regions, departments, agencies, and its present and former officers, administrators, managers, directors, employees, agents, attorneys and affiliates, and all other persons acting or purporting to act on its behalf.

18. "NSR enforcement actions" means all civil and administrative actions brought by EPA against utilities, including their parent corporations and subsidiaries, alleging violations of the NSR or NSPS provisions of the Clean Air Act or the implementing provisions of any applicable SIP, since 1998.

19. The term "Witness" means any person that (1) may testify on Plaintiff's behalf at trial in this matter; or (2) submitted a declaration in support of Plaintiff's Motion for Preliminary Injunction, filed on August 6, 2010, on the issue of liability.

20. Any references to "you" or "your" means Plaintiff as defined in these discovery requests.

DOCUMENT REQUESTS

1. All documents upon which you relied or referred to, in whole or in part, to answer Detroit Edison's First Set of Interrogatories.

RESPONSE:

2. All surveys, studies, databases or other compilations created, possessed or maintained by EPA that identify or track projects undertaken by electric utilities.

RESPONSE:

3. All documents received by EPA in response to information requests issued as part of EPA's electric utility industry NSR enforcement initiative to electric utility companies, boiler vendors or maintenance contractors (including their parent corporations), whether pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414, by subpoena, administrative request, or by voluntary consent or agreement, from 1997 to the present, excluding any documents or information collected in connection with remedy discovery in any NSR enforcement action.

RESPONSE:

4. All documents that concern, relate to, refer to, or upon which you base any allegation in the Complaint that Detroit Edison constructed or modified Monroe Unit 2 in violation of the CAA.

RESPONSE:

5. For each project at the Plant which you allege to be a "modification," all documents that describe facts, decisional criteria, and analysis conducted by, or on behalf of, EPA with respect to:

a. The determination that the each project was not routine maintenance, repair or replacement for purposes of the CAA Modification Rules;

b. The maximum emission rate and the kilogram per hour of each pollutant, both before and after each project;

c. The "actual emissions," as defined in 40 C.F.R. § 52.21(b) (21), before and after each project;

d. The "potential to emit," as defined in 40 C.F.R. § 52.21(b) (4), before and after each project;

e. The "source-specific allowable emissions" before and after each project;

f. The maximum achievable hourly rate before and after each project;

g. The maximum hourly and annual emissions and the emissions limit legally and physically achievable before and after each project;

h. The difference in "actual emissions" before and after each project;

i. The "net emissions increase" attributed to each project;

j. The causal relationship between each project and any significant net increase in emissions;

k. How each project extended the life of Monroe Unit 2 or affected (a) the use of raw materials; (b) the hours of operation; (c) the rate of production; (d) Monroe Unit 2's capacity; and (e) Monroe Unit 2's design.

RESPONSE:

6. All documents discussing, describing, referring to or relating in any way to your methods of calculating or determining whether a "net emissions increase" has occurred under federal and state regulations.

RESPONSE:

7. All documents discussing, describing, referring to or relating in any way to EPA's Notice of Violation issued to Detroit Edison on June 4, 2010.

RESPONSE:

8. All documents discussing, describing, referring to, or relating in any way to the emissions calculations upon which EPA based (a) the Notice of Violation served on Detroit Edison on June 4, 2010; and (b) the allegations of the Complaint.

RESPONSE:

9. All documents serving the basis for, discussing, describing, referring or relating in any way to the emissions calculations related to each project at Monroe Unit 2 EPA contends constitutes a major modification under the Clean Air Act and the Michigan implementing regulations.

RESPONSE:

10. All documents serving the basis for, discussing, describing, referring to or relating in any way to the determination of whether each any project at Monroe Unit 2 constituted routine maintenance, repair or replacement.

RESPONSE:

11. All documents, including reports, correspondence, letters, e-mails, memoranda, or notes, discussing, describing, referring to or relating in any way to any EPA or state inspection of any Detroit Edison electric generating station at any time from 1970 to the present.

RESPONSE:

12. All documents discussing, describing, referring to or relating in any way to any inspection or visit of any kind, by you or any other governmental agency with authority to enforce any provision of the Act (including, but not limited to, any visit or inspection conducted by EPA, its representatives, agents or contractors, or any authorized state or local air pollution control agency and its representatives, agents or contractors), at any time from 1970 to the present, of a facility at which a fossil fuel-fired boiler of any kind is located, including the Monroe Plant and any other Detroit Edison coal-fired power plant. For the purposes of this Request, "fossil fuel-fired boiler" includes, but is not limited to, any utility, industrial, commercial or institutional boiler used to generate electricity or process steam or heat.

RESPONSE:

13. All documents discussing, describing, referring to or relating in any way to any determination that an activity does or does not constitute "routine maintenance, repair and replacement," and the application of that term, under the CAA Modification Rules.

RESPONSE:

14. All documents, including, but not limited to, studies, analyses, surveys, position papers or discussion papers, discussing, describing, referring to or relating in any way to what EPA considers to be "routine maintenance, repair or replacement" activities in the electric utility industry.

RESPONSE:

15. All documents discussing, describing, referring to or relating in any way to the comparison of pre-change and post-change emissions associated with any "major modification" at a fossil fuel-fired boiler, including any projections or reports of post-change "representative actual annual emissions" for an electric steam generating unit, as that term is used in the CAA Modification Rules.

RESPONSE:

16. All documents discussing, describing, referring to or relating in any way to EPA oversight of Michigan's implementation of the PSD and NSR program.

RESPONSE:

17. All communications between EPA and Michigan from 1970 to the present relating in any way to the administration, implementation, or enforcement of PSD, the NSR programs, and/or the Clean Air Act.

RESPONSE:

18. All documents discussing, describing, referring to or relating in any way to all guidance or applicability determinations available to states administering an approved SIP PSD program regarding the criteria, standards and methodology to be used by the state in determining whether a maintenance, repair or replacement project was routine.

RESPONSE:

19. All correspondence, memoranda, notes, reports, directives, or other communications between or among EPA and Detroit Edison and/or Michigan discussing, describing, referring to or relating in any way to the facts underlying the Complaint.

RESPONSE:

20. All documents discussing, describing, referring to or relating in any way to EPA's interpretation of the terms relevant to the NSR Programs, including "construction," "modification," "physical change," "reconstruction," "life extension," "routine," "maintenance," "repair," or "replacement," "forced outage," "forced outage rate," "availability factor," "equivalent availability factor," "baseload unit," "baseload operation," or any phrase containing one or more of these terms as they relate to the NSR Programs, including, but not limited to, the following:

a. Any proposals ever considered, discussed, or analyzed by EPA, whether or not made available to any third party, to amend the CAA or implement regulations to define, clarify, or modify any of the above terms as they relate to the NSR Programs;

b. Any final, proposed, or draft guidance documents that refer to, describe, analyze or otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs;

c. Any correspondence sent by EPA or any of its agents to any outside entity that refers to, describes, analyzes, or otherwise discusses the meaning, interpretation, or application of the above terms as they relate to the NSR Programs;

d. Any intra-agency memoranda, letters, e-mails or other correspondence that refer to, describe, analyze, mention or otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs at any particular site or Project;

e. Any written legal analyses, interpretations, interpretive rulings or opinions in the possession of EPA that refer to, describe, analyze, mention or otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs;

f. Any written or unwritten enforcement policies that refer to, describe, analyze, mention or otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs;

g. Any final, proposed, or draft penalty assessments, whether issued or not, that rely in whole or part on the meaning or interpretation of the above terms as they relate to the NSR Programs;

h. Any final, proposed, or draft Notices of Violation, whether issued or not, that rely in whole or part on the meaning or interpretation of the above terms as they relate to the NSR Programs;

i. Any final, proposed, or draft settlement documents or consent decrees, whether issued or not, that rely in whole or part on the meaning or interpretation of the above terms as they relate to the NSR Programs;

j. Any and all written materials prepared with or relied on in the development, production, drafting, or issuance of any of the above documents requested in this Request or its subparts.

RESPONSE:

21. All documents discussing, describing, referring to or relating in any way to analyses or statements prepared by EPA or upon which EPA relies concerning useful lifetimes of electric generating stations or any of their components.

RESPONSE:

22. All documents discussing, describing, referring to or relating in any way to maintenance activities that allow utilities to achieve the standard operating lifetimes assumed by EPA, including industrial codes and standards, and including the repair and replacement of tubing, economizers, reheaters, superheaters, waterwalls, turbine blades, and other equipment.

RESPONSE:

23. All documents discussing, describing, referring to or relating in any way to practices within the electric utility industry regarding equipment replacement and consideration of the availability of state-of-the-art improvements in component design, including the incorporation of upgraded components where feasible.

RESPONSE:

24. All documents discussing, describing, referring to or relating in any way to EPA's review of state actions and determinations regarding the implementation of the PSD and NSR provisions of the CAA and Michigan's SIP.

RESPONSE:

25. All documents in EPA's possession which contain evidence of any fact supporting your claims for relief in this action.

RESPONSE:

26. All documents that were authored by or furnished to, or that concern, relate to, refer to, or identify any lay or expert witnesses whom you may call to testify at the trial of this action.

RESPONSE:

27. All documents, including reports, memoranda, underlying data or information, work papers or notes, prepared, generated or used by any expert witness in connection with any NSR enforcement action, including this one, who may be called to testify at the trial of this

action. This request includes the materials requested but not provided in response to Detroit Edison's November 24, 2010 letter to counsel for Plaintiff. It does not include materials that are not discoverable under the Expert Agreement between the Parties filed with the Court on October 27, 2010.

RESPONSE:

28. To the extent not already provided, all transcripts of testimony given by any Witness whether at a trial, at a hearing of any kind, by deposition, by affidavit, or by declaration, provided that such testimony concerns the subject matter of the Witness' testimony in this matter.

RESPONSE:

29. To the extent not already provided, all articles, publications, written reports or opinions authored, co-authored, presented, or co-presented by any Witness, provided that such documents concern the subject matter of the Witness' testimony in this matter.

RESPONSE:

30. All documents relating to applications for a PSD permit submitted to EPA and/or any state environmental agency regarding any economizer, reheater, and/or waterwall repair or replacement project.

RESPONSE:

31. All documents related to PSD applicability determinations requested from EPA and/or any state environmental agency regarding any economizer, reheater, and/or waterwall repair or replacement project.

RESPONSE:

This 1st day of February, 2011.

Matthew J. Lund (P48632)
PEPPER HAMILTON LLP
100 Renaissance Center, 36th Floor
Detroit, Michigan 48243
lundm@pepperlaw.com
(313) 393-7370

Michael J. Solo (P57092)
DTE ENERGY
One Energy Plaza
Detroit, Michigan 48226
solom@dteenergy.com
(313) 235-9512

/s/ Brent A. Rosser
F. William Brownell
Mark B. Bierbower
Makram B. Jaber
James W. Rubin
Lucinda M. Langworthy
HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
bbrownell@hunton.com
mbierbower@hunton.com
mjaber@hunton.com
jrubin@hunton.com
(202) 955-1500

Brent A. Rosser
HUNTON & WILLIAMS LLP
101 South Tryon Street, Suite 3500
Charlotte, North Carolina 28211
brosser@hunton.com
(704) 378-4700
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF** was served by electronic mail on this day to the following attorneys of record as follows:

Ellen E. Christensen
U.S. Attorney's Office
211 W. Fort Street
Suite 2001
Detroit, MI 48226
313-226-9100
Email: ellen.christensen@usdoj.gov

James A. Lofton
Thomas Benson
Justin A. Savage
Kristin M. Furrie
U.S. Department of Justice
Environmental and Natural Resource Div.
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044
202-514-5261
Email: thomas.benson@usdoj.gov
justin.savage@usdoj.gov
kristin.furrie@usdoj.gov

Holly Bressett
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Phone: (415) 977-5646
Email: Holly.Bressett@sierraclub.org

Andrea S. Issod
Sierra Club
85 2nd Street
2nd Floor
San Francisco, CA 94105
415-977-5544
Fax: 415-977-5793
Email: andrea.issod@sierraclub.org

This 1st day of February, 2011.

/s/Brent A. Rosser

EXHIBIT E
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-09949

Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

Telephone (202) 616-6515
Facsimile (202) 616-6584
Kristin.Furrie@usdoj.gov

February 10, 2011

By Email

Mark Bierbower, Esq.
Hunton & Williams LLP
1900 K Street, NW
Washington DC 20006
mbierbower@hunton.com

Re: *United States v. DTE Energy Co., et al., No. 10-13101 (E.D. Michigan)*

Dear Mark:

Thank you for agreeing to discuss discovery in this matter on Friday. In advance of our discussion, we have outlined our preliminary, big picture response to Detroit Edison's First Set of Requests for Production. While we do not attempt to comprehensively set forth our objections, this preliminary response is to aid the efficient exchange of discovery and as an attempt to resolve disputes as early in discovery as possible. With that goal in mind, we describe some of our concerns associated with Defendants' overbroad requests. We hope that tomorrow you will be able to discuss ways to focus your requests on the categories of documents that you truly need to litigate this case. We look forward to discussing these issues with you.

While it is always possible that we misconstrued the intent of Detroit Edison's discovery, it appears that the company's discovery requests are virtually unlimited in scope, unmoored to the dispute pending in the Court, and unduly burdensome. To illustrate, the company's discovery asks for documents on laws not at issue such as the New Source Performance Standards of the Clean Air Act. Further, Detroit Edison is asking for documents from every federal agency in the United States government, rather than EPA, the agency whom Congress delegated authority to implement and enforce the Clean Air Act.

As you know, we allege, on behalf of EPA, that Detroit Edison violated the New Source Review provisions of the Clean Air Act at Monroe Unit 2 in Monroe, Michigan. That is what the trial will center on in a few months. We want to be reasonable and fair to the company and provide what it needs to defend the case. But we do not envision that your defense will consist of collateral mini-trials on facts and law not at issue. The Court has set trial for May 2011, and the Parties need to focus on materials that will be relevant to that trial rather than engage in limitless searches that would be overbroad if not impossible no matter what the time allotted before trial. We outline further below our concerns with several of Detroit Edison's requests.

Requests for Documents on Laws Not at Issue

Detroit Edison defines "CAA Modification Rule", which is used in several of its document requests (*see, e.g.,* Request Numbers 5, 13, 14) to include New Source Performance Standards ("NSPS"). Since NSPS standards are not at issue in the case (in fact Detroit Edison did not define NSPS in its definitions), we believe that the inclusion of NSPS in the definition will lead to the voluminous and burdensome production of documents of little or no relevance to the case.

Requests for Documents from Every Federal Agency in the Executive Branch

Detroit Edison describes the United States to include all federal agencies, including explicitly listing agencies such as the Bureau of Prisons. The Bureau of Prisons has no role in the administration or enforcement of the Clean Air Act and, therefore, Detroit Edison's explicit inclusion of the Bureau of Prisons is puzzling. The same is true of many other federal agencies and their inclusion is inappropriate as the United States comprises numerous agencies and departments, employs hundreds of thousands of people, and retains thousands of contractors and others "purporting" to act on behalf of the United States of America. The Environmental Protection Agency ("EPA") is the Agency charged with administration and enforcement of the Clean Air Act and, therefore, the United States will object to the discovery from other Agencies. Further, EPA is also a large agency and many of its office are not involved in the administration or enforcement of the Clean Air Act. Accordingly, and consistent with recent NSR enforcement cases, the United States will limit its search to the offices in EPA Headquarters and Region V in Chicago, Illinois (which has jurisdiction over the area in which Detroit Edison's plant is located and in which EPA alleges the violations occurred) that administer or enforce the Clean Air Act. These offices will have the responsive documents related to the project at issue and EPA's interpretation and administration of NSR. Notwithstanding our objection, the United States will provide documents from all ten EPA Regions to the extent that such documents have been previously produced in other New Source Review cases against coal-fired utilities. In addition, we are willing to provide this information early and should be able to produce these previously collected documents by about February 28, 2011.

Requests for Forty Years Worth of Documents on Every Fossil-Fired Boiler in the Country

Detroit Edison also requests information about inspections at *every* Detroit Edison Plaint and *every* facility with a "fossil fuel-fired boiler" under *every* statute from 1970 to the present. There are in excess of 1,000 coal-fired EGUs alone across the nation. A request for documents that are more than 40 years old for tens of thousands of facilities and under a countless of number of statutes is unduly burdensome, overly broad, and ultimately irrelevant to whether Detroit Edison violated a specific provision of the Clean Air Act at Monroe Unit 2 in 2010. *See* Document Request Numbers 11 and 12. Particularly, Request Number 12 is overly broad and unduly burdensome when combined with Detroit Edison's overly broad definition of "Plaintiff." Numerous federal agencies may have conducted inspections under a wide variety of statues, including, just to offer one example, food safety inspections at facilities with "fossil fuel-fired

boilers." The only relevant statute at issue is the Clean Air Act and, therefore, the United States objects to the request to the extent it calls for documents related to other statutes.

Requests for Documents that the United States is Under Court Order not Produce Without Express Authorization of Other Utilities

Many of the company's requests could reach documents that are protected as Confidential Business Information ("CBI"). As Detroit Edison is aware, the United States is generally prohibited from releasing information marked as CBI. Further, various protective orders prevent the release of the information. *See, e.g., United States v. Duke Energy Corp.*, 00-cv-01262 (M.D.N.C.); *United States v. Cinergy Corp.*, 99-cv-01693 (S.D. Ind.).

In Document Request Number 3, Detroit Edison requests copies of responses to requests under Section 114 of the Clean Air Act. The United States will produce non-CBI materials responsive to this request. However, much of the responsive material has been previously claimed CBI. As you are undoubtedly aware, in related litigation where the United States has received requests similar to RFP Number 3, the utilities included in the "electric utility industry NSR enforcement initiative" have agreed to waive CBI, allowing the production of the documents produced in response to a request pursuant to Section 114.[1] We are willing to proceed in the same fashion here for request number 3, if Detroit Edison obtains the express written authorization from the party asserting CBI. *See* 40 C.F.R. § 2.209(f). We understand that your firm has acted as defense counsel and regulatory counsel under the Clean Air Act to many, if not all, of these utilities. Nonetheless, upon request, we will put together a list of the utilities that have responded to relevant Section 114 requests.

***

Thank you for your attention to this matter. We look forward to discussing this matter with you on Friday.

Sincerely,

s/Kristin M. Furrie
Kristin M. Furrie
Trial Attorney

[1] Notably, many potentially responsive documents to Detroit Edison's other RFP will also have been marked as CBI. Any such agreement regarding the responses to RFP Number 3 does not extend to other CBI documents.

EXHIBIT F
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

HUNTON & WILLIAMS LLP
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD STREET
RICHMOND, VIRGINIA 23219-4074

TEL 804 • 788 • 8200
FAX 804 • 788 • 8218

DIRECT DIAL: (804) 787-8073
EMAIL: smithJL@hunton.com

FILE NO: 55788.000042

February 23, 2011

Via E-Mail

Kristin Furrie, Esq.
Department of Justice
Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20006

Re: *United States v. DTE Energy Co., et al, No. 10-13101 (E.D. Mich.)*

Dear Kristin:

I am writing in response to your letter of February 10, 2011, regarding the scope of Detroit Edison Co. and DTE Energy Company's (collectively "Detroit Edison") written first set of requests for production of documents ("Request" or "Requests") that Detroit Edison served on Plaintiffs on February 1, 2011. While we are willing to limit the scope of Detroit Edison's Requests as you request in certain respects, we disagree in others because the requested documents are relevant and necessary for Detroit Edison to prepare its defense. For ease of reference, this letter addresses the categories of Requests as set out in your letter:

1. "Requests for Documents on Laws Not at Issue"

To the extent Detroit Edison's Requests seek information related to the New Source Performance Standards ("NSPS"), Detroit Edison agrees to limit the scope of those Requests to NSPS documents concerning "routine maintenance, repair and replacement (RMRR) and exclude other, non-RMRR-related information related to NSPS.

2. "Requests for Documents from Every Federal Agency in the Executive Branch"

Detroit Edison is willing to limit its definition of "Plaintiff" to the United States Environmental Protection Agency ("USEPA"), however we intend for that definition to include USEPA Headquarters and *all* of the USEPA regions. We do not agree to your proposal to produce only "documents from all ten EPA Regions to the extent that such documents have been

previously produced in other New Source Review cases against coal-fired utilities." Such documents are "relevant to the subject matter involved in the action" and to Detroit Edison's "defense(s)." *See* Fed. R. Civ. P. 26(b). Accordingly, pursuant to Federal Rule of Civil Procedure 26(b), Detroit Edison requests that you provide documents from all USEPA regions.

3. "Requests for Forty Years Worth of Documents on Every Fossil-Fired Boiler in the Country"

We disagree with your objections to the scope of Request Number 11. While work conducted at Detroit Edison's Monroe Unit 2 is the focus of Plaintiff's allegations, certain documents and information related to other units in Detroit Edison's system (and in the United States in general) are relevant to some of Detroit Edison's defenses. Furthermore, USEPA and the state's historical treatment of activities at any of Detroit Edison's facilities are equally relevant. Thus, we cannot agree to any limitation of the scope of Request Number 11. Nonetheless, we are willing to limit Request 11 to documents and information "discussing, describing, referring to or relating in any way to inspections or visits related to compliance with air quality regulations."

With respect to Request Number 12, as discussed above in Section 1, Detroit Edison agrees to limit the definition of Plaintiff to the USEPA, including Headquarters and all regions. We further agree to limit the scope to seek documents related to inspections of fossil-fuel boilers only to the extent that USEPA performed the inspection(s) to assess compliance with the New Source Review ("NSR") or NSPS (as narrowed to RMRR above) regulations since 1970.

4. "Requests for Documents that the United States is Under Court Order not [to] Produce Without Express Authorization of Other Utilities"

We appreciate your offer to put together a list of utilities that have responded to relevant Section 114 requests. Please consider this letter a request for that list.

***

We look forward to discussing these clarifications further with you this afternoon.

Sincerely,

s/ Jennifer L. Smith

Jennifer L. Smith

cc: Michael J. Solo, Jr., Esq.
Mark B. Bierbower, Esq.
F. William Brownell, Esq.
Brent A. Rosser, Esq.

EXHIBIT G
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA, Plaintiff, And NATURAL RESOURCES DEFENSE COUNCIL, INC. AND SIERRA CLUB, Intervenor-Plaintiffs, v. DTE ENERGY COMPANY AND DETROIT EDISON COMPANY, Defendants.	Civil Action No. 2:10-cv-13101-BAF-RSW Judge Bernard A. Friedman Magistrate Judge R. Steven Whalen

PLAINTIFF UNITED STATES OF AMERICA'S RESPONSES AND OBJECTIONS TO DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF

Plaintiff United States of America ("United States" or "Plaintiff"), on behalf of the United States Environmental Protection Agency ("EPA"), submit the following responses and objections to Defendant DTE Energy Company and Detroit Edison Company's (collectively, "Detroit Edison" or "Defendants") First Set of Requests for Production:

GENERAL RESPONSES AND OBJECTIONS

1. Plaintiff objects to each instruction, definition, and request to the extent that it purports to impose requirements beyond those contained in the Federal Rules of Civil Procedure, the Local Rules of the Eastern District of Michigan, any Order of the Court, or the Parties' agreements pertaining to the scope of discovery, including, but not limited to, the following agreements and Orders in this case: (1) the Stipulated Protective Order Regarding Confidential

Information and Documents, Dkt. No. 39; (2) the Agreement Regarding Preservation, Review and Production of Certain Electronically Stored Information and Privileged Materials, Dkt. No. 43; and (3) the Agreement Regarding the Scope of Expert Discovery, Dkt. No. 44 (collectively "Agreements").

2. Plaintiff objects to each instruction, definition, and request to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, the deliberative process privilege, the joint prosecution or common interest privilege, or any other cognizable privilege.

3. Plaintiffs objects to each instruction, definition, and request to the extent that it is vague and ambiguous. These requests are rife with vague, undefined terms such as "enforcement practices," "guidance," and "positions."

4. Plaintiff objects to each instruction, definition, and request to the extent that it is overbroad, unduly burdensome, or irrelevant, because it seeks discovery regarding air pollution regulations and air pollution sources not at issue in this litigation.

5. Plaintiff objects to these requests to the extent that they seek production of documents that were submitted to EPA, or to any other government agency, by third parties under a claim of business confidentiality, trade secret, or other proprietary restriction. Plaintiff also objects to these requests to the extent they seek the production of documents, databases, computer files, or software subject to license agreements, copyright, or other proprietary restrictions.

6. The United States objects to each request for production of documents as overly broad and burdensome, to the extent that it seeks the production of documents that are available and accessible to the general public, either directly from the document's publisher, from a local,

state or federal government agency or entity, or that may be downloaded in their complete and unabridged form from the Internet. In particular, the United States refers Defendants to the following websites that are responsive to multiple Detroit Edison requests (hereinafter "Publically Available EPA Documents"):[1]

- New Source Review Policy and Guidance: http://www.epa.gov/nsr/guidance.html

  http://cfpub.epa.gov/compliance/resources/policies/civil/caa/details.cfm?CAT_ID=&SUB_ID=94&templatePage=9&title=New%20Source%20Review%20and%20Prevention%20of%20Significant%20Deterioration

  http://www.epa.gov/region7/air/nsr/nsrpg.htm

- New Source Review Rulemakings: http://www.epa.gov/NSR/actions.html#2002

  http://www.epa.gov/ttn/nsr/rule_dev.html\

- Clean Air Act Applicability Determination Index: http://cfpub.epa.gov/adi/

- Title V Petition Database: http://www.epa.gov/region7/air/title5/petitiondb/petitiondb.htm

- Office of Enforcement and Compliance Assurance Cases and Settlements: http://cfpub.epa.gov/compliance/cases/

- EPA Region 5 Electronic Permits: http://www.epa.gov/reg5oair/permits/epermits.html

- EPA Region 5 Air Permits Section Letters and Correspondence: http://yosemite.epa.gov/r5/r5ard.nsf/Permit+Correspondence!OpenView

- EPA Region 5 Air Enforce Documents and Region 5 Violators: http://www.epa.gov/reg5oair/enforce/enforce1.html

Where applicable, the United States will identify publicly available databases maintained by EPA that may contain documents responsive to Defendants' request.

[1] Many of these databases contain guidance or other documents over the course of several decades. Accordingly, some of the documents may have been subsequently superseded.

7. The United States objects to each instruction, definition, and request to the extent it seeks the production of documents provided directly to EPA by Detroit Edison, either pursuant to a request by EPA under Section 114, 42 U.S.C. § 7414, or for any other reason. Duplicates of these documents are already within the possession of Defendants and, as such, the production of these documents by the United States would be unduly burdensome. Further, the United States objects to each instruction, definition, and request to the extent that it seeks production of documents already in the custody of Defendants.

8. Plaintiff objects to Defendants' First Set of Requests for Production to the extent they uniformly lack date restrictions or otherwise seek information that predates by many years the dates of the activities at issue in this case and as such are overly broad, unduly burdensome, and not relevant to the claims or defenses. Further, Plaintiff objects to the extent that they would require searches of federal archives. The burden of such searches would far exceed the likely benefit of the information in this litigation. *See* Fed. R. Civ. P. 26(b)(2).

9. Plaintiff objects to Defendants' First Set of Request for Production to the extent that individual request contain discrete subparts, such that a request should count as multiple requests toward the limits on the number of requests in this case.

10. Plaintiff objects to each instruction, definition, and request to the extent that they seek information from related to the personal views of EPA employees regarding the interpretation and implementation of NSR. EPA's interpretation is set forth in official guidance and rulemaking, not by individual employees. *See United States v. Farley*, 11 F.3d 1385, 1391 (7th Cir. 1993) ("The suppositions of FTC staff members expressed in internal memoranda as to requirements of the Act are not pertinent to [statutory interpretation]. In its attempt to decipher the meaning of a statute a court may rely on various tools, including official agency

interpretations. Courts may not, however, rely on unpublished opinions of agency staff.") (internal citations omitted); *United States v. Cinergy Corp.*, 495 F. Supp. 2d 892, 895 n.2 (S.D. Ind. 2007) (court "will not consider the suppositions of Environmental Protection Agency ("EPA") employees to interpret the CAA and to decide the issue of fair notice.").

11. The United States objects to the definition of "Plaintiff" (Definition 13) and each instruction, definition, and request as unduly burdensome, overbroad, and irrelevant inasmuch as they seek information, including document production, from offices other than those that (1) are located in EPA Headquarters or EPA's Region V offices in Chicago, Illinois (which has jurisdiction over the area in which Defendants' Monroe Plant is located and in which EPA alleges the violations at issue in this case occurred); and (2) administer or enforce the Clean Air Act. Requests seeking the production of documents from any other EPA office or location are unduly duplicative, burdensome, and are not reasonably designed to lead to the discovery of admissible evidence as copies of non-objectionable documents from other EPA offices responsive to these Requests should be located in one or more of the EPA offices listed above. While not conceding that they are relevant or calculated to lead to the discovery of admissible evidence, the United States nevertheless is providing documents to Defendants from all ten EPA Regions to the extent that such documents have been or are being produced in other related cases, as further described in a letter dated February 10, 2011 and a phone conversation on February 23, 2011. In addition, the United States comprises numerous agencies, offices, and departments, employs hundreds of thousands of people, and retains thousands of contractors and others "purporting" to act on behalf of the United States of America. As such, Defendants' instructions, definitions, and requests for unspecified documents are overbroad, are not reasonably designed to lead to the discovery of admissible evidence, and impose an undue

burden upon the United States. Moreover, the action filed by the United States against Detroit Edison was explicitly filed on behalf of EPA and the allegations in the complaint are based upon material collected and developed by EPA. Accordingly, all of the United States' responses to these requests are provided on behalf of EPA and are limited to the documents in the possession, custody, or control of EPA employees, officers, and their counsel responsible for administering or enforcing the Act.

As explained to Detroit Edison's counsel in a letter dated February 10, 2011 and a phone conversation on February 23, 2011, the United States is producing an external hard drive of documents from all ten EPA regions and Headquarters, containing approximately 4.5 million pages of documents. The external hard drive has a main folder containing nine directories: EPA, FRC, EPA114, Cinergy ELP-Indiv, Cinergy ELP-Shared, Settlement, EPAAPC2, IP-EP, and APC-EPAAPC01-13.

- The EPA directory contains documents produced in 2000 from EPA Headquarters offices (Office of Air Quality Planning and Standards, Office of Enforcement and Compliance Assurance, and Office of General Counsel), and EPA Regions, 2, 3, and 5 (i.e. the Regions where the initial power plant initiative cases were filed). This directory also contains paper documents produced in 2001 from all ten EPA Regions.
- The FRC directory contains documents produced in the prior power plaint initiative cases from the Federal Records Centers for all ten EPA Regions and Headquarters. In general, the directory contains archived Clean Air Act/New Source Review files (generally from the period 1980 through 1999, though there are some older documents).
- The EPA114 directory contains copies of all non-confidential responses from coal-fired utilities and boilermakers pursuant to Section 114 information requests from all ten EPA Regions.
- The Cinergy ELP-Indiv directory contains copies of electronic documents from the electronic files of approximately 900 EPA employees from all ten Regions and Headquarters who are responsible for, or oversee, Clean Air Act compliance.
- The Cinergy ELP-Shared directory contains copies of shared electronic documents from the servers at all ten EPA Regions relating to the Clean Air Act or New Source Review through approximately 2004.

- The Settlement directory contains all consent decrees from cases that are part of the power plants initiative through approximately 2008.
- The EPAAPC2 directory contains all non-confidential responses of coal-fired utilities to Section 114 information requests issued by EPA in all ten Regions as a supplement to the EPA114 director through approximately 2008.
- The IP-EPA directory contains documents produced in response to specific document requests in the *United States v. Illinois Power* case, including inspection reports, state compliance audits, and background documentation for applicability determinations.
- The APC-EPAAPC01-13 directory contains non-confidential business information responsive material collected from prior case productions that are responsive to your requests.

Under each folder there are load filed on the main directory and subsequent image folders. Additionally, the United States has searched for all responsive documents, subject to the objections contained herein, in the possession, custody, or control of EPA employees, officers, and their counsel responsible for administering or enforcing the Act in EPA Headquarters and Region 5, the region with jurisdiction of Defendants' Plant.

12. The United States objects to the definition of "EPA" (Definition 17) to the extent that it seeks to impose a duty to collect documents from former employees. The United States further objects to this definition as irrelevant to the extent Defendant suggests that the United States must search EPA offices for documents on air pollution regulations and sources not at issue. See General Objection and Response Nos. 4 & 11, supra.

13. The United States objects to each instruction, definition, and request to the extent it seeks the production of documents from EPA offices or individuals other than those offices and individuals that administer or enforce the Clean Air Act Amendments, 42 U.S.C. §§ 7401, et. seq. Requests seeking the production of documents generated by virtue of, or associated with, EPA's responsibilities under any other federal statute are unduly broad, burdensome, and are not calculated to lead to the discovery of admissible evidence. Accordingly, the United States is

providing documents obtained from searches of files associated with the EPA's administration and enforcement of the Clean Air Act at Headquarters and EPA Region 5, which may contain documents responsive to Defendant's requests, as further outlined in General Objections and Response No. 11 & 12, supra.

14. The United States objects to the definition of "CAA Modification Rules" (Definition 3) and "NSR enforcement actions" (Definition 18) to the extent that they include reference to the "NSPS." While an undefined term, the United States assumes "NSPS" refers to the New Source Performance Standards, 40 C.F.R. part 60. Since the Plaintiff's complaint makes no allegation of the violation of NSPS standards, the United States objects to the definition and associated requests to the extent that it is overbroad, unduly burdensome, or irrelevant, because it seeks discovery regarding air pollution regulations and air pollution sources not at issue in this litigation. Accordingly, the requests, to the extent it seeks discovery of NSPS documents, are not reasonably calculated to lead to the discovery of admissible information. Defendants are seeking documents

15. The United States objects to the definition of "NSR" (Definition 10) and "PSD" (Definition 15) as overly broad, unduly burdensome, and not likely to lead to the discovery of admissible evidence to the extent that Defendants are seeking documents relating to the Greenhouse Gas Tailoring Rule promulgated by EPA on May 13, 2010. The Greenhouse Gas Tailoring Rule proposes the regulation of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, and sulfur hexafluoride, which are not at issue in the case. Subject to, and without waiving any objections, the administrative record (in searchable format) for the Greenhouse Gas Tailoring Rule can be found by searching for "Docket ID" number EPA-HQ-OAR-2009-0517 at www.regulations.gov or following this link:

http://www.regulations.gov/#!docketDetail;dct=FR+PR+N+O+SR;rpp=10;po=0;D=EPA-HQ-OAR-2009-0517.

16. The United States objects to the definition of "communication" as overly broad, unduly burdensome, and contrary to the Parties' Agreements regarding the scope of discovery.

17. The United States objects to the definition of "document" as overly broad, unduly burdensome, and contrary to the Parties' Agreements regarding the scope of discovery. The United States further objections to the definition to the extent that it requests documents that are protected by the attorney-client privilege, the work product doctrine, the deliberative process privilege, the joint prosecution or common interest privilege, or any other cognizable privilege

18. Per the agreement of counsel for the Parties concerning Plaintiff's response to these requests, responsive, non-privileged documents will be produced in a reasonably timed, rolling production. Consistent with the Parties' obligations to act in good faith with reasonable diligence, the United States' anticipates making an initial production simultaneously with the service of this response, i.e., on or about March 7, 2011. The United States will supplement this response and produce any additional responsive, non-privileged documents as they are located and processed for production.

The foregoing General Objections and Responses are incorporated into each of the individual responses below. As discovery in this action is ongoing, the United States generally reserves its rights to supplement each of its responses pursuant to Fed. R. Civ. Pro. 26(e).

SPECIFIC RESPONSES AND OBJECTIONS

1. **All documents upon which you relied or referred to, in whole or in part, to answer Detroit Edison's First Set of Interrogatories.**

RESPONSE: The United States objects to this request to the extent that it seeks

material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

2. **All surveys, studies, databases or other compilations created, possessed or maintained by EPA that identify or track projects undertaken by electric utilities.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to the use of the terms "projects" and "other compilations" as being vague and ambiguous in the context of the request. The United States further objects to this request on every other "project" by every other "utility" as overbroad and irrelevant to determining the liability of Defendants for the violations at issue at Monroe Unit 2. The United States incorporates General Response and Objection Number 5.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

3. **All documents received by EPA in response to information requests issued as part of EPA's electric utility industry NSR enforcement initiative to electric utility companies, boiler vendors or maintenance contractors (including their parent corporations), whether pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414, by subpoena, administrative request, or by voluntary consent or agreement, from 1997 to the present, excluding any documents or information collected in connection with remedy discovery in any NSR enforcement action.**

RESPONSE: The United States objects to this request to the extent that it seeks

information submitted to EPA by third parties under a claim of business confidentiality, trade secret, or other proprietary restriction. Pursuant to various court orders and the regulations set forth in 40 C.F.R. Part 2, the United States is prohibited from producing this information. The United States further objects to this request for every enforcement investigation of other companies as overbroad and irrelevant to determining the liability of Defendants for the violations at issue at Monroe Unit 2.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-confidential documents. The United States has also volunteered to work with Defendants to produce confidential documents to the extent that Defendants can obtain permission from the company asserting the claim of confidentiality.

4. **All documents that concern, relate to, refer to, or upon which you base any allegation in the Complaint that Detroit Edison constructed or modified Monroe Unit 2 in violation of the CAA.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

5. **For each project at the Plant which you allege to be a "modification," all documents that describe facts, decisional criteria, and analysis conducted by, or on behalf of, EPA with respect to:**

a. **The determination that the each project was not routine maintenance, repair or replacement for purposes of the CAA Modification Rules;**

b. **The maximum emission rate and the kilogram per hour of each pollutant, both before and after each project;**

c. **The "actual emissions," as defined in 40 C.F.R. § 52.21(b) (21), before and after each project;**

d. **The "potential to emit," as defined in 40 C.F.R. § 52.21(b) (4), before and after each project;**

e. **The "source-specific allowable emissions" before and after each project;**

f. **The maximum achievable hourly rate before and after each project;**

g. **The maximum hourly and annual emissions and the emissions limit legally and physically achievable before and after each project;**

h. **The difference in "actual emissions" before and after each project;**

i. **The "net emissions increase" attributed to each project;**

j. **The causal relationship between each project and any significant net increase in emissions;**

k. **How each project extended the life of Monroe Unit 2 or affected (a) the use of raw materials; (b) the hours of operation; (c) the rate of production; (d) Monroe Unit 2's capacity; and (e) Monroe Unit 2's design.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. In addition, the United States objects to aspects of this request as irrelevant to

whether the work at Monroe Unit 2 constitutes a modification under the applicable rules. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

6. **All documents discussing, describing, referring to or relating in any way to your methods of calculating or determining whether a "net emissions increase" has occurred under federal and state regulations.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to this request as overly broad and unduly burdensome. The request seeks documents related to regulations not at issue in this case. The only federally enforceable state regulations at issue are the ones contained in the Michigan State Implementation Plan ("SIP"). Accordingly, the United States will only produce responsive documents that are relevant to the federal regulations or to the Michigan SIP. Production of documents from the 49 other states not at issue in this case would be irrelevant and unduly burdensome. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents.

7. **All documents discussing, describing, referring to or relating in any way to EPA's Notice of Violation issued to Detroit Edison on June 4, 2010.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

8. **All documents discussing, describing, referring to, or relating in any way to the emissions calculations upon which EPA based (a) the Notice of Violation served on Detroit Edison on June 4, 2010; and (b) the allegations of the Complaint.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the Expert Discovery Agreement (Dkt. No. 44), attorney-client privilege, work product doctrine, or deliberative process privilege. The United States further objects on relevance grounds to providing back-up information on preliminary emissions calculations where it is anticipated that any emissions calculations offered on summary judgment or at trial would be developed through expert proof. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

9. **All documents serving the basis for, discussing, describing, referring or relating in any way to the emissions calculations related to each project at Monroe Unit 2 EPA contends constitutes a major modification under the Clean Air Act and the Michigan implementing regulations.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the Expert Discovery Agreement (Dkt. No. 44), attorney-client privilege, work product doctrine, or deliberative process privilege. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

10. **All documents serving the basis for, discussing, describing, referring to or relating in any way to the determination of whether each any project at Monroe Unit 2 constituted routine maintenance, repair or replacement.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

11. **All documents, including reports, correspondence, letters, e-mails,**

memoranda, or notes, discussing, describing, referring to or relating in any way to any EPA or state inspection of any Detroit Edison electric generating station at any time from 1970 to the present.

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States further objects to this request as irrelevant, overly broad and unduly burdensome to the extent that it seeks documents related to inspections pursuant to laws and regulations not at issue in this case. Accordingly, the United States will limit its production of documents to inspections under the Clean Air Act because the only violation alleged in the complaint related to the Clean Air Act. The United States objects to this request to the extent it purports to seek documents related to state inspections that the documents are outside the custody and control of the United States. The United States objects to this request as unduly burdensome to the extent it seeks documents that are more than forty years old and that may only be stored in archives.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

12. **All documents discussing, describing, referring to or relating in any way to any inspection or visit of any kind, by you or any other governmental agency with authority to enforce any provision of the Act (including, but not limited to, any visit or inspection conducted by EPA, its representatives, agents or contractors, or any authorized state or local air pollution control agency and its representatives, agents or contractors), at any time from 1970 to the present, of a facility at which a fossil fuel-fired boiler of any kind is located, including the Monroe Plant and any other Detroit Edison coal-fired power plant.**

For the purposes of this Request, "fossil fuel-fired boiler" includes, but is not limited to, any utility, industrial, commercial or institutional boiler used to generate electricity or process steam or heat.

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to this request as irrelevant, overly broad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence. The request includes inspections conducted by agencies other than EPA that are not related to the Clean Air Act or any environmental regulation. By way of illustration, this request would include every "visit" within the last 40 years by any representative of any local, state, or federal agency to a classroom at a school which may happen to have a fossil fuel boiler for the purpose of discussing any topic at all, including those not related to the Clean Air Act. The United States will limit its search as outline in response to its objection to the definition of "Plaintiff." The United States will further limit its search to the Clean Air Act. The United States further objects to the request as overly broad and unduly burdensome to the extent it seeks information dealing with "fossil fuel-fired boilers," not the coal-fired electric utility boilers that are the subject of this suit. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents.

13. **All documents discussing, describing, referring to or relating in any way to any determination that an activity does or does not constitute "routine maintenance, repair**

and replacement," and the application of that term, under the CAA Modification Rules.

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. As outlined above, the United States objects to the term "CAA Modification Rules." The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. The United States also objects to this request as overly broad and unduly burdensome. The United States incorporates General Response and Objection Number 5.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents.

14. **All documents, including, but not limited to, studies, analyses, surveys, position papers or discussion papers, discussing, describing, referring to or relating in any way to what EPA considers to be "routine maintenance, repair or replacement" activities in the electric utility industry.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to this request as overly broad and unduly burdensome. The United States objects to the terms "analyses," "position papers," and "discussion papers" as vague and ambiguous. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States

refers Detroit Edison to Publically Available EPA Documents.

15. **All documents discussing, describing, referring to or relating in any way to the comparison of pre-change and post-change emissions associated with any "major modification" at a fossil fuel-fired boiler, including any projections or reports of post-change "representative actual annual emissions" for an electric steam generating unit, as that term is used in the CAA Modification Rules.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States further objects to this request as overly broad, unduly burdensome, and not relevant to the claims or defenses. In particular, the United States object to the request to the extent that it seeks information relating to "fossil fuel-fired boilers" that are not the coal-fired electric utility boilers that are the subject of the present suit. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents.

16. **All documents discussing, describing, referring to or relating in any way to EPA oversight of Michigan's implementation of the PSD and NSR program.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, common interest privilege, or deliberative process privilege. The United States objects to this request as overly broad, unduly burdensome and not relevant to the claims or defenses. The United States objects

to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents, particularly EPA Region 5 Air Permits Section Letters and Correspondence and EPA Region 5 Electronic Permits.

17. **All communications between EPA and Michigan from 1970 to the present relating in any way to the administration, implementation, or enforcement of PSD, the NSR programs, and/or the Clean Air Act.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, common interest, or deliberative process privilege. The United States further objects to this request as overly broad, unduly burdensome, and not relevant to the claims or defenses, particularly to the extent that it seeks documents related to Michigan's administration, implementation, or enforcement of Clean Air Act provisions that are not at issue in the present lawsuit (i.e. CAA provisions other than NSR provisions). The United States further objects as unduly broad and irrelevant to the extent that this request seeks documents on NSR implementation from decades ago. EPA's communications that occurred more than 40 years ago are irrelevant to determining whether a violation occurred in 2010, as the United States alleges. The United States incorporates

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents, particularly EPA Region 5 Air Permits Section Letters and Correspondence and EPA Region 5 Electronic Permits.

18. **All documents discussing, describing, referring to or relating in any way to all guidance or applicability determinations available to states administering an approved SIP PSD program regarding the criteria, standards and methodology to be used by the state in determining whether a maintenance, repair or replacement project was routine.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, common interest, or deliberative process privilege. The United States also objects to this request as overly broad and unduly burdensome. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents, particularly the New Source Review Policy & Guidance links.

19. **All correspondence, memoranda, notes, reports, directives, or other communications between or among EPA and Detroit Edison and/or Michigan discussing, describing, referring to or relating in any way to the facts underlying the Complaint.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

20. **All documents discussing, describing, referring to or relating in any way to**

EPA's interpretation of the terms relevant to the NSR Programs, including "construction," "modification," "physical change," "reconstruction," "life extension," "routine," "maintenance," "repair," or "replacement," "forced outage," "forced outage rate," "availability factor," "equivalent availability factor," "baseload unit," "baseload operation," or any phrase containing one or more of these terms as they relate to the NSR Programs, including, but not limited to, the following:

a. **Any proposals ever considered, discussed, or analyzed by EPA, whether or not made available to any third party, to amend the CAA or implement regulations to define, clarify, or modify any of the above terms as they relate to the NSR Programs;**

b. **Any final, proposed, or draft guidance documents that refer to, describe, analyze or otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs;**

c. **Any correspondence sent by EPA or any of its agents to any outside entity that refers to, describes, analyzes, or otherwise discusses the meaning, interpretation, or application of the above terms as they relate to the NSR Programs;**

d. **Any intra-agency memoranda, letters, e-mails or other correspondence that refer to, describe, analyze, mention or otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs at any particular site or Project;**

e. **Any written legal analyses, interpretations, interpretive rulings or opinions in the possession of EPA that refer to, describe, analyze, mention or**

otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs;

f. **Any written or unwritten enforcement policies that refer to, describe, analyze, mention or otherwise discuss the meaning or interpretation of the above terms as they relate to the NSR Programs;**

g. **Any final, proposed, or draft penalty assessments, whether issued or not, that rely in whole or part on the meaning or interpretation of the above terms as they relate to the NSR Programs;**

h. **Any final, proposed, or draft Notices of Violation, whether issued or not, that rely in whole or part on the meaning or interpretation of the above terms as they relate to the NSR Programs;**

i. **Any final, proposed, or draft settlement documents or consent decrees, whether issued or not, that rely in whole or part on the meaning or interpretation of the above terms as they relate to the NSR Programs;**

j. **Any and all written materials prepared with or relied on in the development, production, drafting, or issuance of any of the above documents requested in this Request or its subparts.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. In particular, the United States objects to the requests for proposed documents draft documents, legal analysis and intra-agency memoranda, letters, e-mails, or other correspondence that are the subject of the attorney-client, work product doctrine, or deliberative process privilege. The United States further objects to this request as grossly over broad, unduly

burdensome, and not reasonably calculate to lead to the discovery of admissible evidence. The request seeks documents that relate to tens of thousands of different sources over four decades, not just the coal-fired electric generating units and current regulations that are at issue in the case. The United States objects to the use of listed terms to the extent they are not terms defined in the Clean Air Act or its implementing regulations. The United States objects to the terms "NSR Program," "Project," and "enforcement policies" as vague and ambiguous. The United States also objects to the phrase "rely in whole or in part on the meaning or interpretation of the above terms" as vague and ambiguous to the extent Defendants seek to include documents that do not themselves address the terms or related topics. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. Plaintiff will produce documents that address the above terms or related topics. Further, as outlined above, the United States objects to Defendants' definition of NSR. The United States objects to Subpart (a) as not relevant to the claims because possible amendments to the CAA implementing regulation are irrelevant to Defendants' compliance with the currently applicable law. The United States also objects to Subparts (g) and (i) to the extent that penalty assessments and settlement documents are irrelevant to the liability portion of this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents, particularly New Source Review Policy and Guidance, New Source Review Rulemaking, and Office of Enforcement and Compliance Assurance Cases and Settlements.

21. **All documents discussing, describing, referring to or relating in any way to analyses or statements prepared by EPA or upon which EPA relies concerning useful**

lifetimes of electric generating stations or any of their components.

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. The United States objects to this request as overly broad, unduly burdensome, irrelevant, and not relevant to the claims or defenses.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

22. **All documents discussing, describing, referring to or relating in any way to maintenance activities that allow utilities to achieve the standard operating lifetimes assumed by EPA, including industrial codes and standards, and including the repair and replacement of tubing, economizers, reheaters, superheaters, waterwalls, turbine blades, and other equipment.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to this request as overly broad, unduly burdensome, irrelevant, and not relevant to the claims or defenses. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. The United States objects to the terms "maintenance activities" and "standard operating lifetimes" as vague and ambiguous. The United States has no responsive documents to this request. EPA does not "assume[ ]" that utilities have "standard operating lifetimes" and, therefore, EPA has no documents that are responsive to this request.

23. **All documents discussing, describing, referring to or relating in any way to**

practices within the electric utility industry regarding equipment replacement and consideration of the availability of state-of-the-art improvements in component design, including the incorporation of upgraded components where feasible.

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to this request as overly broad, unduly burdensome, and not relevant to the claims or defenses. The United States objects to the terms "practices" and "state-of-the-art improvements" as vague and ambiguous. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

24. **All documents discussing, describing, referring to or relating in any way to EPA's review of state actions and determinations regarding the implementation of the PSD and NSR provisions of the CAA and Michigan's SIP.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, common interest, or deliberative process privilege. The United States objects to this request as overly broad, unduly burdensome, irrelevant, and not relevant to the claims or defenses. In particular, the United States objects to the request to the extent that it seeks review of the activities of the 49 states that are not at issue in this case. Accordingly, the United States will limit its search to the state of Michigan. The United States objects to the phrase "referring to or relating in any way" as vague, overly broad, and unduly burdensome. The United States objects to the phrase "state actions and determinations" as vague and ambiguous.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

25. **All documents in EPA's possession which contain evidence of any fact supporting your claims for relief in this action.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States further objects to this request to the extent that it seeks documents related to the remedy portion of this case. The United States also objects to the extent that this request seeks information in the Defendants' possession or that is publically available, including documents already filed in this case.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

26. **All documents that were authored by or furnished to, or that concern, relate to, refer to, or identify any lay or expert witnesses whom you may call to testify at the trial of this action.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the Expert Discovery Agreement (Dkt. No. 44), attorney-client privilege, work product doctrine, or deliberative process privilege. The United States incorporates General Response and Objection Number 5. The United States further objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible information. The request is not limited to matter that are within the subject matter of a witness' testimony or furnished by the United States and, therefore, means every document in the home and office of every witness that the United States may call. The

United States will limit its review to documents related to PSD and NSR or that are otherwise related to the testimony of the witness within the last ten years as required by Rule 25(a)(2). Further, the request has no limit in time. The United States objects to the request to the extent that it purports to seek documents outside the custody and control of the United States. The United States further limits its response to documents and witness that are relevant to the liability portions of this trial. Finally, the United States has not yet selected the witnesses that will testify at trial.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

27. **All documents, including reports, memoranda, underlying data or information, work papers or notes, prepared, generated or used by any expert witness in connection with any NSR enforcement action, including this one, who may be called to testify at the trial of this action. This request includes the materials requested but not provided in response to Detroit Edison's November 24, 2010 letter to counsel for Plaintiff. It does not include materials that are not discoverable under the Expert Agreement between the Parties filed with the Court on October 27, 2010.**

RESPONSE: The United States incorporates General Response and Objection Number 5. The United States objects to this request to the extent that it seeks material protected under the Expert Discovery Agreement (Dkt. No. 44), attorney-client privilege, work product doctrine, or deliberative process privilege. The United States objects to this request as overly broad and unduly burdensome. In particular, the United States objects to this request to the extent that it relates to experts who have or may testify at remedy trials. The United States also objects to the extent that this request seeks information about experts who are not on the United

States' witness list in this case. However, the United States has not yet selected the witnesses that will testify at trial.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged, and non-confidential documents.

28. **To the extent not already provided, all transcripts of testimony given by any Witness whether at a trial, at a hearing of any kind, by deposition, by affidavit, or by declaration, provided that such testimony concerns the subject matter of the Witness' testimony in this matter.**

RESPONSE: The United States objects to this request to the extent it seeks documents outside of its custody and control. The United States incorporates General Response and Objection Numbers 1, 2 and 5. The United States objects to this request as overly broad, unduly burdensome, and not relevant to the claims or defenses. The United States also objects to this request to the extent that it relates to a "Witness" who is not on the United States witness list for the liability portion of this case. However, the United States has not yet selected the witnesses that will testify at trial. Finally, the United States objects on relevance grounds to the production of testimony in a family court proceeding or divorce proceeding and objects to the extent this request calls for production of grand jury testimony in contravention of Fed. R. Crim P. 6(e) or equivalent state law.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

29. **To the extent not already provided, all articles, publications, written reports or opinions authored, co-authored, presented, or co-presented by any Witness, provided that such documents concern the subject matter of the Witness' testimony in this matter.**

RESPONSE: The United States objects to this request as overly broad, unduly burdensome, and not relevant to the claims or defenses. The United States incorporates General Response and Objection Number 5. For example, the term "Witness" includes EPA employees and others who have had extensive dealings with EPA. The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States further objects to the extent the request seeks documents that are beyond the scope of the Parties' Agreement Regarding the Scope of Expert Discovery, Dkt. No. 44. The United States also objects to this request to the request to the extent that it is related to a "Witness" who does not appear on the United States' witness list for the liability portion of this case. However, the United States has not yet selected the witnesses that will testify at trial.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents.

30. **All documents relating to applications for a PSD permit submitted to EPA and/or any state environmental agency regarding any economizer, reheater, and/or waterwall repair or replacement project.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States further objects to this request to the extent that it purports to seek documents outside of its custody or control. The United States objects to this request as overly broad and unduly burdensome. Potentially responsive documents are not organized by whether a particular component (*i.e.* the economizer) is at issue, so this request requires a compressive search of all projects. The United States incorporates General Response and

Objection Number 5.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents.

31. **All documents related to PSD applicability determinations requested from EPA and/or any state environmental agency regarding any economizer, reheater, and/or waterwall repair or replacement project.**

RESPONSE: The United States objects to this request to the extent that it seeks material protected under the attorney-client privilege, work product doctrine, or deliberative process privilege. The United States further objects to this request to the extent that it purports to seek documents outside of its custody or control. The United States objects to this request as overly broad and unduly burdensome. Potentially responsive documents are not organized by whether a particular component (*i.e.* the economizer) is at issue, so this request requires a compressive search of all projects. The United States incorporates General Response and Objection Number 5.

Subject to and without waiving these specific objections and the general objections, the United States will produce responsive, non-privileged documents. Further, the United States refers Detroit Edison to Publically Available EPA Documents.

Dated: March 7, 2011

AS TO OBJECTIONS

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

/s/ Kristin M. Furrie
JAMES A. LOFTON

JUSTIN A. SAVAGE
THOMAS A. BENSON (MA Bar # 660308)
KRISTIN M. FURRIE
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 514-5261
Thomas.Benson@usdoj.gov

OF COUNSEL:
SABRINA ARGENTIERI
MARK PALERMO
SUSAN PROUT
Associate Regional Counsel
U.S. EPA Region 5
Chicago, IL
77 W. Jackson Blvd.

APPLE CHAPMAN
Attorney Advisor
U.S. EPA
1200 Pennsylvania Ave. NW
Washington D.C. 20460

BARBARA McQUADE
United States Attorney
Eastern District of Michigan

ELLEN CHRISTENSEN
Assistant United States Attorney
211 W. Fort St., Suite 2001
Detroit, MI 48226

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2011, the foregoing interrogatory responses were served via email on counsel of record.

/s/ Kristin M. Furrie
Counsel for the United States

EXHIBIT H
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA, Plaintiff, And NATURAL RESOURCES DEFENSE COUNCIL, INC. AND SIERRA CLUB, Intervenor-Plaintiffs, v. DTE ENERGY COMPANY AND DETROIT EDISON COMPANY, Defendants.	Civil Action No. 2:10-cv-13101-BAF-RSW Judge Bernard A. Friedman Magistrate Judge R. Steven Whalen

PLAINTIFF UNITED STATES' RESPONSES AND OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES

The United States of America, acting by the Authority of the Attorney General and at the request of the Administrator of the United States Environmental Protection Agency ("EPA" or "Plaintiff"), hereby submits the following responses and objections to Defendants' First Set of Interrogatories. Plaintiff's response to each interrogatory is based upon information and documents currently known to it and in its possession. Plaintiff reserves the right to supplement its responses pursuant to Fed. R. Civ. P. 26(e) and has set forth in the responses some of the instances in which it currently anticipates doing so.

GENERAL RESPONSE

1. Subject to the general and specific objections stated below and pursuant to Fed. R. Civ. P. 33, Plaintiff responds to each of the interrogatories as set forth below.

2. By providing a substantive answer to an interrogatory, Plaintiff does not waive any of its general and specific objections to that or any other interrogatory.

3. Plaintiff's research and investigation into the facts regarding the violations at Monroe Unit 2 ("Unit") is ongoing, and Plaintiff reserves the right to supplement its responses to these interrogatories pursuant to Fed. R. Civ. P. 26(e) as further relevant information is discovered prior to trial. The following responses are based on the best of Plaintiff's current knowledge.

GENERAL OBJECTIONS

1. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they call for information protected by the attorney-client privilege, attorney work product, the deliberative process privilege, and any and all other applicable privileges.

2. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they call for information beyond the scope of discovery set forth in Fed. R. Civ. P. 26(b).

3. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they are unduly broad, vague, and burdensome.

4. Plaintiff objects to Defendants' First Set of Interrogatories on the grounds that they seek information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence, as required by Fed. R. Civ. P. 26(b)(1).

5. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they seek information that is unreasonably cumulative or duplicative or is obtainable from some other source that is more convenient, less burdensome, or less expensive. Much of the information sought by Defendants is in the possession, custody, or control of Defendants or is available and

accessible to the public. The burden of deriving or ascertaining such information is substantially the same, or easier, for Defendants as for Plaintiff.

6. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they call for legal determinations.

7. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they uniformly lack date restrictions or otherwise seek information that predates by many years the dates of the activities at issue in this case and as such are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff objects to the extent that they would require searches of federal archives. The burden of such searches would far exceed the likely benefit of the information in this litigation. *See* Fed. R. Civ. P. 26(b)(2).

8. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they seek information that is cumulative or duplicative. Accordingly, where in answering an interrogatory, Plaintiff references or directs Defendants to a different response, that response is deemed incorporated by reference.

9. Plaintiff objects to Defendants' First Set of Interrogatories to the extent they are premature. Defendants have just begun responding to Plaintiff's discovery requests and evidence supporting Plaintiff's allegations that Defendants' activities caused significant emissions increases at Monroe Unit 2 will also be the subject of expert testimony. Plaintiff is analyzing and will continue to analyze new information produced by Defendants and will supplement expert testimony in accordance with the schedule set by the Court.

10. Plaintiff objects to Defendants' First Set of Interrogatories to the extent that individual interrogatories contain discrete subparts, such that an interrogatory should count as multiple interrogatories toward the limits on the number of interrogatories in this case.

11. Plaintiff objects to Defendants' First Set of Interrogatories to the extent that they seek information related to the personal views of EPA employees regarding the interpretation and implementation of NSR. EPA's interpretation is set forth in official guidance and rulemaking, not by individual employees. *See United States v. Farley*, 11 F.3d 1385, 1391 (7th Cir. 1993) ("The suppositions of FTC staff members expressed in internal memoranda as to requirements of the Act are not pertinent to [statutory interpretation]. In its attempt to decipher the meaning of a statute a court may rely on various tools, including official agency interpretations. Courts may not, however, rely on unpublished opinions of agency staff.") (internal citations omitted); *United States v. Cinergy Corp.*, 495 F. Supp. 2d 892, 895 n.2 (S.D. Ind. 2007) (court "will not consider the suppositions of Environmental Protection Agency ("EPA") employees to interpret the CAA and to decide the issue of fair notice.").

OBJECTIONS TO DEFINITIONS

Definition 3: "CAA Modification Rules" means all NSPS, PSD, NSR, and SIP program rules, including all proposed versions of those rules from 1970 to the present, including, but not limited to, rules and regulations set forth in Title 40 of the Federal Code of Regulations, that define the term "modification" and/or "major modification" and detail the applicability of and substantive requirements for new and/or modified sources of air emissions for purposes of the PSD, NSR, and/or SIP preconstruction permitting programs and/or the NSPS program rules, like those found in, e.g., 40 CFR §§ 51.165, 51.166, 52.21, 52.24, 60.2, and 60.14, and all previous versions of those rules, and any submitted and/or approved SIP program rules containing major new source review and/or general or minor new source review provisions.

Objection to Definition 3:

Plaintiff objects to Definition 3 as burdensome, irrelevant, and not calculated to lead to the discovery of admissible evidence to the extent it applies to New Source Performance Standards ("NSPS") and NSR program rules that are no longer applicable and were not applicable at any time relevant to this action. There are no NSPS claims in this case. Documents related to the NSPS program or NSR rules that are no longer applicable have no bearing on whether the project at Monroe Unit 2 is a violation under the current NSR rules. Plaintiff further objects to the extent that overly broad to the extent they encompass SIP programs for states other than Michigan. Finally, Plaintiff objects to this definition and these Interrogatories as overly broad, unduly burdensome, and not likely to lead to the discovery of admissible evidence to the extent that Defendants are seeking documents relating to the Greenhouse Gas Tailoring Rule promulgated by EPA on May 13, 2010. The Greenhouse Gas Tailoring Rule proposes the regulation of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, and sulfur hexafluoride, which are not at issue in the case.

Definition 16: "Plaintiff" means Plaintiff United States of America, acting by authority of the Attorney General of the United States and includes the Administrator and the United States Environmental Protection Agency ("USEPA"), including its present and former officers, administrators, managers, directors, employees, agents, attorneys (including, but not limited to, the Attorney General of the United States and the U.S. Department of Justice), and affiliates, and all other persons acting or purporting to act on its behalf, as well as all other federal agencies or instrumentalities that own, operate, or are responsible for the installation, operation, or regulation of fossil fuel-fired boilers, including, but not limited to, the Department of Defense, the Federal Bureau of Prisons, the Department of Energy, the Federal Energy Regulatory Commission, and any other federal agency with the exception of the Tennessee Valley Authority.

Objection to Definition 16:

Plaintiff objects to Definition 16 to the extent that it purports to include entities beyond the United States Environmental Protection Agency. This Definition is unreasonably broad and if followed would require oppressive and burdensome investigation into every agency and department of the federal government. This action was initiated by the U.S. EPA and involves enforcement of provisions within its purview.

INTERROGATORIES

1. **Describe in full and complete detail all facts that concern, relate to, refer to, or upon which you base any allegation in the Complaint that Detroit Edison modified Monroe Unit 2 in violation of the PSD or NSR provisions of the CAA.**

RESPONSE:

Plaintiff objects to Interrogatory 1 to the extent that it calls for information protected from discovery by the work-product doctrine and attorney-client or deliberative process privileges. Fed. R. Civ. P. 26(b)(1) & (3). Plaintiff also objects to this interrogatory as premature to the extent it seeks to require Plaintiff to search for and obtain information not currently in its possession as Defendants have more complete access to information concerning the factual allegations regarding the physical changes and changes in method of operation made at Monroe Unit 2. Plaintiff also objects to this interrogatory as premature to the extent that it calls for data, information, conclusions and opinions to be developed or discussed by expert witnesses where, as here, final expert reports have yet to be served. Finally, Plaintiff objects to this interrogatory as overly broad and unduly burdensome to the extent it seeks every fact related to any allegation in the complaint. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

Facts relevant to the allegations in the Complaint are in the possession of Defendants. In formulating this response, EPA relied on Defendants' responses to its requests for information submitted pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414, information obtained during an inspection of the plant, and publically available information. In many cases, the information provided by Defendants was incomplete. Plaintiff expects that additional information regarding the allegations in the Complaint is in Defendants' possession, and it retains the right to supplement this response as additional information is discovered. Below,

Plaintiff discusses specific construction at Monroe Unit 2 alleged to have been undertaken in violation of the Clean Air Act and the SIP.

The modification alleged in the Complaint took place during the Spring 2010 planned outage at Monroe Unit 2. The larger capital work performed during the outage included the replacement (and upgrade) of the following: economizer, pendant reheater, a portion of the waterwalls, static exciter, generator lead box, expansion joints, cables, valves, and a rewind of the generator rotor. The total cost of the outage was estimated at $65 million, including more than $15 million each for the reheater and economizer replacements. Neither the reheater nor the economizer had ever been replaced in full at Monroe Unit 2 before, and the company had never replaced both components at the same time at a unit.

At peak, the project required approximately 700 contract workers at the site. Removing the old boiler components required cutting a large access hole near the top of the 12-story power plant. The new components are so heavy that they must be hoisted in pieces by a "giant crane" and then loaded onto a monorail built specifically for the project that carries them to the point of installation. The project was unprecedented in the four decade history of the Monroe Power Plant. On April 22, 2010, about halfway through the project, the work was described in the lead story on the front page of the local newspaper as "Extreme makeover: Power plant edition." Both the economizer and pendant reheater replacements were considered major capital projects by DTE, and required the approval of senior company officials, including the CEO and Chairman of the Board of DTE Energy. The purpose of the project was to replace those components with upgraded designs and materials in order to avoid forced outages and thus improve the ability of the plant to generate electricity. The components were at the end of their useful life, and so replacement was necessary to continue to successfully operate the unit.

The purpose of the project was, at least in part, to reduce forced outages at the unit and improve unit availability, leading to additional generation from the unit. For each of the major boiler components replaced,[1] DTE staff described the problem posed by the component and the objective of the replacement in documents justifying the capital spending:

- *Economizer*: "The Unit 2 economizer tubes have been damaged during lengthy service in an erosive environment. Tube failures and forced outages are occurring at an increasing rate. Objective: Operation of the unit without forced outages caused by economizer tube failures.
- *High Temperature Reheater*: "Unit 2 has experienced reheater pendant failures resulting in forced outages. Analysis done by the Boiler Tube Task Force predicts more frequent failures in the future. Objective would be to improve the reliability of Unit 2."
- *Waterwalls*: "improve reliability due to water wall tube failure."

By letter to the Michigan Department of Environmental Quality dated March 12, 2010, DTE presented emissions calculations showing an increase of 3,701 tons of SO_2 and 4,096 tons of NO_x per year, each approximately two orders of magnitude larger than the NSR significance threshold. This projected increase was based on the results of a production cost model known as PROMOD, a model used by DTE and other utilities to forecast how their units will be utilized in the future and therefore what resources will be required (for instance, the amount of coal to purchase). The PROMOD analysis DTE used was the same analysis that formed the basis of

[1] The modification alleged by Plaintiff is not limited to these upgrades, but they are representative of the scope of work during the outage. Plaintiffs are evaluating and seeking further information on other elements of the work.

DTE's application to the Michigan Public Service Commission for recovering power supply costs from ratepayers. DTE's own documents demonstrate that it expected emissions to increase as a result of the project. As described above, the company's project justification documents stated that replacing the economizer and pendant reheater was necessary to eliminate forced outages and improve unit availability. This is reflected in the company's expectations and planning modeling. For the baseline periods before the project, DTE reported that Monroe Unit 2 was forced out of service from 14% to 17% of the time. In the PROMOD modeling run that formed the basis for DTE's submissions to the state, the company assumed that the outage rate would drop to 8% to 9% after the project. The availability of the unit in the baseline period is *less* than the projected operation of the unit in the future.

For the baseline periods selected by DTE, the pendant reheater and economizer prevented the units from operating for 724 hours for the SO_2 baseline period and 908 hours for the NO_X baseline period. The company should have expected to be able to run the unit during those hours in the future. DTE considers Monroe 2 a baseload unit, meaning it generally operates if available, and the unit operated *every hour* it was available in the five years before the project. That additional operating time would result in 1,382 tons of SO_2 and 735 tons of NO_X, all of which is related to the project.

Additional facts relating to emissions increases at Monroe Unit 2 are presented in the response to Interrogatory 2, which is hereby incorporated by reference. Facts related to the work at Unit 2 are also set forth in Plaintiff's briefing in support of the motion for preliminary injunction and the exhibits to that motion, and were described during oral argument on the motion on January 19, 2011, which are incorporated by reference. Facts related to the work at Unit 2 are also set forth in Defendants' Responses to Plaintiff's First Set of Interrogatories.

While Plaintiff has not yet been able to fully evaluate the information provided by Defendants, and that information does not fully respond to the interrogatories, Plaintiff incorporates it by reference here to the extent accurate and relevant.

2. **Describe in full and complete detail the methodology and results of the emissions calculations upon which Plaintiff based each alleged violation in the Notice of Violation served on Detroit Edison on June 4, 2010, as well as the Complaint.**

RESPONSE:

Plaintiff objects to Interrogatory 2 to the extent that it calls for information protected from discovery by the work-product doctrine and attorney-client or deliberative process privileges. Fed. R. Civ. P. 26(b)(1) & (3). Plaintiff also objects to this interrogatory to the extent that the information requested is not within the possession of Plaintiff and is more conveniently obtainable from Defendants. Plaintiff also objects to this interrogatory as premature to the extent that it calls for data, information, conclusions, and opinions to be developed or discussed by expert witnesses where, as here, final expert reports have yet to be served. Finally, Plaintiff objects to this interrogatory to the extent that the information requested is protected from discovery under the Parties' expert witness agreement, filed with the Court as Doc. # 44. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

The emissions calculations discussed below were performed to support the Complaint filed against Defendants and the motion for preliminary injunction. These calculations were based on incomplete information provided by Defendants. Emissions calculations are a subject for expert testimony in this case, and expert discovery is not yet concluded. Therefore, the calculations described below may be updated before trial and will be disclosed to Defendants in

accordance with the schedule set by the Court. The calculations described below were prepared based on the limited information available at the time, and were prepared solely to provide conservative estimates of emissions increases.

In addition to the calculations described below, Plaintiff relied upon the emissions calculation performed by Defendants and reported to the Michigan Department of Environmental Quality by letter dated March 12, 2010 as Defendants began the outage at issue. *See also* Plaintiff's Response to Interrogatory No. 1, *supra*. Information regarding this emissions calculation is held by Defendants. Defendants' emissions calculation was also analyzed by Plaintiff's expert witnesses, particularly Myron Adams, Bruce Biewald, Robert Koppe, and Ranajit Sahu.

Through expert witnesses Mr. Koppe and Dr. Sahu, Plaintiff calculated a conservatively low estimate of the emissions increase that should have been expected as a result of the project. For instance, Mr. Koppe and Dr. Sahu only addressed the effect of replacing the economizer and the pendant reheater in calculating the emissions increase. This estimate, and the basis for it, is set forth in greater detail in the declarations submitted in support of Plaintiff's motion for preliminary injunction, particularly the declarations of Mr. Koppe and Dr. Sahu. The emissions calculation was based on Mr. Koppe's conclusion that replacing the economizer and pendant reheater alone would result in avoiding outage time in the future. Mr. Koppe identified 934 hours of outage time during Defendants' selected NO_X baseline period and 751 hours of outage time during the selected SO_2 baseline.

SO_2 Emissions Increase

751 hours * 795 MW (net generating capacity) * .815 (utilization factor or output factor) * 9.239 mmbtu/MWHR (heat rate) * 1.23 lbs/mmtbu (emissions rate) / 2000 lbs/ton / 2 = 1,382 tons per year

NO_X Emissions Increase

934 hours * 795 MW (net generating capacity) * .808 (utilization factor or output factor) * 9.239 mmbtu/MWHR (heat rate) * .53 lbs/mmtbu (emissions rate) / 2000 lbs/ton / 2 = 735 tons per year

Data necessary to perform emissions calculations are within the possession and control of Defendants. In preparing these calculations Plaintiff relied in part on information provided by Defendants in response to requests for information under Section 114 of the Clean Air Act. Reflecting the purpose of the PSD statute to *prevent* excess emissions before they occur, applicable law requires parties applying for permits to *project* what their post-modification emissions will be *before* they undertake construction. Plaintiff performed calculations based on information available to Defendants prior to performing the modifications.

3. **Identify each physical or operational change at Monroe Unit 2 that you allege in this action constitutes a "modification" under the Clean Air Act.**

RESPONSE:

Plaintiff objects to Interrogatory 3 to the extent that it calls for information protected from discovery by the work-product doctrine and attorney-client or deliberative process privileges. Fed. R. Civ. P. 26(b)(1) & (3). Plaintiff also objects to this interrogatory to the extent that it seeks legal conclusions as to what activities were "modifications" under the Clean Air Act, and to the extent it seeks legal determinations or conclusions regarding the legal implications of the identification of a particular activity as a "modification." These legal determinations will be made by the Court in this case. Plaintiff interprets the term "modification" as used in this interrogatory to mean the physical change or change in method of operation at Monroe Unit 2 that Plaintiff alleges was a "modification" within the meaning of the Act and the Michigan State Implementation Plan. Plaintiff further objects to this interrogatory to the extent it seeks to

require Plaintiff to obtain information not currently in its possession or to conduct analyses not relevant to this litigation. More complete information regarding the operation and construction activities at Monroe Unit 2 is in the possession of Defendants. Plaintiff's responses are based on the limited information provided to it by Defendants. Without waiving these objections or its general objections, and subject to them, Plaintiff responds by directing Defendants to its response to Interrogatory 1, which describes in detail work which physically changed Monroe Unit 2 or resulted in a different method of operation of the unit. Plaintiff contends these activities constitute a single modification.[2] Plaintiff has not identified additional "modifications" at this time. However, it is continuing to investigate and evaluate these matters and reserves the right to update this response as further information becomes available through discovery and the evaluation of information by expert witnesses.

4. **For each and every alleged change identified in response to Interrogatory No. 3, state whether, how and to what extent that change (a) affected the use of raw materials; (b) affected the hours of operation; (c) affected the rate of production; (d) affected Monroe Unit 2's capacity; (e) extended the life of Monroe Unit 2; and (f) affected Monroe Unit 2's design.**

RESPONSE:

Plaintiff objects to this interrogatory to the extent it seeks information not in its possession and asks Plaintiff to perform calculations which are not relevant to the claims in this litigation. Information regarding the work performed by Defendants at Monroe Unit 2 is within the possession of Defendants. Plaintiff also objects to this interrogatory as premature to the extent that it calls for data, information, conclusions and opinions to be developed or discussed

[2] Given the scope of the alleged modification, much of the work performed during the Spring 2010 outage would be considered a physical or operational change sufficient to trigger NSR requirements even if it had been conducted individually.

by expert witnesses where, as here, final expert reports have yet to be served. Plaintiff also objects to this interrogatory as vague because plant "capacity" is subject to multiple interpretations. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

Plaintiff's responses are based on the subset of information provided to Plaintiff by Defendants. To the extent Plaintiff has information regarding these issues and considered or evaluated them, they are addressed in Responses to Interrogatory 1, 2, 5, and 6. In those responses, Plaintiff discusses in detail the facts in its possession relating to the manner in which the work at Monroe Unit 2 would increase emissions from that unit. Plaintiff has not performed a detailed analysis of each of those items specified above. Defendants are further directed to the calculations set forth in response to Interrogatory 2 for information related to increased hours of operation and fuel use. Further information on these topics is set forth in the declarations of Plaintiff's expert witnesses and will be provided in expert disclosures served according to the schedule set by the Court. In addition, as described above in the response to Interrogatory 1, the component replacements at issue were necessary to continue to run the unit and include upgrades to the materials used. At this time, Plaintiff has not analyzed whether the project affected the rate of electricity production or increased unit capacity. More complete information regarding these issues is in the possession of Defendants. Plaintiff is continuing to evaluate these matters and reserves the right to update this response as further information becomes available through discovery and the evaluation and testimony of expert witnesses.

5. **For each and every physical or operational change you identified in response to Interrogatory No. 3:**

a. **Describe in full and complete detail the reasons supporting your allegation that the activity or change constituted a "major modification;"**

b. **Identify the date when you first became aware of each such activity or physical or operational change, and describe the manner in which you first learned of each activity or physical change;**

c. **Identify all facts upon which you relied and factors you considered in determining that each such activity or physical or operational change is a "major modification" and is not excluded from the definition of "major modification" because the activity or changes do not constitute "routine maintenance, repair, and replacement" pursuant to 40 C.F.R. § 52.21(b)(2)(iii), as well as: (i) all documents your prepared, reviewed, and/or relied upon in reaching your determination referenced in this Subparagraph; and (ii) the person or persons who made the determination(s) referenced in this Subparagraph;**

d. **Identify all facts upon which you relied and factors you considered in determining that each activity or physical or operational change caused the alleged emissions increase and that any such increase was not due to factors independent of each activity or physical or operational change, as well as (i) all documents you prepared, reviewed, and/or relied upon in reaching your determination referenced in this Subparagraph, and (ii) the person or persons who made the determination(s) referenced in this Subparagraph;**

RESPONSE:

Plaintiff objects to Interrogatory 5 and its subparts to the extent that it calls for information protected from discovery by the work-product doctrine and attorney-client or deliberative process privileges. Fed. R. Civ. P. 26(b)(1) & (3). Plaintiff also objects to this interrogatory and its subparts to the extent that they seek legal conclusions as to what activities were "modifications" under the Clean Air Act, and to the extent they seek conclusions regarding the legal implications of the identification of a particular activity as a "modification." These legal determinations will be made by the Court in this case. Plaintiff interprets the term "modification" as used in these interrogatories to mean the work at Monroe Unit 2 that should have been projected to result in significant net emissions increases within the meaning of the Act and the Michigan State Implementation Plan. Plaintiff further objects to this interrogatory and its subparts to the extent it seeks to require Plaintiff to obtain information not currently in its

possession or to conduct analyses not relevant to this litigation. More complete information regarding the operation and construction activities at Monroe Unit 2 is in the possession of Defendants. Plaintiff's responses are based on the limited information provided to it by Defendants. Plaintiff also objects to this interrogatory as premature to the extent that it calls for data, information, conclusions and opinions to be developed or discussed by expert witnesses where, as here, final expert reports have yet to be served. Without waiving these objections or its general objections, and subject to them, Plaintiff's responses are set forth in the following responses to Interrogatories 5(a) - (d). Additional objections, if any, will be stated in the response to each subpart.

Additional Responses and Objections to Subpart a:

Plaintiff interprets the term "reasons" used in this response to mean the factual basis for each allegation in the Complaint. Without waiving its objections, Plaintiff responds that its allegations that the work constitutes a "modification" as defined in the Act and the Michigan SIP are based on the information described below and in the responses to Interrogatories 1 and 2.

The project at issue in this case is a boiler, turbine, and generator construction project which physically changed Monroe Unit 2. The work took place in 2010, and was intended to extend the life of the unit and increase production from the unit. The scope of the work is described in more detail in response to Interrogatory 1, and should have been projected to result in a significant net emissions increase of regulated pollutants, as described in response to Interrogatory 2. The total cost of the work was approximately $65 million.

Additional Responses and Objections to Subpart b:

Plaintiff interprets this interrogatory to be asking when EPA first became aware of the work described in the Complaint. Without waiving these objections or its general objections, and

subject to them, Plaintiff answers as follows.

EPA first learned of the project on April 26, 2010 when engineer Ethan Chatfield found the "Extreme Makeover: Power plant edition" newspaper article online. Further information relevant to the project was obtained from Defendants in June 2010 in response to Plaintiff's information requests and during a Clean Air Act Inspection conducted by EPA on June 2, 2010.

Additional Responses and Objections to Subpart c:

In addition to the objections stated above, Plaintiff objects to the use of the term "determining" in this interrogatory which implies that a final determination has been made or must be made for the allegations in the Complaint to be valid. The Court will "determine" whether the activities in question constitute "routine maintenance, repair and replacement" within the meaning of EPA regulations and the Michigan SIP. Moreover, Plaintiff maintains that the routine maintenance, repair, and replacement provision provides for an exemption from the definition of "physical change or change in method of operation" and, as such, Defendants bear the burden of demonstrating that such activities are "routine." Plaintiff also objects to this interrogatory as it infringes on the work product doctrine and attorney-client or deliberative process privileges. Employees of Plaintiff prepared documents, at the request of counsel and in anticipation of litigation and communicated with counsel regarding the claims alleged in the Complaint. Without waiving its objections, and subject to them, Plaintiff directs Defendants to its responses to Interrogatories 1 and 5(a), which are hereby incorporated by reference, and to Plaintiff's further response below, which presents EPA's methodology in administrative matters for determining whether certain physical changes are "routine."

Whether a change is "routine maintenance repair and replacement" must be made on a case-by-case basis, and consider the nature, extent, purpose, frequency, and cost of the work, as

well as other relevant factors, to arrive at a common sense finding. *See, e.g.*, Clay Memo, February 15, 1989; Detroit Edison Applicability Determination, May 23, 2000. The facts presented in response to Interrogatories 1 and 5(a) support the allegation that the work alleged in the Complaint was not routine maintenance, repair or replacement. Plaintiff continues to evaluate these matters and reserves the right to update this response as further information becomes available through discovery and the evaluation of expert witnesses.

In addition, Plaintiff responds that the documents listed below were reviewed and/or relied upon by EPA in analyzing whether the work described in response to Interrogatory 1 was conducted in compliance with the Clean Air Act, applicable federal regulations, and the Michigan SIP. In addition to the documents listed below, Plaintiff expects to obtain additional documents through discovery. Notwithstanding the continuing nature of this inquiry, the documents identified below are among the documents that Plaintiff may use as evidence to prove the allegations in the Complaint. As discussed above, discovery in this litigation is ongoing and Plaintiff may identify additional documents to support response at a later time and reserves the right to supplement this response.

- Ackerman/Chatfield Inspection Report, June 3, 2010, Ex. 2-A
- Testimony of Paul Fessler to Michigan Public Service Commission, Ex. 2-H
- Company Project Documents, Ex. 2-F; 13-E; 13-F
- Declarations of Michael Hekking and Robert Koppe
- Detroit Edison Applicability Determination, May 23, 2000, Ex. 4 from preliminary injunction briefing
- *WEPCo* decision, 893 F.2d 901 (7th Cir. 1990) and related EPA findings
- *In re Tennessee Valley Authority*, September 15, 2000 decision

- Michigan New Source Review Program Review, August 2004, Ex. 13-B
- Extreme Makeover: Power Plant Edition, April 22, 2010. Ex. 2-D

The following individuals, in consultation with others within EPA and the Department of Justice, including counsel, analyzed the facts referred to in the response to this interrogatory:

Michael Hekking and Ethan Chatfield

Additional Responses and Objections to Subpart d:

In addition to the objections stated above, Plaintiff objects to the use of the term "determining" in this interrogatory which implies that a final determination has been made or must be made for the allegations in the Complaint to be valid. The Court will "determine" whether the activities in question caused an emissions increase within the meaning of EPA regulations and the Michigan SIP. Plaintiff also objects to this interrogatory as it infringes on the work product doctrine and attorney-client or deliberative process privileges. Employees of Plaintiff prepared documents, at the request of counsel and in anticipation of litigation and communicated with counsel regarding the claims alleged in the Complaint. Without waiving its objections, and subject to them, Plaintiff directs Defendants to its responses to Interrogatories 1 and 5(a), which are hereby incorporated by reference, and to Plaintiff's further response below.

The facts presented in response to Interrogatories 1 and 5(a) support the allegation that the activities performed by Defendants during the outage were expected to cause an improvement in the unit's forced outage rate and its availability. Replacing components that had reached their end of life and were causing significant outage time would result in improved unit performance. These improvements would also be expected to result in increased generation. These conclusions are reflected in Defendants' own production cost modeling (PROMOD) and

were reported to the Michigan Public Service Commission and the Michigan Department of Environmental Quality.

In addition, Plaintiff responds that the documents listed below were reviewed and/or relied upon by EPA in analyzing whether work described in response to Interrogatory 1 was conducted in compliance with the Clean Air Act, applicable federal regulations, and the Michigan SIP. In addition to the documents listed below, Plaintiff expects to obtain additional documents through discovery. Notwithstanding the continuing nature of this inquiry, the documents identified below are among the documents that Plaintiff may use as evidence to prove the allegations in the Complaint. As discussed above, discovery in this litigation is ongoing and Plaintiff may identify additional documents to support response at a later time and reserves the right to supplement this response.

- Ackerman/Chatfield Inspection Report, June 3, 2010, Ex. 2-A
- Testimony of Paul Fessler to Michigan Public Service Commission, Ex. 2-H
- Company Project Documents, Ex. 2-F; 13-E; 13-F
- Documents related to the September 2009 PROMOD run, including the spreadsheet titled "Presentation Steam Unit Summary PSCR 2010" as well as other PROMOD runs to the extent at issue in this litigation.
- Declarations of Myron Adams, Bruce Biewald, Matthew Kahal, Robert Koppe, and Ranajit Sahu
- Detroit Edison Applicability Determination, May 23, 2000, Ex. 4 from preliminary injunction briefing
- *WEPCo* decision, 893 F.2d 901 (7th Cir. 1990) and related EPA findings
- *In re Tennessee Valley Authority*, September 15, 2000 decision
- Michigan New Source Review Program Review, August 2004, Ex. 13-B
- Extreme Makeover: Power Plant Edition, April 22, 2010. Ex. 2-D

The following individuals, in consultation with others within EPA and the Department of Justice, including counsel, analyzed the facts referred to in the response to this interrogatory:

Myron Adams, Bruce Biewald, Ethan Chatfield, Matthew Kahal, Robert Koppe, and Ranajit Sahu.

6. **With respect to each and every physical or operational change identified in Response to Interrogatory No. 3 above:**

a. **Identify the "significant net emissions increase" that resulted from the each physical or operational change, and the person or persons who performed, reviewed or evaluated the calculation of the "significant emissions increase" for each physical or operational change;**

b. **Identify the way in which each alleged "modification" increased net emissions, the extent of the increases, and the specific air contaminant(s) of which emissions increased;**

c. **Identify the manner, method, methodology, or test by which such emissions or emissions rate were calculated or measured, including the data and source of data relied upon for such calculations or measurements, and the date on which the emissions or emissions rates were calculated for each physical or operational change;**

d. **Identify any other emissions calculations you have performed for Monroe Unit 2, including the date on which such calculations were made, and the person or persons who made the determinations or calculations;**

e. **Identify the maximum emission rate and the kilogram per hour of NO_x and SO_2 for Monroe Unit 2, including in your answer the rate both before and after each physical or operational change identified in Interrogatory No. 3;**

f. **Identify the "actual emissions" for Monroe Unit 2, as defined under C.F.R. § 52.21(b)(4), before and after each physical or operational change identified in Interrogatory No. 3;**

g. **Identify the "potential to emit" for Monroe Unit 2, as defined under 40 C.F.R. § 52.21(b)(4), before and after each physical or operational change identified in Interrogatory No. 3;**

h. **Identify the "source-specific allowable emissions" for Monroe Unit 2, before and after each physical or operational change identified in Interrogatory No. 3;**

i. **Identify the maximum achievable hourly rate before and after each physical or operational change identified in Interrogatory No. 3;**

j. **Identify the maximum hourly and annual emissions and the emissions limit that Monroe Unit 2 was legally and physically capable of achieving before and after each physical or operational change identified in Interrogatory No. 3;**

k. **Identify the person or persons who performed, reviewed, or evaluated any emissions calculation identified in response to this interrogatory;**

l. **Identify all documents evidencing the conduct of and/or the results obtained from any such emissions calculations.**

RESPONSE:

Plaintiff objects to Interrogatory 6 and its 12 subparts to the extent they call for information protected from discovery by the work-product doctrine, the attorney-client privilege, deliberative process privilege or any other applicable doctrine or privilege. Fed. R. Civ. P.

26(b)(1) & (3). Plaintiff has conducted investigations, performed analyses and created documents that are protected by the work-product doctrine and attorney client privilege. In addition, Plaintiff objects to this interrogatory to the extent it requires Plaintiff to perform new and irrelevant calculations of emission increases, and to perform them in a manner that is not required and/or inappropriate under the Clean Air Act and its applicable regulations. The Act and its regulations do not, for example, measure a net emissions increase "assuming" that a "unit is operated under the same hours and conditions that existed before the alleged 'modification.'" *See* 40 C.F.R. § 52.21(b)(2)(i) (defining "major modification"). The Act and its regulations also do not require "source-specific allowable emissions" to be calculated to determine whether an emissions increase has occurred. Consequently, this aspect of the interrogatory is not relevant to the claims and is not answered. *See* Fed. R. Civ. P. 26(b)(1). Plaintiff also objects to this interrogatory and its subparts as premature. Evidence supporting Plaintiff's allegations that Defendants' activities caused significant emissions increases at Monroe Unit 2 will be the subject of expert testimony. Plaintiff will supplement such evidence in accordance with the schedule set by the Court.

Further, Plaintiff also objects to Interrogatory 6 and its subparts to the extent that the facts necessary to respond to Defendants' interrogatories are not within the possession of Plaintiff and are more conveniently obtainable from Defendants. The calculations performed by Plaintiff were based on limited information provided by Defendants in response to EPA's requests for information pursuant to Section 114 of the Clean Air Act. This information was not always complete. Because limited data were available to EPA at the time the calculations were made, the method used varied depending on the data available. Thus, the fact that a particular calculation method was used by EPA to preliminarily evaluate a project or change and its

impacts should not be read to establish EPA's position on the appropriate emissions calculation method for each project. EPA may update its calculations as further information is obtained through discovery and these calculations will be the subject of expert testimony in this case.

Without waiving these objections or its general objections, and subject to them, Plaintiff's answers are set forth below. These answers refer to the emissions calculations described in Plaintiff's response to Interrogatory 2 and, where they were performed, additional calculations performed for the work described in the response to Interrogatory 1. Plaintiff also provides specific responses and objections to the subparts referencing the calculations discussed above when appropriate.

Additional Responses and Objections to Subpart a:

In addition to the objections stated in Plaintiff's general response to Interrogatory 6, Plaintiff objects to this interrogatory to the extent it calls for legal conclusions. The Court will make any determinations concerning whether any emissions increase "resulted from" the activities undertaken by Defendants.

Plaintiff performed the calculations described in the response to Interrogatory 2 to obtain conservative estimates of emission increases associated with certain aspects of the work described in the response to Interrogatory 1. These conservative estimates and the underlying data are presented in its responses to Interrogatory 2, which is hereby incorporated by reference. Plaintiff reiterates that these calculations may change as more information becomes available. Evidence supporting Plaintiff's allegations that Defendants' activities caused significant emissions increases at Monroe Unit 2 will be the subject of expert testimony and will be supplemented pursuant to the Court's schedule. As further described in response to Interrogatory

1 and 2, Defendants' own documents, including its PROMOD run relied on before state regulators, demonstrate that an emissions increase was expected.

Plaintiff responds that any increase which exceeds 40 tons per year for SO_2 and NO_X constitutes a "significant net emissions increase."

Additional Responses and Objections to Subpart b:

Plaintiff objects to this interrogatory to the extent it calls for legal conclusions. The Court will make any determinations concerning whether emissions increases were associated with the activities undertaken by Defendants. Without waiving its objections, Plaintiff answers: The Clean Air Act and its implementing regulations require Defendants to perform emissions calculations to determine whether a planned physical change or change in the method of operation will result in a "significant net emissions" increase. These calculations should be done prior to beginning construction of the project or implementing the change in operation. Information necessary to perform these calculations was and is within the possession and control of Defendants. The calculations performed by Plaintiff are based on the limited information provided by Defendants and the type of calculation performed often depends, at least in part, on the type and precision of information available. The calculation methods and results provided in the response to Interrogatory 2 and in the general response to Interrogatory 6 are based on the information that was available at the time the calculations were performed. Plaintiff reserves the right to update these calculations as further information becomes available. The calculations performed by Plaintiff and the underlying data are detailed in its response to Interrogatory 2, which is hereby incorporated by reference.

Additional Responses and Objections to Subpart c:

In addition to the objections stated above, Plaintiff objects to this interrogatory as it directly targets material protected from discovery under the attorney-client, work product, deliberative process, and enforcement privileges. Moreover, Plaintiff objects to this interrogatory as overly broad and irrelevant, insofar as the information requested is immaterial to the instant action and the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, Plaintiff directs Defendants to its response to Interrogatory 2, which is hereby incorporated by reference. Plaintiff further responds by stating that the information used to perform the calculations was primarily obtained from Defendants in June 2010. The methodology used is described in the preliminary injunction declarations of Robert Koppe and Ranajit Sahu and further discussed in the declarations of Myron Adams, Bruce Biewald, and Matthew Kahal.

Additional Responses and Objections to Subpart d:

In addition to the objections stated above, Plaintiff also objects to Interrogatory 6(d) as burdensome, irrelevant, and not calculated to lead to the discovery of admissible evidence. Further Plaintiff objects to the extent this subpart calls for information protected as attorney work product, attorney-client privilege, or not subject to discovery under the expert agreement between the parties (Doc. # 44). Without waiving any objections, Plaintiff responds that there are no other discoverable, non-privileged calculations Plaintiff has prepared for Monroe Unit 2.

Additional Responses and Objections to Subpart e:

In addition to the objections stated above, Plaintiff also objects to Interrogatory 6(e) as burdensome, irrelevant, and not calculated to lead to the discovery of admissible evidence. This interrogatory asks Plaintiff to perform calculations not previously performed and not legally

required under the regulations. The Clean Air Act and its implementing regulations do not require an increase in maximum emission rate or rate in kilograms per hour in order to trigger NSR. Rather, the NSR claims at issue require an increase in annual emissions, measured in tons per year of air pollution. An increase in maximum emission rate could contribute to an increase in annual emissions rate increase, but the NSR regulations do not dictate that emissions increase be shown exclusively by analyzing maximum emissions rates, and Plaintiff has not alleged, based on the information currently available, that the emissions increase in this case results from an increased maximum emissions rate. Further, the data necessary to perform any such calculations are in the possession of Defendants. Defendants have more complete information and may perform any such calculations. Plaintiff does not have an obligation, in responding to discovery requests, to perform new calculations it has not previously performed, that are irrelevant to the case, and that in any case would be based on the potentially incomplete information provided by Defendants.

Without waiving any objections, Plaintiff directs Defendants to its response to Interrogatory 2, which presents the emissions calculations relevant to the claims in the Complaint.

Additional Responses and Objections to Subpart f:

Plaintiff assumes that this interrogatory refers to 40 C.F.R. § 52.21(b)(21). Subject to the objections stated above, the pre-project actual emissions are those emissions recorded by Defendants' monitors and averaged per year according to 40 C.F.R. § 52.21(b)(21). For purposes of calculations in this case, Plaintiff has adopted the baseline period selected by Defendants in their March 12, 2010 Letter to the Michigan Department of Environmental Quality and used before the Court. Because less than a year has elapsed since the project, Plaintiff does

not have sufficient data to establish the post-project actual emissions. The data used to calculate projected actual emissions and the emissions increases associated with those emissions are detailed in Plaintiff's response to Interrogatory 2.

Additional Responses and Objections to Subpart g:

In addition to the objections stated above, Plaintiff also objects to Interrogatory 6(g) as burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence. This interrogatory asks Plaintiff to perform calculations not previously performed and not legally required under the regulations. While potential to emit is relevant to certain applicability determinations, Plaintiff has not alleged that potential to emit is relevant to whether the project at issue is a modification. Thus, the calculations that Defendants request Plaintiff to perform would have no legal significance and no bearing on NSR applicability in this case. Further, the data necessary to perform any such calculations are in the possession of Defendants. Defendants have more complete information and may perform any such calculations. Plaintiff does not have an obligation, in responding to discovery requests, to perform new calculations it has not previously performed, that are irrelevant to the case, and that in any case would be based on the potentially incomplete information provided by Defendants.

Without waiving any objections, Plaintiff directs Defendants to its response to Interrogatory 2, which presents the emissions calculations relevant to the claims in the Complaint.

Additional Responses and Objections to Subpart h:

In addition to the objections stated above, Plaintiff also objects to Interrogatory 6(h) as burdensome, irrelevant, and not calculated to lead to the discovery of admissible evidence. This interrogatory asks Plaintiff to perform calculations not previously performed and not legally

required under the regulations. The Clean Air Act and its implementing regulations do not base any determination of NSR applicability on a calculation of "source-specific allowable emissions" before and after the project. Thus, the calculations that Defendants request Plaintiff to perform would have no legal significance and no bearing on NSR applicability in this case. Further, the data necessary to perform any such calculations are in the possession of Defendants. Defendants have more complete information and may perform any such calculations. Plaintiff does not have an obligation, in responding to discovery requests, to perform new calculations it has not previously performed, that are irrelevant to the case, and that in any case would be based on the potentially incomplete information provided by Defendants.

Without waiving any objections, Plaintiff directs Defendants to its response to Interrogatory 2, which presents the emissions calculations relevant to the claims in the Complaint.

Additional Responses and Objections to Subpart i:

In addition to the objections stated above, Plaintiff also objects to Interrogatory 6(i) as burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence. This interrogatory asks Plaintiff to perform calculations not previously performed and not legally required under the regulations. The Clean Air Act and its implementing regulations do not require an increase in maximum achievable hourly rate in order to trigger NSR. Rather, the NSR claims at issue require an increase in annual emissions, measured in tons per year of air pollution. An increase in maximum achievable hourly rate could contribute to an increase in annual emissions rate increase, but the NSR regulations do not dictate that emissions increase be shown exclusively by analyzing maximum emissions rates, and Plaintiff has not alleged, based on the information currently available, that the emissions increase in this case results from an

increased maximum emissions rate. Further, the data necessary to perform any such calculations are in the possession of Defendants. Defendants have more complete information and may perform any such calculations. Plaintiff does not have an obligation, in responding to discovery requests, to perform new calculations it has not previously performed, that are irrelevant to the case, and that in any case would be based on the potentially incomplete information provided by Defendants.

Without waiving any objections, Plaintiff directs Defendants to its response to Interrogatory 2, which presents the emissions calculations relevant to the claims in the Complaint.

Additional Responses and Objections to Subpart j:

In addition to the objections stated above, Plaintiff also objects to Interrogatory 6 (j) as burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence. This interrogatory asks Plaintiff to perform calculations not previously performed and not legally required under the regulations. The Clean Air Act and its implementing regulations do not require an increase in maximum hourly and annual emissions and the emissions limit legally or physically capable of achieving in order to trigger NSR. Rather, the NSR claims at issue require an increase in annual emissions, measured in tons per year of air pollution. An increase in maximum legal or physical rates could contribute to an increase in annual emissions, but the NSR regulations do not dictate that emissions increase be shown exclusively by analyzing physical or legal rates, and Plaintiff has not alleged, based on the information currently available, that the emissions increase in this case results from an increased maximum physical or legal rates. Further, the data necessary to perform any such calculations are in the possession of Defendants. Defendants have more complete information and may perform any such

calculations. Plaintiff does not have an obligation, in responding to discovery requests, to perform new calculations it has not previously performed, that are irrelevant to the case, and that in any case would be based on the potentially incomplete information provided by Defendants.

Without waiving any objections, Plaintiff directs Defendants to its response to Interrogatory 2, which presents the emissions calculations relevant to the claims in the Complaint.

Additional Responses and Objections to Subpart k:

The following individuals, in consultation with others within or contracted by EPA and the Department of Justice, including counsel, analyzed the facts referred to in this interrogatory: Myron Adams, Bruce Biewald, Ethan Chatfield, Matthew Kahal, Robert Koppe, and Ranajit Sahu. Their analysis was submitted in support of Plaintiff's motion for preliminary injunction and will be supplemented in accordance with the schedule set by the Court for expert disclosures.

Additional Responses and Objections to Subpart l:

In addition to the objections stated above Plaintiff objects to Interrogatory No. 6(l) to the extent that it calls for information protected from discovery by the work-product doctrine and attorney-client or deliberative process privileges. Fed. R. Civ. P. 26(b)(1) & (3). Plaintiff also objects to this subpart to the extent that the information requested is protected from discovery under the Parties' expert witness agreement, filed with the Court as Doc. # 44.

Subject to the objections stated above, Plaintiff directs Defendants to its response to Interrogatory 2.

7. **Identify and describe in full and complete detail all guidance used or applied by you since 1970 in differentiating maintenance, repair or replacement that is "routine" from that which is "non-routine" for purposes of the CAA Modification Rules, as well as the dates when such guidance was first, and then subsequently so used.**

RESPONSE:

Plaintiff objects to Interrogatory 7 on the basis that it is overly broad and burdensome. Fed. R. Civ. P. 26(b)(1) and (2). Plaintiff also object to the term "guidance" as vague and ambiguous and will interpret the interrogatory as seeking formal guidance issued by EPA. Plaintiff further objects to this interrogatory to the extent it implies that EPA's application of these terms has varied over time or that the Agency's application of these terms has varied from the statutory or regulatory definitions of these terms. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

Whether a physical change is "routine maintenance, repair, and replacement" must be made on a case-by-case basis, and considers the nature, extent, purpose, frequency, and cost of the work, as well as other relevant factors, to arrive at a commonsense finding. *See, e.g.*, Clay Memo, February 15, 1989; Detroit Edison Applicability Determination, May 23, 2000.

Federal regulations issued by EPA that relate to the "routine maintenance, repair and replacement" exemption were published in the Federal Register, which is available to the public. Documents supporting the rulemakings are filed with the docket clerk and are readily available to Defendants. The general public, including Defendants, have access to EPA rulemaking dockets. Defendants also have access to other resources that discuss the "routine maintenance, repair and replacement" exemption under the NSR and NSPS programs, including guidance and applicability determinations issued by EPA. These resources include, but are not necessarily limited to: (1) the EPA New Source Review web site <http://www.epa.gov/nsr/>; (2) the "New Source Review Policy and Guidance Database" as found on the EPA Region 7 web site

<http://www.epa.gov/region07/programs/artd/air/nsr/nsrpg.htm>; (3) the five-volume NSR Guidance Notebook published by the Air and Waste Management Association; (4) the EPA Office of Enforcement and Compliance Assurance Applicability Determination Index ("ADI") <http://cfpub.epa.gov/adi/>; and (5) decisions of the Environmental Appeals Board, which can be found on the EAB website <http://www.epa.gov/eab>; and (6) the Title V Petition database,<http://www.epa.gov/region7/air/title5/petitiondb/petitiondb.htm>.

In Exhibit A to these responses, which is explicitly incorporated here, lists examples of the kinds of materials one can find in these resources, though these examples are only a small fraction of the materials one can find that discuss the NSR/PSD and NSPS regulations. In addition:

- documents related to NSR rulemaking from proposed and final rules in 2002 or later are available at http://www.epa.gov/NSR/actions.html#2002
- Documents related to NSR rulemaking from 1993 to 2003 are available at http://www.epa.gov/ttn/nsr/rule_dev.html
- Guidance documents after 2000 can be found in the New Source Review Policy and Guidance Database at http://www.epa.gov/region07/programs/artd/air/nsr/nsrpg.htm

Finally, non-privileged, non-confidential documents, communications, reports and/or records relating to the "routine maintenance repair and replacement" exemption have been or will be produced pursuant to Fed. R. Civ. P. 33(d).

8. **Identify all facts, factors, criteria, or sources (including laws, rules, regulations, guidance, memoranda, books, pamphlets or any other documents) upon which Plaintiff relies either in whole or in part as guidance on the following terms as they are used in the PSD or NSR Programs:**

a. **"construction";**
b. **"modification";**
c. **"physical change";**
d. **"routine";**
e. **"maintenance";**
f. **"repair";**
g. **"replacement";**
h. **"actual emissions"**
i. **"representative actual emissions"**
j. **"baseline emissions"**
k. **"net emissions increase"**
l. **"baseload unit"**
m. **"baseload operation"**
n. **any phrase containing one or more of these terms as they relate to the PSD or NSR Programs.**

RESPONSE:

Plaintiff objects to Interrogatory 8 to the extent it calls for legal conclusions. In addition, Plaintiff objects to this interrogatory as overly broad and unduly burdensome. Further, Plaintiff objects to this interrogatory to the extent it seeks irrelevant information. Certain words for which Defendants seek definitions – such as modification – are statutory and regulatory terms which have been defined within the text of the Clean Air Act and the regulations promulgated thereunder. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

To the extent any of these terms are found in regulations, they are discussed in rulemakings set forth in the Federal Register. Rulemakings that may contain EPA definitions or a discussion of these terms are discussed in the response to Interrogatory 7. Guidance and memoranda that discuss and contain these terms may be found on EPA Region 7's website at the following location: http://www.epa.gov/region07/programs/artd/air/nsr/nsrpg.htm. This

website contains a searchable database of guidance and memoranda that will readily find EPA documents containing words, including combinations of words, or phrases of interest. In addition, Plaintiff refers Defendants to the documents listed in response to Interrogatory 7, including Exhibit A, which generally discuss these terms as they relate to NSR and NSPS. Finally, non-privileged, non-confidential documents, communications, reports and/or records relating to these terms as they relate to NSR and NSPS have been or will be produced pursuant to Fed. R. Civ. P. 33(d).

9. **Describe in full and complete detail all instances in which you have determined that projects at existing stationary sources located within Michigan did or did not require a preconstruction permit of any kind (including but not limited to PSD and NSR permits), and identify all documents describing, referring or relating these instances.**

RESPONSE:

Plaintiff objects to Interrogatory 9 as overly broad and unduly burdensome. Further, Plaintiff objects to this interrogatory to the extent it seeks irrelevant information. As written this interrogatory seeks information related to *any* preconstruction permit. The interrogatory specifically states that it is *not* limited to the program at issue here: New Source Review. Further, as written, the interrogatory would also capture any preconstruction permits, not limited to those related to air pollution or even the environment. Further, Plaintiff objects to the Interrogatory as vague because terms like "determined" are subject to various meanings: for instance, Plaintiff could comment on a potential permit or respond to a question from the state permitting authority without rendering a formal applicability determination. Finally, the State of Michigan is the permitting authority for air programs in the State of Michigan and performs applicability determinations in the first instance. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

Plaintiff is aware of three instances of EPA determining that NSR could or may apply to projects at Detroit Edison existing stationary sources in Michigan. First, in 1988 EPA determined that Detroit Edison's plan to add natural gas firing capacity at the Greenwood power plant would trigger NSR. Second, EPA joined in the State of Michigan and Wayne County in finding that Detroit Edison's restart of Connor's Creek in 1998 violated New Source Review. Third, EPA issued an applicability determination to Detroit Edison in May 2000 finding that replacement of turbines at Monroe units did not qualify for the routine maintenance exemption from NSR, and that if an emissions calculation showed a projected emissions increase, a permit would be necessary. Defendants already have the relevant information related to these three determinations because Detroit Edison was a party to each. In addition, non-privileged, non-confidential documents, communications, reports and/or records relating to the these determinations have been or will be produced pursuant to Fed. R. Civ. P. 33(d).

In addition to the above Detroit Edison applicability determinations, in 2005, EPA found that Detroit Thermal's proposed installation of three natural gas/No. 2 oil-fired package boilers to its steam generating facility in Wayne County, Michigan, was subject to non-attainment New Source Review permitting requirements.

Finally, in addition to the two NOVs issued to DTE on July 24, 2009 and June 4, 2010, EPA has issued the following NOVs to existing stationary sources in Michigan for failing to comply with New Source Review permitting requirements:

Date	Facility	Project(s)
April 27, 2001	IMCO Recycling, Inc., Cold Water, Michigan	Installation of Furnaces #1 and #2 and modification of Furnace #8 and chip dryer.
June 1, 2005 September 13, 2005	Michigan Sugar Company, Bay City and Sebewaing, Michigan	Construction of a pulp dryer at each facility, and increase in the hours of operation of

		existing pulp dryers.
September 21, 2005	Merit Energy Company and Shell Exploration & Production Company, Manistee, Michigan	Upgrade of equipment to restore capacity to treat and produce natural gas and to accommodate processing of sour gas.
January 28, 2008	The Kellogg Company, Battle Creek, Michigan	Installation of two cereal coating drums on Bran Line.
October 17, 2008	Consumers Energy's Campbell, Cobb, Karn, and Weadock Generating Stations, Michigan	Replacement of boiler components.
August 26, 2009	White Pine Electric Power, LLC, White Pine, Michigan	Restart of White Pine Power Plant
September 29, 2009	St. Mary's Cement, Inc., Charlevoix, Michigan	Installation of an upgrade to the direct-fired primary axial air blower on the burner floor at the fire end of the kiln.

This reflects the information EPA has been able to locate in the time allotted for response. Plaintiff will supplements this response to the extent necessary upon location of additional instances.

10. **Identify all projects that have occurred since 1977 at electric utility companies which involved the replacement of tube components on boilers, including the replacement of economizers, reheaters, and waterwall tubes, and identify all documents describing, referring or relating thereto.**

RESPONSE:

Plaintiff objects to Interrogatory 10 on the grounds that it seeks information that is protected from discovery by the work product doctrine, the governmental enforcement privilege, the deliberative process privilege, and/or attorney-client privilege. Plaintiff objects to Interrogatory 10 as extraordinarily burdensome and irrelevant to the violation at Monroe Unit 2 to the extent it asks for the identification of all tube replacements -- regardless of the nature, scope, or cost – at any electrical generating unit since 1977. There are more 1,000 coal-fired

electric generating units in the United States and the Interrogatory covers more than three decades of information. Plaintiff further objects because the responsive information, if it has been compiled, is likely held by Defendants or other utility groups. Plaintiff objects to being required to compile data for Defendants. Plaintiff does not compile lists of projects involving the replacement of boiler tube components. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

To the extent located during an extensive search of files likely to have documents relevant to this Interrogatory, non-privileged, non-confidential documents, communications, reports and/or records relating to the these determinations have been or will be produced pursuant to Fed. R. Civ. P. 33(d). In addition, Plaintiff sets forth in Exhibit B the results of a good-faith search of the EPA coal-fired power plant notice of violation website (supplemented by consultation with relevant offices) to identify projects involving economizer, reheater, and waterwall replacements that EPA has alleged violated NSR. This list only covers projects that have not been claimed confidential. The coal-fired power plant notice of violation website can be found at http://www.epa.gov/compliance/resources/cases/civil/caa/coal/coalnov.html

11. **Identify all inspections reports and records of inspections for any Detroit Edison coal-fired power plant since 1970.**

RESPONSE:

Plaintiff objects to Interrogatory 11 as overly broad and unduly burdensome to the extent it requires Plaintiff to collect information held by other entities, such as the State of Michigan or local authorities, and is not limited to inspections pursuant to New Source Review or even the Clean Air Act. Plaintiff also objects to the extent it seeks information that is irrelevant and not

reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

As in prior cases, the United States is producing all inspection reports prepared for Clean Air Act related inspections of coal-fired electric generating units prior to January 1, 1997. Pursuant to Rule 33(d), Plaintiff references that production in response to this Interrogatory. In addition, Plaintiff is aware of the following inspections of Detroit Edison coal-fired power plants and is continuing to search for records of any other inspections. Plaintiff will supplement this response to the extent any other records can be found. Plaintiff notes that several of the inspections listed below were conducted by the state of Michigan.

Plant	**Date**	**Inspector**
River Rouge	9/11/1989	Robert Elliot (Michigan)
River Rouge	7/10/1991	Victor Vecsernyes (Michigan)
River Rouge	7/7/1992	Victor Vecsernyes (Michigan)
River Rouge	3/16/1993	Victor Vecsernyes (Michigan)
River Rouge	5/13/1994	Victor Vecsernyes (Michigan)
River Rouge	9/12/1995	Victor Vecsernyes (Michigan)
River Rouge	9/23/1996	Victor Vecsernyes (Michigan)
River Rouge	2/7/1997	Victor Vecsernyes (Michigan)
River Rouge	11/17/1997	Christina Prasinos and Kathy Triantafillou (Michigan)
Connors Creek	6/25/1998	Jeffrey Gahris (EPA)
Conners Creek	Summer 1998 (multiple inspections)	Thomas Vincent, Gerald Krawiec, Robert Zabick (Michigan)
Monroe	4/17/2000	Charles Hall (EPA)

St. Clair	4/18/2000	Christina Prasinos and Charles Hall (EPA)
Monroe	June 2, 2010	Mark Ackerman and Ethan Chatfield (EPA)

Non-privileged, non-confidential documents, communications, reports and/or records relating to these inspections have been or will be produced pursuant to Fed. R. Civ. P. 33(d).

The inspection report for the June 2010 inspection was previously submitted in support of the United States preliminary injunction motion as Exhibit 2-A.

12. **Identify any inspectors, employees or agents of Plaintiff, from 1970 to the present, who have conducted inspections or investigations of any Detroit Edison coal-fired power plant for compliance with any provision of the CAA, and identify all documents concerning such inspections.**

RESPONSE:

Plaintiff objects to Interrogatory 12 to the extent that such disclosure would violate the Privacy Act of 1974, 5 U.S.C. § 552a, as amended, and particularly 5 U.S.C. § 552a(b). Without waiving these objections or its general objections, and subject to them, Plaintiff responds by referring to our response to Interrogatory 11.

In addition, the identification for Messrs. Ackerman and Chatfield is set forth in the response to Interrogatory 13. Ms. Prasinos no longer works for EPA, and Plaintiff does not have further information for her; her former supervisor believes she lives or formerly lived in Greece. Plaintiff does not have further information for the state of Michigan inspectors. Contact information for Messrs. Gahris and Hall is set forth below:

Jeffrey Gahris, EPA Region 5, 77 W. Jackson Blvd., Chicago, IL, 312-886-6794

Charles Hall, EPA Region 5, 77 W. Jackson Blvd., Chicago, IL, 312-353-3443

Non-privileged, non-confidential documents, communications, reports and/or records relating to these inspections have been or will be produced pursuant to Fed. R. Civ. P. 33(d).

13. **Identify all persons who have or may have knowledge of the violations alleged in the Complaint, and all persons who have or may have knowledge of facts that support your allegations that each physical or operational change identified in response to Interrogatory No. 3 was "modification," or "major modification."**

RESPONSE:

Plaintiff objects to Interrogatory 13 on the grounds that it seeks information that is protected from discovery by the work product doctrine, the governmental enforcement privilege, the deliberative process privilege, and/or attorney-client privilege. Plaintiff also objects to this interrogatory as overbroad, vague, and unduly burdensome to the extent it asks Plaintiff to identify all persons who "may have" knowledge of facts that support its allegations. Plaintiff also objects to the extent this interrogatory purports to require Plaintiff to undergo an extensive investigation and review of an extraordinary number of documents covering an unlimited period of time. For example, many of the allegations in the Complaint address general points of law found within the Clean Air Act. Thousands of individuals have knowledge concerning those points of law. In addition to the thousands of federal employees who may have general information that in some way relates to general propositions in the Complaint, many more employees, agents, and representatives of other entities, including Defendants, the Edison Electric Institute, the Utility Air Regulatory Group, various boiler vendors, other electric utilities, and other entities associated with the coal-fired electric utility industry, may also have discoverable information relating to the facts set forth in the Complaint. The identity of such individuals is in the possession of Defendants. Under the circumstances, the burden would far

exceed the likely benefit such information might have to this litigation. Fed. R. Civ. P. 26(b). Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

All non-privileged, non-confidential documents, communications, reports and/or records relating to the allegations contained in the Complaint that may identify current and/or former employees with knowledge of the matters discussed therein have been or will be produced pursuant to Fed. R. Civ. P. 33(d). Plaintiff responds that the following individuals, in consultation with others within EPA and the Department of Justice, including counsel, analyzed the data produced to EPA by Defendants or have knowledge of facts which support Plaintiff's allegations with respect to the activities at Monroe Unit 2. Further identifying information for the individuals listed below has been provided to Defendants through Plaintiff's initial disclosures and the declarations submitted with the preliminary injunction briefing.

Mark Ackerman, Ethan Chatfield, Natalie Topinka, EPA Region 5, 77 W. Jackson Blvd., Chicago, IL

Mr. Ackerman, Mr. Chatfield, and Ms. Topinka may have information regarding the alleged modification(s) undertaken by Defendants and EPA's investigation and response.

Shaun Burke, Air Enforcement Division, U.S. EPA Headquarters, 1200 Pennsylvania Ave., NW Washington, DC

Mr. Burke may have information regarding the alleged modification(s) undertaken by Defendants and EPA's investigation and response.

Expert Witnesses Disclosed on Behalf of Plaintiff

Plaintiff has disclosed the following expert witnesses who may have information relevant to the alleged modification(s) undertaken by Defendants: Myron Adams, Bruce Biewald, Philip Hayat, Michael Hekking, Matthew Kahal, Robert Koppe, Hugh Larkin, Edward Rothman, and Ranajit Sahu. The identification information for these expert witnesses has previously been provided in their declarations in support of Plaintiff's motion for preliminary injunction and/or will be provided in accordance with the schedule set by the Court.

14. **Identify all persons (including, but not limited to, current or former employees of Plaintiff) who possess knowledge of discoverable information with respect to any assertions or facts set forth in the Complaint, and for each person so identified state the paragraph or paragraphs of the Complaint with respect to which the person possesses such knowledge.**

RESPONSE:

In response, Plaintiff adopts the response, including objections, to Interrogatory 13. In addition, the individuals listed in the response to Interrogatory 13 likely have knowledge about the following paragraphs of the Complaint: 1-3; 6-8; 10-58.

15. **Identify the name, address and telephone number of each individual who in any way participated in the investigation or decision-making that led to the issuance of the Notice of Violation to Detroit Edison and/or the allegations contained in the Complaint.**

RESPONSE:

In response, Plaintiff adopts the response, including objections, to Interrogatory 13. In addition Plaintiff objects to this Interrogatory as unlikely to lead to the production of admissible evidence. *See* Fed. R. Civ. P. 26(b)(1). Plaintiff's answer to Interrogatories 13 and 14 sets forth those individuals with factual information regarding the allegations in the complaint. This Interrogatory would appear to call for the names of counsel and agency management involved in the decision-making process for the Notice of Violation and the Complaint. The names of these individuals will not lead to admissible evidence, and any information beyond the names themselves is protected from discovery by the work product doctrine, the governmental enforcement privilege, the deliberative process privilege, and/or the attorney-client privilege. Without waiving these objections or its general objections, and subject to them, Plaintiff answers as follows.

The individuals with factual information related to the work at Monroe Unit 2 are set forth in the response to Interrogatory 13. Counsel and senior management at the Department of Justice and EPA also participated in the decision-making leading to the issuance of the notice of violation and the allegations in the Complaint. In addition, the following individuals at EPA Region 5, 77 W. Jackson Blvd., Chicago, IL, participated in the process leading to the notice of violation or allegations in the complaint:

George Czerniak, 312-886-6789

Brent Marable, 312-886-6812

Cheryl Newton, 312-353-6730

David Schulz, 312-886-6790

16. **Identify (a) each and every employee, agent or representative of Plaintiff who has visited or inspected the Plant; (b) the date or dates the person was present at the Plant; (c) all documents generated as a result of or that relate or refer to such visits or inspections; (d) the purpose of the visit or inspection and what was obtained therefrom; and (e) all communications between you and any other person or entity relating to all such visits or inspections.**

RESPONSE:

Plaintiff objects to Interrogatory 16 on the basis that it seeks information that is protected by the work product doctrine and the attorney-client privileges. Fed. R. Civ. P. 26(b)(1) and (3). EPA performed inspections, had communications with counsel and others, engaged in internal deliberations with counsel and others leading to a final agency decision, and created documents in consultation with counsel and/or in anticipation of the current litigation. This information is protected from discovery. Without waiving these objections or its general objections, and subject to them, Plaintiff responds as follows: All non-privileged, non-confidential documents, communications, reports and/or records relating to the inspection of any coal-fired electric

generating units identified in Plaintiff's Complaint for the purposes of evaluating the unit(s)' compliance with the CAA or applicable SIP provisions have been or will be produced for inspection and copying pursuant to Fed. R. Civ. P. 33(d). Without waiving these objections or its general objections, and subject to them, Plaintiff answers by reference to the response, including objections, to Interrogatory 11.

17. **For each Witness, state with specificity: the Witness's qualifications, including a list of all articles, publications, or presentations authored, co-authored, presented, co-presented or edited, and provide a list of all other proceedings in which the Witness has testified as an expert or fact witness, including at a trial, at a hearing of any kind, by deposition, by affidavit, or by declaration; the subject matter(s) of the Witness's anticipated testimony at any preliminary injunction hearing in this matter; the facts, documents, and communications that support or relate to the Witness's anticipated preliminary injunction testimony; and any opinions the Witness may express, the bases and reasons for those opinions, and the data or other information considered by the Witness in forming the opinions.**

RESPONSE:

Plaintiff objects to this interrogatory as premature inasmuch as discovery is ongoing, expert reports have yet to be produced, and Defendants have not yet responded to Plaintiff's written discovery. This unproduced information would likely bear on who Plaintiff will call to testify and the nature of those individuals' testimony. Plaintiff also objects that the interrogatory is overbroad in calling for documents that "support or relate to" the witness's testimony. Plaintiff also objects to the extent this interrogatory calls for information that is protected from discovery under the Parties' Expert Agreement, filed with the Court as Doc. # 44. Finally, Plaintiff objects to the interrogatory as premature, since Plaintiff has not yet decided who will testify at trial or what exhibits may be introduced. Without waiving the general objections above or these specific objections, and subject to them, Plaintiffs state their current understanding of the anticipated testimony that each witness may provide to the extent known at this time.

Plaintiffs have not yet decided who will testify at trial or the scope of their "anticipated testimony." Plaintiff's expert witnesses have in many cases already provided declarations in support of Plaintiff's motion for preliminary injunction and/or will provide expert reports in this case according to the schedule set by the Court. These expert disclosures will provide the information sought in this interrogatory. Plaintiff will disclose and supplement expert disclosures in accordance with the schedule set by the Court. Plaintiff may also call fact rebuttal witnesses whom we have not yet identified to address (i) issues or claims not yet raised in discovery and (ii) any new facts raised by Defendants' witnesses at trial.

Therefore, this disclosure simply represents individuals who may be called to testify as fact witnesses in Plaintiff's case-in-chief and the subjects they would be able to testify regarding if called.

Ethan Chatfield

If called to testify, Mr. Chatfield may provide factual testimony regarding the New Source Review program and the activities at Monroe Unit 2. Mr. Chatfield is familiar with these issues from his work at EPA, both in permitting and enforcement of the Clean Air Act. While Plaintiff has not, at this time, identified documents that Mr. Chatfield might rely on in his testimony, he is familiar with the documents related to the Monroe Unit 2 activities at issue in this case and with EPA guidance on NSR. Mr. Chatfield also performed an inspection of the plant during the Spring 2010 outage and talked with DTE employees during the plant inspection.

John Paul

If called to testify, Mr. Paul may provide factual testimony regarding his understanding of, and experience with practices and experience with the NSR program. Mr. Paul is familiar

with, and has an understanding of these issues, because he has, for decades, been the head of the Regional Air Planning Control Agency in Dayton, Ohio and a leader in the National Association of Clean Agencies ("NACA") (formerly State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officers ("STAPPA-ALAPCO")). Mr. Paul would also be available as a rebuttal witness to the extent that Defendants' witnesses raise arguments or issues regarding the foregoing topics. At this time, Plaintiff has not identified documents that Mr. Paul may rely on in his testimony.

18. **Identify all persons who provided any Witness with facts, data, opinions or other information which the Witness considered or will consider in arriving at his or her opinion. For each person identified in response to this interrogatory, provide: the person's name, occupation or profession, job title, home address and telephone number, and work address and telephone number; the name of the Witness to whom the person provided such facts, data, opinions or other information and a detailed description of the facts, data, opinions or other information provided; a description of all relevant training and experience the person has completed and the date completed.**

RESPONSE:

Plaintiff objects to Interrogatory 18 on the grounds that it seeks information that is protected from discovery by the work product doctrine, the governmental enforcement privilege, or attorney-client privilege. Plaintiff also objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to the extent this interrogatory calls for information that is protected from discovery under the Parties' Expert Agreement, filed with the Court as Doc. # 44. Further, Plaintiff objects to the extent that the information sought by this interrogatory could be more easily obtained in another manner: through the depositions of Plaintiff's disclosed expert witnesses. Finally, Plaintiff objects to this interrogatory as premature because expert reports are not yet due, so any witnesses' analysis is ongoing. Thus Plaintiff

provides a preliminary answer below for the expert witnesses and opinions that were submitted in support of Plaintiff's preliminary injunction motion. Plaintiff will supplement this response once expert reports are served in this case. Without waiving the general objections above or these specific objections, and subject to them, Plaintiff responds as follows.

The primary source of information specific to this case relied on by Plaintiff's disclosed experts is documents and other materials provided by Defendants. These materials were provided to Plaintiff's disclosed experts by counsel. Plaintiff has databases of documents submitted by Defendants in response to Section 114 requests and will create databases for documents produced in discovery in this litigation. Each of the potential witnesses has or will have access to those databases. In addition, experts have provided information to each other, and those instances are set forth in the expert disclosures filed or to be served in this case. For instance, Mr. Koppe provided information to Dr. Sahu related to the forced outages caused by various boiler components in the five years preceding the projects.

In addition to the sources described above, the following expert witnesses who have submitted testimony thus far in this case received information from additional sources, as described below.

Bruce Biewald

Nicole Hughes and Rachel Wilson, both of Synapse Energy Economics, 22 Pearl Street, Cambridge, MA, 617-661-3248, assisted Mr. Biewald in his work on his declarations in this case. Additional information responsive to this interrogatory will be provided when Plaintiff supplements this response after the service of Plaintiff's expert reports in this case.

Ranajit Sahu

Dr. Sahu received information from Mr. Koppe. Information regarding Mr. Koppe's background responsive to this Interrogatory is set forth in his declarations supporting the motion for preliminary injunction and may be further described in his expert disclosures in this case. Mr. Koppe provided Dr. Sahu with information Mr. Koppe calculated based on Monroe Unit 2's operating history before the project, including information about the unit's output factor before the Spring 2010 outage and the hours of outage time related to certain replaced components before the outage.

19. **Identify and describe in full and complete detail all electronic databases or other electronic document collections or compilations which Plaintiff has used since 1977 for, or containing information relating to, any of the following:**

a. **emissions from coal-fired electric utilities;**
b. **inspections of coal-fired electric utilities;**
c. **compliance of coal-fired electric utilities with the CAA;**
d. **past, present or future operation of coal-fired electric utilities;**
e. **communications with coal-fired electric utilities;**
f. **permitting of coal-fired electric utilities;**
g. **applicability determinations under PSD or NSR;**
h. **guidance on application of PSD or NSR;**
i. **maintenance of coal-fired electric utilities;**
j. **regulation of coal-fired electric utilities;**
k. **projections of demand for electricity or generation from coal-fired electric utilities; or;**
l. **projections of fuel consumption by coal-fired electric utilities.**

RESPONSE:

Plaintiff objects to Interrogatory 19 on the grounds that it seeks information that is protected from discovery by the work product doctrine, the governmental enforcement privilege, the deliberative process privilege, or attorney-client privilege. Plaintiff also objects to this interrogatory on the grounds that is overly broad, unduly burdensome, and not relevant to the claims and defenses in this case. The interrogatory asks for a nearly limitless amount of information from 1977 on a diverse range of topics. The only limitation appears to be that the

information called for by the interrogatory needs to be in an "electronic database," a vague term, particularly since the interrogatory asks for everything since 1977. Describing the contents of each database maintained by every office of EPA would be a massive task that would generate much information that is irrelevant to the issues in this case. The rapid pace of developments in information technology have rendered many of these databases from so long ago obsolete. Asking EPA to recreate computing history serves no valid purpose.

Without waiving these objections or its general objections, and subject to them, Plaintiff provides the list at Exhibit C. In addition, Plaintiff has set forth several publically available databases in responses to prior interrogatories. Finally, individual states often have publically available databases related to permitting decisions available online. The information contained in those databases is as readily available to Defendants as it is to Plaintiff.

Dated: March 7, 2011

AS TO OBJECTIONS

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

/s/ Thomas A. Benson
JAMES A. LOFTON
JUSTIN A. SAVAGE
THOMAS A. BENSON (MA Bar # 660308)
KRISTIN M. FURRIE
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 514-5261
Thomas.Benson@usdoj.gov

OF COUNSEL:
SABRINA ARGENTIERI
MARK PALERMO
SUSAN PROUT
Associate Regional Counsel
U.S. EPA Region 5
Chicago, IL
77 W. Jackson Blvd.

APPLE CHAPMAN
Attorney Advisor
U.S. EPA

BARBARA McQUADE
United States Attorney
Eastern District of Michigan

1200 Pennsylvania Ave. NW
Washington D.C. 20460

ELLEN CHRISTENSEN
Assistant United States Attorney
211 W. Fort St., Suite 2001
Detroit, MI 48226

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2011, the foregoing interrogatory responses were served via email on counsel of record.

/s/ Thomas A. Benson
Counsel for the United States

EXHIBIT I
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

TreeSize Professional Report, 3/8/2011 9:33 PM
Drive: My Book (E:)
Drive: E:\ Size: 931.5 GB Used: 271.0 GB Free: 660.5 GB 4096 Bytes per Cluster (NTFS)

Full Path	Size	Allocated	Files	Folders	% of Parent	Last Change
E:\	253.9 GB	264.2 GB	5276298	11868	100.0%	3/8/2011
E:\FRC\	60.1 GB	63.0 GB	1510384	5632	23.8%	11/13/2009
E:\FRC\FRC0075\	0.6 GB	0.7 GB	14225	12	1.0%	9/24/2009
E:\FRC\FRC0075\A-412-94-0162-02\	0.2 GB	0.2 GB	4233	1	31.3%	9/24/2009
E:\FRC\FRC0075\A-412-89-0015-02\	0.1 GB	0.1 GB	3277	1	22.1%	9/24/2009
E:\FRC\FRC0075\A-412-85-0066-02\	0.1 GB	0.1 GB	2128	1	17.3%	9/24/2009
E:\FRC\FRC0075\A-412-94-0162-01\	0.1 GB	0.1 GB	1990	1	12.9%	9/24/2009
E:\FRC\FRC0075\A-412-89-0015-03\	0.1 GB	0.1 GB	1888	1	12.9%	9/24/2009
E:\FRC\FRC0075\A-AFC-96-0021-01\	0.0 GB	0.0 GB	709	1	3.5%	9/24/2009
E:\FRC\FRC0021\	0.6 GB	0.7 GB	16846	54	1.0%	9/24/2009
E:\FRC\FRC0021\W-412-82-0094-02\	0.1 GB	0.1 GB	3558	1	21.0%	9/24/2009
E:\FRC\FRC0021\W-412-82-0006-05\	0.1 GB	0.1 GB	1937	1	11.3%	9/24/2009
E:\FRC\FRC0021\W-412-81-0118-07\	0.0 GB	0.1 GB	1193	1	7.8%	9/24/2009
E:\FRC\FRC0021\W-412-82-0021-03\	0.0 GB	0.0 GB	1069	1	5.9%	9/24/2009
E:\FRC\FRC0021\W-412-82-0049-03\	0.0 GB	0.0 GB	926	1	5.8%	9/24/2009
E:\FRC\FRC0021\W-412-80-0094-04\	0.0 GB	0.0 GB	979	1	5.5%	9/24/2009
E:\FRC\FRC0021\W-412-84-0077-08\	0.0 GB	0.0 GB	930	1	5.1%	9/24/2009
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E:\FRC\FRC0039\W-412-94-0296-17\	0.0 GB	0.0 GB	729	1	5.1%	9/25/2009
E:\FRC\FRC0039\W-412-96-0894-09\	0.0 GB	0.0 GB	169	1	2.7%	9/25/2009
E:\FRC\FRC0039\W-412-83-0011-04\	0.0 GB	0.0 GB	416	1	2.3%	9/25/2009

E:\FRC\FRC0132\	0.6 GB	0.6 GB	16373	331	1.0%	9/25/2009
E:\FRC\FRC0132\DALLAS\	0.2 GB	0.2 GB	5868	96	37.5%	9/25/2009
E:\FRC\FRC0132\CHICAGO\	0.2 GB	0.2 GB	5106	54	28.6%	9/25/2009
E:\FRC\FRC0132\PHILADEL\	0.1 GB	0.1 GB	2711	70	16.1%	9/25/2009
E:\FRC\FRC0132\DENVER\	0.1 GB	0.1 GB	1984	76	12.2%	9/25/2009
E:\FRC\FRC0132\SANFRAN\	0.0 GB	0.0 GB	704	30	5.6%	9/25/2009
E:\FRC\FRC0032\	0.6 GB	0.6 GB	14507	24	1.0%	9/25/2009
E:\FRC\FRC0032\W-412-84-0138-01\	0.2 GB	0.2 GB	3866	1	25.1%	9/25/2009
E:\FRC\FRC0032\W-412-81-0125-08\	0.2 GB	0.2 GB	2740	1	24.6%	9/25/2009
E:\FRC\FRC0032\W-412-82-0158-10\	0.1 GB	0.1 GB	2076	1	14.5%	9/25/2009
E:\FRC\FRC0032\W-412-90-0085-10\	0.1 GB	0.1 GB	1210	1	9.7%	9/25/2009
E:\FRC\FRC0032\W-412-84-0138-05\	0.0 GB	0.0 GB	903	1	5.8%	9/25/2009
E:\FRC\FRC0032\W-412-84-0088-04\	0.0 GB	0.0 GB	989	1	5.8%	9/25/2009
E:\FRC\FRC0032\W-412-84-0173-03\	0.0 GB	0.0 GB	878	1	4.2%	9/25/2009
E:\FRC\FRC0032\W-412-86-0153-09\	0.0 GB	0.0 GB	806	1	4.1%	9/25/2009
E:\FRC\FRC0032\W-412-90-0085-76\	0.0 GB	0.0 GB	611	1	3.5%	9/25/2009
E:\FRC\FRC0032\W-412-84-0146-06\	0.0 GB	0.0 GB	330	1	2.3%	9/25/2009
E:\FRC\FRC0032\W-412-86-0153-04\	0.0 GB	0.0 GB	85	1	0.4%	9/25/2009
E:\FRC\FRC0032\W-412-86-0153-03\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0083\	0.6 GB	0.6 GB	15723	20	1.0%	9/25/2009
E:\FRC\FRC0083\A-412-85-0049-03\	0.1 GB	0.1 GB	3437	1	22.8%	9/25/2009
E:\FRC\FRC0083\A-AFC-96-0062-02\	0.1 GB	0.1 GB	2691	1	15.3%	9/25/2009
E:\FRC\FRC0083\A-AFC-96-0062-15\	0.1 GB	0.1 GB	2036	1	12.0%	9/25/2009
E:\FRC\FRC0083\A-AFC-96-0062-14\	0.1 GB	0.1 GB	1747	1	11.5%	9/25/2009
E:\FRC\FRC0083\A-412-89-0015-04\	0.1 GB	0.1 GB	1465	1	9.6%	9/25/2009
E:\FRC\FRC0083\A-AFC-96-0062-13\	0.1 GB	0.1 GB	1304	1	8.8%	9/25/2009
E:\FRC\FRC0083\A-412-85-0049-02\	0.0 GB	0.0 GB	1156	1	7.4%	9/25/2009
E:\FRC\FRC0083\A-AFC-96-0062-07\	0.0 GB	0.0 GB	809	1	5.9%	9/25/2009
E:\FRC\FRC0083\A-AFC-96-0062-03\	0.0 GB	0.0 GB	649	1	4.0%	9/25/2009
E:\FRC\FRC0083\A-AFC-96-0021-13\	0.0 GB	0.0 GB	429	1	2.6%	9/25/2009
E:\FRC\FRC0029\	0.6 GB	0.6 GB	15755	20	1.0%	9/24/2009
E:\FRC\FRC0029\W-412-82-0094-01\	0.3 GB	0.3 GB	6265	1	43.0%	9/24/2009
E:\FRC\FRC0029\W-412-87-0054-05\	0.1 GB	0.1 GB	3580	1	21.5%	9/24/2009
E:\FRC\FRC0029\W-412-89-0060-07\	0.1 GB	0.1 GB	1184	1	9.7%	9/24/2009
E:\FRC\FRC0029\W-412-84-0173-02\	0.0 GB	0.1 GB	1433	1	8.3%	9/24/2009
E:\FRC\FRC0029\W-412-83-0110-02\	0.0 GB	0.0 GB	807	1	4.2%	9/24/2009
E:\FRC\FRC0029\W-412-87-0054-14\	0.0 GB	0.0 GB	681	1	4.2%	9/24/2009

E:\FRC\FRC0029\W-412-83-0067-02\	0.0 GB	0.0 GB	1047	1	4.2%	9/24/2009
E:\FRC\FRC0029\W-412-89-0060-05\	0.0 GB	0.0 GB	705	1	4.1%	9/24/2009
E:\FRC\FRC0029\W-412-83-0067-04\	0.0 GB	0.0 GB	44	1	0.6%	9/24/2009
E:\FRC\FRC0029\W-412-82-0119-01\	0.0 GB	0.0 GB	9	1	0.1%	9/24/2009
E:\FRC\FRC0031\	0.6 GB	0.6 GB	15724	22	1.0%	9/25/2009
E:\FRC\FRC0031\W-412-85-0084-07\	0.1 GB	0.1 GB	3188	1	21.6%	9/25/2009
E:\FRC\FRC0031\W-412-86-0153-05\	0.1 GB	0.1 GB	2820	1	19.3%	9/25/2009
E:\FRC\FRC0031\W-412-86-0109-07\	0.1 GB	0.1 GB	2608	1	17.5%	9/25/2009
E:\FRC\FRC0031\W-412-85-0019-04\	0.1 GB	0.1 GB	2527	1	15.7%	9/25/2009
E:\FRC\FRC0031\W-412-85-0019-06\	0.1 GB	0.1 GB	1955	1	11.6%	9/25/2009
E:\FRC\FRC0031\W-412-85-0019-07\	0.1 GB	0.1 GB	1625	1	9.0%	9/25/2009
E:\FRC\FRC0031\W-412-85-0019-05\	0.0 GB	0.0 GB	491	1	2.4%	9/25/2009
E:\FRC\FRC0031\W-412-86-0109-03\	0.0 GB	0.0 GB	220	1	1.3%	9/25/2009
E:\FRC\FRC0031\W-412-85-0019-01\	0.0 GB	0.0 GB	193	1	1.1%	9/25/2009
E:\FRC\FRC0031\W-412-86-0153-10\	0.0 GB	0.0 GB	64	1	0.4%	9/25/2009
E:\FRC\FRC0031\W-412-86-0153-06\	0.0 GB	0.0 GB	33	1	0.2%	9/25/2009
E:\FRC\FRC0071\	0.6 GB	0.6 GB	11270	10	1.0%	9/24/2009
E:\FRC\FRC0071\R-412-95-0068-04\	0.3 GB	0.3 GB	3400	1	46.3%	9/24/2009
E:\FRC\FRC0071\R-412-95-0068-03\	0.1 GB	0.1 GB	2176	1	20.7%	9/24/2009
E:\FRC\FRC0071\R-412-01-0510-02\	0.1 GB	0.1 GB	3199	1	20.2%	9/24/2009
E:\FRC\FRC0071\R-412-00-0087-09\	0.0 GB	0.0 GB	1175	1	6.9%	9/24/2009
E:\FRC\FRC0071\R-412-94-0102-13\	0.0 GB	0.0 GB	1320	1	6.0%	9/24/2009
E:\FRC\FRC0028\	0.6 GB	0.6 GB	16674	34	1.0%	9/24/2009
E:\FRC\FRC0028\W-412-84-0088-01\	0.1 GB	0.1 GB	3838	1	19.3%	9/24/2009
E:\FRC\FRC0028\W-412-82-0158-08\	0.1 GB	0.1 GB	2319	1	14.0%	9/24/2009
E:\FRC\FRC0028\W-412-87-0076-02\	0.1 GB	0.1 GB	2191	1	11.7%	9/24/2009
E:\FRC\FRC0028\W-412-84-0173-10\	0.1 GB	0.1 GB	1550	1	9.7%	9/24/2009
E:\FRC\FRC0028\W-412-83-0067-01\	0.1 GB	0.1 GB	1298	1	9.0%	9/24/2009
E:\FRC\FRC0028\W-412-85-0019-10\	0.0 GB	0.0 GB	1446	1	7.2%	9/24/2009
E:\FRC\FRC0028\W-412-83-0011-03\	0.0 GB	0.0 GB	711	1	5.7%	9/24/2009
E:\FRC\FRC0028\W-412-84-0077-06\	0.0 GB	0.0 GB	854	1	5.4%	9/24/2009
E:\FRC\FRC0028\W-412-85-0019-09\	0.0 GB	0.0 GB	827	1	5.2%	9/24/2009
E:\FRC\FRC0028\W-412-89-0060-01\	0.0 GB	0.0 GB	686	1	4.9%	9/24/2009
E:\FRC\FRC0028\W-412-84-0101-01\	0.0 GB	0.0 GB	404	1	4.1%	9/24/2009
E:\FRC\FRC0028\W-412-81-0136-02\	0.0 GB	0.0 GB	303	1	1.9%	9/24/2009
E:\FRC\FRC0028\W-412-84-0077-05\	0.0 GB	0.0 GB	157	1	1.1%	9/24/2009
E:\FRC\FRC0028\W-412-85-0019-08\	0.0 GB	0.0 GB	61	1	0.5%	9/24/2009

E:\FRC\FRC0028\W-412-84-0111-01\	0.0 GB	0.0 GB	17	1	0.2%	9/24/2009
E:\FRC\FRC0028\W-412-87-0082-01\	0.0 GB	0.0 GB	8	1	0.1%	9/24/2009
E:\FRC\FRC0028\W-412-81-0144-05\	0.0 GB	0.0 GB	4	1	0.0%	9/24/2009
E:\FRC\FRC0025\	0.6 GB	0.6 GB	15679	20	1.0%	9/24/2009
E:\FRC\FRC0025\W-412-82-0120-05\	0.1 GB	0.2 GB	3630	1	24.5%	9/24/2009
E:\FRC\FRC0025\W-412-84-0025-01\	0.1 GB	0.1 GB	3480	1	22.8%	9/24/2009
E:\FRC\FRC0025\W-412-95-0723-10\	0.1 GB	0.1 GB	2570	1	17.2%	9/24/2009
E:\FRC\FRC0025\W-412-82-0021-05\	0.1 GB	0.1 GB	2570	1	14.4%	9/24/2009
E:\FRC\FRC0025\W-412-80-0094-05\	0.1 GB	0.1 GB	1967	1	11.9%	9/24/2009
E:\FRC\FRC0025\W-412-82-0120-01\	0.0 GB	0.0 GB	603	1	3.8%	9/24/2009
E:\FRC\FRC0025\W-412-83-0065-12\	0.0 GB	0.0 GB	513	1	3.2%	9/24/2009
E:\FRC\FRC0025\W-412-81-0118-11\	0.0 GB	0.0 GB	308	1	1.8%	9/24/2009
E:\FRC\FRC0025\W-412-83-0067-03\	0.0 GB	0.0 GB	15	1	0.3%	9/24/2009
E:\FRC\FRC0025\W-412-82-0094-06\	0.0 GB	0.0 GB	23	1	0.1%	9/24/2009
E:\FRC\FRC0026\	0.6 GB	0.6 GB	14678	26	1.0%	9/24/2009
E:\FRC\FRC0026\W-412-82-0158-02\	0.1 GB	0.1 GB	2788	1	21.7%	9/24/2009
E:\FRC\FRC0026\W-412-83-0110-07\	0.1 GB	0.1 GB	2813	1	19.7%	9/24/2009
E:\FRC\FRC0026\W-412-83-0142-09\	0.1 GB	0.1 GB	1672	1	13.4%	9/24/2009
E:\FRC\FRC0026\W-412-82-0021-06\	0.1 GB	0.1 GB	1492	1	8.6%	9/24/2009
E:\FRC\FRC0026\W-412-83-0110-08\	0.0 GB	0.0 GB	841	1	6.0%	9/24/2009
E:\FRC\FRC0026\W-412-82-0148-03\	0.0 GB	0.0 GB	1069	1	5.3%	9/24/2009
E:\FRC\FRC0026\W-412-83-0142-08\	0.0 GB	0.0 GB	649	1	4.8%	9/24/2009
E:\FRC\FRC0026\W-412-84-0077-04\	0.0 GB	0.0 GB	801	1	4.5%	9/24/2009
E:\FRC\FRC0026\W-412-82-0006-04\	0.0 GB	0.0 GB	622	1	4.3%	9/24/2009
E:\FRC\FRC0026\W-412-83-0011-06\	0.0 GB	0.0 GB	690	1	4.1%	9/24/2009
E:\FRC\FRC0026\W-412-83-0067-07\	0.0 GB	0.0 GB	560	1	3.2%	9/24/2009
E:\FRC\FRC0026\W-412-83-0065-10\	0.0 GB	0.0 GB	383	1	2.9%	9/24/2009
E:\FRC\FRC0026\W-412-83-0142-02\	0.0 GB	0.0 GB	298	1	1.6%	9/24/2009
E:\FRC\FRC0119\	0.6 GB	0.6 GB	14515	16	1.0%	9/25/2009
E:\FRC\FRC0119\C-412-78-0005-08\	0.1 GB	0.1 GB	3109	1	20.3%	9/25/2009
E:\FRC\FRC0119\C-412-78-0005-07\	0.1 GB	0.1 GB	3115	1	20.1%	9/25/2009
E:\FRC\FRC0119\C-412-78-0005-13\	0.1 GB	0.1 GB	2484	1	18.8%	9/25/2009
E:\FRC\FRC0119\C-412-78-0005-02\	0.1 GB	0.1 GB	2025	1	15.1%	9/25/2009
E:\FRC\FRC0119\C-412-78-0005-12\	0.1 GB	0.1 GB	1652	1	12.0%	9/25/2009
E:\FRC\FRC0119\C-412-83-0006-03\	0.1 GB	0.1 GB	1558	1	10.7%	9/25/2009
E:\FRC\FRC0119\C-412-78-0005-21\	0.0 GB	0.0 GB	486	1	2.6%	9/25/2009
E:\FRC\FRC0119\C-412-83-0006-01\	0.0 GB	0.0 GB	86	1	0.5%	9/25/2009

E:\FRC\FRC0019\	0.6 GB	0.6 GB	14714	16	1.0%	9/24/2009
E:\FRC\FRC0019\W-412-80-0117-04\	0.2 GB	0.2 GB	3974	1	28.9%	9/24/2009
E:\FRC\FRC0019\W-412-81-0118-14\	0.1 GB	0.1 GB	3013	1	20.6%	9/24/2009
E:\FRC\FRC0019\W-412-82-0081-01\	0.1 GB	0.1 GB	2941	1	19.8%	9/24/2009
E:\FRC\FRC0019\W-412-81-0136-12\	0.1 GB	0.1 GB	2410	1	15.9%	9/24/2009
E:\FRC\FRC0019\W-412-81-0134-18\	0.0 GB	0.0 GB	1263	1	8.0%	9/24/2009
E:\FRC\FRC0019\W-412-81-0134-04\	0.0 GB	0.0 GB	381	1	2.5%	9/24/2009
E:\FRC\FRC0019\W-412-81-0125-09\	0.0 GB	0.0 GB	423	1	2.3%	9/24/2009
E:\FRC\FRC0019\W-412-81-0136-10\	0.0 GB	0.0 GB	309	1	1.9%	9/24/2009
E:\FRC\FRC0027\	0.6 GB	0.6 GB	14888	16	1.0%	9/24/2009
E:\FRC\FRC0027\W-412-84-0173-08\	0.1 GB	0.1 GB	3246	1	22.5%	9/24/2009
E:\FRC\FRC0027\W-412-84-0134-06\	0.1 GB	0.1 GB	2902	1	19.9%	9/24/2009
E:\FRC\FRC0027\W-412-89-0027-11\	0.1 GB	0.1 GB	2041	1	13.3%	9/24/2009
E:\FRC\FRC0027\W-412-83-0142-10\	0.1 GB	0.1 GB	2106	1	13.2%	9/24/2009
E:\FRC\FRC0027\W-412-83-0011-05\	0.1 GB	0.1 GB	1964	1	12.5%	9/24/2009
E:\FRC\FRC0027\W-412-82-0120-04\	0.1 GB	0.1 GB	1435	1	9.8%	9/24/2009
E:\FRC\FRC0027\W-412-84-0138-06\	0.0 GB	0.0 GB	901	1	6.9%	9/24/2009
E:\FRC\FRC0027\W-412-87-0082-09\	0.0 GB	0.0 GB	293	1	1.9%	9/24/2009
E:\FRC\FRC0121\	0.6 GB	0.6 GB	14317	16	1.0%	9/25/2009
E:\FRC\FRC0121\C-412-83-0006-11\	0.1 GB	0.1 GB	3330	1	23.4%	9/25/2009
E:\FRC\FRC0121\C-412-83-0006-16\	0.1 GB	0.1 GB	2799	1	20.6%	9/25/2009
E:\FRC\FRC0121\C-412-83-0006-17\	0.1 GB	0.1 GB	2287	1	18.7%	9/25/2009
E:\FRC\FRC0121\C-412-83-0006-15\	0.1 GB	0.1 GB	2801	1	17.2%	9/25/2009
E:\FRC\FRC0121\C-412-85-0006-23\	0.0 GB	0.0 GB	1236	1	7.8%	9/25/2009
E:\FRC\FRC0121\C-412-83-0006-14\	0.0 GB	0.0 GB	840	1	5.9%	9/25/2009
E:\FRC\FRC0121\C-412-83-0006-07\	0.0 GB	0.0 GB	911	1	5.8%	9/25/2009
E:\FRC\FRC0121\C-412-83-0025-01\	0.0 GB	0.0 GB	113	1	0.7%	9/25/2009
E:\FRC\FRC0023\	0.6 GB	0.6 GB	14505	44	1.0%	9/24/2009
E:\FRC\FRC0023\W-412-82-0158-01\	0.2 GB	0.2 GB	3900	1	27.2%	9/24/2009
E:\FRC\FRC0023\W-412-82-0006-02\	0.1 GB	0.1 GB	2363	1	16.0%	9/24/2009
E:\FRC\FRC0023\W-412-84-0006-02\	0.0 GB	0.0 GB	1298	1	8.0%	9/24/2009
E:\FRC\FRC0023\W-412-82-0089-04\	0.0 GB	0.0 GB	1242	1	7.7%	9/24/2009
E:\FRC\FRC0023\W-412-84-0138-02\	0.0 GB	0.0 GB	1143	1	6.5%	9/24/2009
E:\FRC\FRC0023\W-412-82-0089-03\	0.0 GB	0.0 GB	902	1	6.5%	9/24/2009
E:\FRC\FRC0023\W-412-82-0094-05\	0.0 GB	0.0 GB	445	1	5.4%	9/24/2009
E:\FRC\FRC0023\W-412-81-0118-13\	0.0 GB	0.0 GB	739	1	5.4%	9/24/2009
E:\FRC\FRC0023\W-412-84-0101-03\	0.0 GB	0.0 GB	505	1	4.0%	9/24/2009

E:\FRC\FRC0023\W-412-82-0148-05\	0.0 GB	0.0 GB	426	1	3.8%	9/24/2009
E:\FRC\FRC0023\W-412-82-0148-02\	0.0 GB	0.0 GB	481	1	3.1%	9/24/2009
E:\FRC\FRC0023\W-412-81-0125-01\	0.0 GB	0.0 GB	410	1	2.1%	9/24/2009
E:\FRC\FRC0023\W-412-81-0142-10\	0.0 GB	0.0 GB	192	1	1.2%	9/24/2009
E:\FRC\FRC0023\W-412-83-0142-07\	0.0 GB	0.0 GB	99	1	0.7%	9/24/2009
E:\FRC\FRC0023\W-412-82-0089-01\	0.0 GB	0.0 GB	101	1	0.6%	9/24/2009
E:\FRC\FRC0023\W-412-92-0135-03\	0.0 GB	0.0 GB	79	1	0.6%	9/24/2009
E:\FRC\FRC0023\W-412-84-0116-02\	0.0 GB	0.0 GB	46	1	0.4%	9/24/2009
E:\FRC\FRC0023\W-412-84-0134-01\	0.0 GB	0.0 GB	58	1	0.3%	9/24/2009
E:\FRC\FRC0023\W-412-82-0148-04\	0.0 GB	0.0 GB	42	1	0.3%	9/24/2009
E:\FRC\FRC0023\W-412-81-0142-03\	0.0 GB	0.0 GB	6	1	0.1%	9/24/2009
E:\FRC\FRC0023\W-412-84-0006-04\	0.0 GB	0.0 GB	11	1	0.1%	9/24/2009
E:\FRC\FRC0023\W-412-82-0089-02\	0.0 GB	0.0 GB	17	1	0.1%	9/24/2009
E:\FRC\FRC0070\	0.6 GB	0.6 GB	15448	20	1.0%	9/24/2009
E:\FRC\FRC0070\R-412-01-0510-03\	0.1 GB	0.1 GB	2932	1	19.6%	9/24/2009
E:\FRC\FRC0070\R-412-99-0223-02\	0.1 GB	0.1 GB	2768	1	17.9%	9/24/2009
E:\FRC\FRC0070\R-412-00-0087-02\	0.1 GB	0.1 GB	2523	1	17.3%	9/24/2009
E:\FRC\FRC0070\R-412-00-0087-08\	0.1 GB	0.1 GB	2450	1	14.3%	9/24/2009
E:\FRC\FRC0070\R-412-99-0223-03\	0.1 GB	0.1 GB	1690	1	10.3%	9/24/2009
E:\FRC\FRC0070\R-412-94-0184-31\	0.1 GB	0.1 GB	1197	1	9.2%	9/24/2009
E:\FRC\FRC0070\R-412-94-0184-34\	0.1 GB	0.1 GB	1586	1	9.2%	9/24/2009
E:\FRC\FRC0070\R-412-01-0035-01\	0.0 GB	0.0 GB	128	1	1.1%	9/24/2009
E:\FRC\FRC0070\R-412-94-0063-06\	0.0 GB	0.0 GB	159	1	1.1%	9/24/2009
E:\FRC\FRC0070\R-412-98-0130-02\	0.0 GB	0.0 GB	15	1	0.1%	9/24/2009
E:\FRC\FRC0124\	0.6 GB	0.6 GB	13373	10	1.0%	9/25/2009
E:\FRC\FRC0124\C-412-85-0006-21\	0.2 GB	0.2 GB	3184	1	26.4%	9/25/2009
E:\FRC\FRC0124\C-412-85-0006-29\	0.1 GB	0.2 GB	3503	1	25.4%	9/25/2009
E:\FRC\FRC0124\C-412-85-0006-24\	0.1 GB	0.1 GB	3270	1	23.1%	9/25/2009
E:\FRC\FRC0124\C-412-83-0025-08\	0.1 GB	0.1 GB	2170	1	16.4%	9/25/2009
E:\FRC\FRC0124\C-412-85-0006-32\	0.1 GB	0.1 GB	1246	1	8.8%	9/25/2009
E:\FRC\FRC0050\	0.6 GB	0.6 GB	13570	22	1.0%	9/25/2009
E:\FRC\FRC0050\C-412-90-0016-10\	0.1 GB	0.1 GB	1620	1	21.1%	9/25/2009
E:\FRC\FRC0050\C-412-90-0018-04\	0.1 GB	0.1 GB	1932	1	14.0%	9/25/2009
E:\FRC\FRC0050\C-412-90-0018-01\	0.1 GB	0.1 GB	1910	1	13.8%	9/25/2009
E:\FRC\FRC0050\C-412-86-0038-01\	0.1 GB	0.1 GB	1760	1	12.0%	9/25/2009
E:\FRC\FRC0050\C-412-91-0080-01\	0.1 GB	0.1 GB	1274	1	11.3%	9/25/2009
E:\FRC\FRC0050\C-412-91-0081-01\	0.0 GB	0.0 GB	1800	1	7.9%	9/25/2009

E:\FRC\FRC0050\C-412-91-0079-02\	0.0 GB	0.0 GB	893	1	6.0%	9/25/2009
E:\FRC\FRC0050\C-412-90-0016-23\	0.0 GB	0.0 GB	803	1	5.8%	9/25/2009
E:\FRC\FRC0050\C-412-93-0116-01\	0.0 GB	0.0 GB	1195	1	5.7%	9/25/2009
E:\FRC\FRC0050\C-412-92-0060-09\	0.0 GB	0.0 GB	367	1	2.4%	9/25/2009
E:\FRC\FRC0050\C-412-86-0037-02\	0.0 GB	0.0 GB	16	1	0.1%	9/25/2009
E:\FRC\FRC0017\	0.6 GB	0.6 GB	13786	16	1.0%	9/24/2009
E:\FRC\FRC0017\W-412-82-0102-05\	0.1 GB	0.1 GB	2779	1	23.0%	9/24/2009
E:\FRC\FRC0017\W-412-82-0158-05\	0.1 GB	0.1 GB	3165	1	21.2%	9/24/2009
E:\FRC\FRC0017\W-412-81-0137-10\	0.1 GB	0.1 GB	2461	1	19.6%	9/24/2009
E:\FRC\FRC0017\W-412-83-0110-04\	0.1 GB	0.1 GB	1657	1	12.4%	9/24/2009
E:\FRC\FRC0017\W-412-82-0094-03\	0.1 GB	0.1 GB	1798	1	10.8%	9/24/2009
E:\FRC\FRC0017\W-412-82-0021-04\	0.1 GB	0.1 GB	1289	1	9.1%	9/24/2009
E:\FRC\FRC0017\W-412-80-0117-01\	0.0 GB	0.0 GB	512	1	2.9%	9/24/2009
E:\FRC\FRC0017\W-412-83-0110-03\	0.0 GB	0.0 GB	125	1	1.0%	9/24/2009
E:\FRC\FRC0089\	0.6 GB	0.6 GB	14904	40	0.9%	9/25/2009
E:\FRC\FRC0089\T-412-98-0157-03\	0.1 GB	0.1 GB	2074	1	14.8%	9/25/2009
E:\FRC\FRC0089\T-412-99-0044-10\	0.1 GB	0.1 GB	1933	1	12.4%	9/25/2009
E:\FRC\FRC0089\T-412-98-0160-09\	0.1 GB	0.1 GB	1415	1	11.5%	9/25/2009
E:\FRC\FRC0089\T-412-99-0045-06\	0.1 GB	0.1 GB	1485	1	10.2%	9/25/2009
E:\FRC\FRC0089\T-412-98-0160-19\	0.1 GB	0.1 GB	1337	1	10.0%	9/25/2009
E:\FRC\FRC0089\T-412-99-0111-08\	0.1 GB	0.1 GB	1681	1	10.0%	9/25/2009
E:\FRC\FRC0089\T-412-99-0044-02\	0.1 GB	0.1 GB	1629	1	9.3%	9/25/2009
E:\FRC\FRC0089\T-412-99-0044-04\	0.0 GB	0.0 GB	864	1	5.4%	9/25/2009
E:\FRC\FRC0089\T-412-99-0045-04\	0.0 GB	0.0 GB	423	1	2.8%	9/25/2009
E:\FRC\FRC0089\T-412-98-0160-18\	0.0 GB	0.0 GB	374	1	2.8%	9/25/2009
E:\FRC\FRC0089\T-412-98-0156-01\	0.0 GB	0.0 GB	355	1	2.4%	9/25/2009
E:\FRC\FRC0089\T-412-00-0039-01\	0.0 GB	0.0 GB	325	1	2.3%	9/25/2009
E:\FRC\FRC0089\T-412-98-0160-07\	0.0 GB	0.0 GB	253	1	1.7%	9/25/2009
E:\FRC\FRC0089\T-412-91-0031-04\	0.0 GB	0.0 GB	240	1	1.4%	9/25/2009
E:\FRC\FRC0089\T-412-99-0084-10\	0.0 GB	0.0 GB	251	1	1.2%	9/25/2009
E:\FRC\FRC0089\T-412-98-0160-05\	0.0 GB	0.0 GB	113	1	0.9%	9/25/2009
E:\FRC\FRC0089\T-412-99-0085-03\	0.0 GB	0.0 GB	104	1	0.7%	9/25/2009
E:\FRC\FRC0089\T-412-99-0085-05\	0.0 GB	0.0 GB	23	1	0.2%	9/25/2009
E:\FRC\FRC0089\T-412-99-0111-07\	0.0 GB	0.0 GB	20	1	0.1%	9/25/2009
E:\FRC\FRC0089\T-412-99-0111-12\	0.0 GB	0.0 GB	5	1	0.1%	9/25/2009
E:\FRC\FRC0015\	0.6 GB	0.6 GB	14622	18	0.9%	9/24/2009
E:\FRC\FRC0015\W-412-82-0102-01\	0.2 GB	0.2 GB	4362	1	29.9%	9/24/2009

E:\FRC\FRC0015\W-412-82-0120-02\	0.1 GB	0.1 GB	2224	1	16.1%	9/24/2009
E:\FRC\FRC0015\W-412-81-0125-07\	0.1 GB	0.1 GB	2253	1	15.2%	9/24/2009
E:\FRC\FRC0015\W-412-83-0065-02\	0.1 GB	0.1 GB	2193	1	13.9%	9/24/2009
E:\FRC\FRC0015\W-412-81-0125-05\	0.1 GB	0.1 GB	1787	1	12.7%	9/24/2009
E:\FRC\FRC0015\W-412-89-0060-02\	0.0 GB	0.0 GB	940	1	7.1%	9/24/2009
E:\FRC\FRC0015\W-412-83-0065-07\	0.0 GB	0.0 GB	648	1	3.6%	9/24/2009
E:\FRC\FRC0015\W-412-80-0117-02\	0.0 GB	0.0 GB	205	1	1.3%	9/24/2009
E:\FRC\FRC0015\W-412-82-0148-01\	0.0 GB	0.0 GB	10	1	0.1%	9/24/2009
E:\FRC\FRC0082\	0.6 GB	0.6 GB	12205	22	0.9%	9/25/2009
E:\FRC\FRC0082\A-412-85-0048-04\	0.1 GB	0.2 GB	1645	1	25.8%	9/25/2009
E:\FRC\FRC0082\A-412-85-0048-01\	0.1 GB	0.1 GB	2448	1	18.9%	9/24/2009
E:\FRC\FRC0082\A-AFC-96-0021-08\	0.1 GB	0.1 GB	1953	1	11.5%	9/25/2009
E:\FRC\FRC0082\A-412-01-0373-02\	0.1 GB	0.1 GB	1434	1	10.5%	9/24/2009
E:\FRC\FRC0082\A-AFC-98-0138-02\	0.1 GB	0.1 GB	1521	1	10.4%	9/25/2009
E:\FRC\FRC0082\A-412-90-0039-01\	0.0 GB	0.0 GB	1147	1	7.2%	9/25/2009
E:\FRC\FRC0082\A-AFC-98-0138-05\	0.0 GB	0.0 GB	832	1	6.3%	9/25/2009
E:\FRC\FRC0082\A-412-01-0373-01\	0.0 GB	0.0 GB	562	1	5.0%	9/24/2009
E:\FRC\FRC0082\A-AFC-98-0135-04\	0.0 GB	0.0 GB	264	1	1.8%	9/25/2009
E:\FRC\FRC0082\A-412-90-0026-01\	0.0 GB	0.0 GB	236	1	1.5%	9/25/2009
E:\FRC\FRC0082\A-412-93-0247-02\	0.0 GB	0.0 GB	163	1	1.0%	9/25/2009
E:\FRC\FRC0020\	0.6 GB	0.6 GB	13417	14	0.9%	9/24/2009
E:\FRC\FRC0020\W-412-80-0084-07\	0.1 GB	0.1 GB	2824	1	21.2%	9/24/2009
E:\FRC\FRC0020\W-412-83-0142-06\	0.1 GB	0.1 GB	1751	1	17.5%	9/24/2009
E:\FRC\FRC0020\W-412-80-0084-05\	0.1 GB	0.1 GB	2170	1	16.7%	9/24/2009
E:\FRC\FRC0020\W-412-82-0158-09\	0.1 GB	0.1 GB	2302	1	15.3%	9/24/2009
E:\FRC\FRC0020\W-412-84-0134-04\	0.1 GB	0.1 GB	2190	1	14.8%	9/24/2009
E:\FRC\FRC0020\W-412-82-0158-11\	0.1 GB	0.1 GB	1535	1	10.2%	9/24/2009
E:\FRC\FRC0020\W-412-81-0142-04\	0.0 GB	0.0 GB	645	1	4.3%	9/24/2009
E:\FRC\FRC0040\	0.6 GB	0.6 GB	14313	28	0.9%	9/25/2009
E:\FRC\FRC0040\W-412-87-0054-09\	0.2 GB	0.2 GB	3130	1	27.9%	9/25/2009
E:\FRC\FRC0040\W-412-96-0894-17\	0.1 GB	0.1 GB	2934	1	17.9%	9/25/2009
E:\FRC\FRC0040\W-412-89-0027-08\	0.1 GB	0.1 GB	1803	1	12.8%	9/25/2009
E:\FRC\FRC0040\W-412-95-0723-11\	0.1 GB	0.1 GB	1708	1	12.3%	9/25/2009
E:\FRC\FRC0040\W-412-99-0292-09\	0.0 GB	0.0 GB	1249	1	7.5%	9/25/2009
E:\FRC\FRC0040\W-412-89-0027-01\	0.0 GB	0.0 GB	1066	1	6.5%	9/25/2009
E:\FRC\FRC0040\W-412-99-0292-06\	0.0 GB	0.0 GB	879	1	5.5%	9/25/2009
E:\FRC\FRC0040\W-412-99-0292-04\	0.0 GB	0.0 GB	787	1	4.6%	9/25/2009

E:\FRC\FRC0040\W-412-99-0292-03\	0.0 GB	0.0 GB	283	1	2.0%	9/25/2009
E:\FRC\FRC0040\W-412-99-0292-07\	0.0 GB	0.0 GB	235	1	1.4%	9/25/2009
E:\FRC\FRC0040\W-412-99-0230-01\	0.0 GB	0.0 GB	167	1	1.3%	9/25/2009
E:\FRC\FRC0040\W-412-91-0097-02\	0.0 GB	0.0 GB	63	1	0.4%	9/25/2009
E:\FRC\FRC0040\W-412-99-0292-08\	0.0 GB	0.0 GB	7	1	0.0%	9/25/2009
E:\FRC\FRC0040\W-412-91-0065-06\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0024\	0.6 GB	0.6 GB	15459	32	0.9%	11/4/2009
E:\FRC\FRC0024\W-412-84-0025-02\	0.2 GB	0.2 GB	4261	1	28.8%	9/24/2009
E:\FRC\FRC0024\W-412-82-0158-06\	0.1 GB	0.1 GB	2489	1	15.8%	11/4/2009
E:\FRC\FRC0024\W-412-86-0109-09\	0.1 GB	0.1 GB	1481	1	9.9%	9/24/2009
E:\FRC\FRC0024\W-412-84-0173-05\	0.1 GB	0.1 GB	1544	1	9.1%	9/24/2009
E:\FRC\FRC0024\W-412-84-0173-01\	0.0 GB	0.0 GB	1213	1	8.3%	9/24/2009
E:\FRC\FRC0024\W-412-84-0146-01\	0.0 GB	0.0 GB	1205	1	7.2%	9/24/2009
E:\FRC\FRC0024\W-412-82-0158-12\	0.0 GB	0.0 GB	738	1	5.6%	9/24/2009
E:\FRC\FRC0024\W-412-84-0173-06\	0.0 GB	0.0 GB	761	1	4.8%	9/24/2009
E:\FRC\FRC0024\W-412-84-0173-04\	0.0 GB	0.0 GB	633	1	3.5%	9/24/2009
E:\FRC\FRC0024\W-412-90-0085-45\	0.0 GB	0.0 GB	330	1	2.0%	9/24/2009
E:\FRC\FRC0024\W-412-83-0065-06\	0.0 GB	0.0 GB	347	1	2.0%	9/24/2009
E:\FRC\FRC0024\W-412-84-0173-09\	0.0 GB	0.0 GB	267	1	1.9%	9/24/2009
E:\FRC\FRC0024\W-412-90-0085-39\	0.0 GB	0.0 GB	152	1	1.0%	9/24/2009
E:\FRC\FRC0024\W-412-84-0146-07\	0.0 GB	0.0 GB	23	1	0.2%	9/24/2009
E:\FRC\FRC0024\W-412-90-0085-40\	0.0 GB	0.0 GB	9	1	0.1%	9/24/2009
E:\FRC\FRC0024\W-412-84-0050-06\	0.0 GB	0.0 GB	6	1	0.0%	9/24/2009
E:\FRC\frc0133\	0.6 GB	0.6 GB	14360	367	0.9%	9/25/2009
E:\FRC\frc0133\Chicago\	0.6 GB	0.6 GB	14360	366	100.0%	9/25/2009
E:\FRC\FRC0065\	0.6 GB	0.6 GB	14291	40	0.9%	9/24/2009
E:\FRC\FRC0065\R-412-98-0229-05\	0.2 GB	0.2 GB	4397	1	33.9%	9/24/2009
E:\FRC\FRC0065\R-412-94-0184-35\	0.1 GB	0.1 GB	3199	1	20.1%	9/24/2009
E:\FRC\FRC0065\R-412-95-0068-01\	0.1 GB	0.1 GB	1555	1	13.3%	9/24/2009
E:\FRC\FRC0065\R-412-94-0063-02\	0.0 GB	0.0 GB	1163	1	6.9%	9/24/2009
E:\FRC\FRC0065\R-412-95-0068-08\	0.0 GB	0.0 GB	905	1	6.7%	9/24/2009
E:\FRC\FRC0065\R-412-94-0184-46\	0.0 GB	0.0 GB	564	1	3.2%	9/24/2009
E:\FRC\FRC0065\R-412-93-0082-03\	0.0 GB	0.0 GB	608	1	2.6%	9/24/2009
E:\FRC\FRC0065\R-412-00-0102-01\	0.0 GB	0.0 GB	261	1	2.3%	9/24/2009
E:\FRC\FRC0065\R-412-99-0058-02\	0.0 GB	0.0 GB	325	1	2.1%	9/24/2009
E:\FRC\FRC0065\R-412-95-0067-09\	0.0 GB	0.0 GB	174	1	1.4%	9/24/2009
E:\FRC\FRC0065\R-412-94-0102-01\	0.0 GB	0.0 GB	225	1	1.3%	9/24/2009

E:\FRC\FRC0065\R-412-94-0184-29\	0.0 GB	0.0 GB	281	1	1.3%	9/24/2009
E:\FRC\FRC0065\R-412-99-0218-04\	0.0 GB	0.0 GB	125	1	1.2%	9/24/2009
E:\FRC\FRC0065\R-412-00-0087-17\	0.0 GB	0.0 GB	133	1	1.2%	9/24/2009
E:\FRC\FRC0065\R-412-95-0067-14\	0.0 GB	0.0 GB	166	1	1.0%	9/24/2009
E:\FRC\FRC0065\R-412-94-0102-03\	0.0 GB	0.0 GB	154	1	0.8%	9/24/2009
E:\FRC\FRC0065\R-412-00-0087-15\	0.0 GB	0.0 GB	35	1	0.3%	9/24/2009
E:\FRC\FRC0065\R-412-98-0211-03\	0.0 GB	0.0 GB	7	1	0.1%	9/24/2009
E:\FRC\FRC0065\R-412-99-0218-02\	0.0 GB	0.0 GB	9	1	0.1%	9/24/2009
E:\FRC\FRC0065\R-412-95-0067-31\	0.0 GB	0.0 GB	5	1	0.0%	9/24/2009
E:\FRC\FRC0079\	0.6 GB	0.6 GB	14354	24	0.9%	9/24/2009
E:\FRC\FRC0079\A-412-94-0162-03\	0.1 GB	0.1 GB	3669	1	22.8%	9/24/2009
E:\FRC\FRC0079\A-412-01-0331-02\	0.1 GB	0.1 GB	1689	1	13.3%	9/24/2009
E:\FRC\FRC0079\A-412-95-0027-04\	0.1 GB	0.1 GB	1866	1	12.8%	9/24/2009
E:\FRC\FRC0079\A-412-85-0015-02\	0.1 GB	0.1 GB	1589	1	12.3%	9/24/2009
E:\FRC\FRC0079\A-AFC-96-0062-12\	0.1 GB	0.1 GB	1728	1	11.6%	9/24/2009
E:\FRC\FRC0079\A-412-93-0007-01\	0.0 GB	0.0 GB	955	1	7.0%	9/24/2009
E:\FRC\FRC0079\A-412-85-0048-03\	0.0 GB	0.0 GB	928	1	6.8%	9/24/2009
E:\FRC\FRC0079\A-412-88-0012-01\	0.0 GB	0.0 GB	991	1	6.7%	9/24/2009
E:\FRC\FRC0079\A-412-91-0073-02\	0.0 GB	0.0 GB	517	1	3.5%	9/24/2009
E:\FRC\FRC0079\A-412-85-0069-02\	0.0 GB	0.0 GB	311	1	2.6%	9/24/2009
E:\FRC\FRC0079\A-AFC-98-0135-03\	0.0 GB	0.0 GB	100	1	0.7%	9/24/2009
E:\FRC\FRC0079\A-412-96-0125-01\	0.0 GB	0.0 GB	11	1	0.1%	9/24/2009
E:\FRC\FRC0098\	0.6 GB	0.6 GB	13941	70	0.9%	9/25/2009
E:\FRC\FRC0098\F-412-99-0065-03\	0.1 GB	0.1 GB	3335	1	25.2%	9/25/2009
E:\FRC\FRC0098\F-412-97-0125-01\	0.0 GB	0.1 GB	1406	1	8.8%	9/25/2009
E:\FRC\FRC0098\F-412-00-0096-06\	0.0 GB	0.0 GB	1402	1	8.3%	9/25/2009
E:\FRC\FRC0098\F-412-00-0096-01\	0.0 GB	0.0 GB	1002	1	7.5%	9/25/2009
E:\FRC\FRC0098\F-412-95-0078-12\	0.0 GB	0.0 GB	811	1	7.0%	9/25/2009
E:\FRC\FRC0098\F-412-99-0058-01\	0.0 GB	0.0 GB	872	1	6.2%	9/25/2009
E:\FRC\FRC0098\F-412-00-0160-03\	0.0 GB	0.0 GB	653	1	4.9%	9/25/2009
E:\FRC\FRC0098\F-412-97-0178-01\	0.0 GB	0.0 GB	654	1	4.2%	9/25/2009
E:\FRC\FRC0098\F-412-99-0041-04\	0.0 GB	0.0 GB	539	1	3.6%	9/25/2009
E:\FRC\FRC0098\F-412-98-0107-02\	0.0 GB	0.0 GB	457	1	3.1%	9/25/2009
E:\FRC\FRC0098\F-412-81-0012-03\	0.0 GB	0.0 GB	385	1	2.7%	9/25/2009
E:\FRC\FRC0098\F-412-99-0044-03\	0.0 GB	0.0 GB	318	1	2.4%	9/25/2009
E:\FRC\FRC0098\F-412-01-0071-01\	0.0 GB	0.0 GB	265	1	2.1%	9/25/2009
E:\FRC\FRC0098\F-412-97-0171-02\	0.0 GB	0.0 GB	264	1	2.0%	9/25/2009

E:\FRC\FRC0098\F-412-00-0160-02\	0.0 GB	0.0 GB	279	1	2.0%	9/25/2009
E:\FRC\FRC0098\F-412-92-0057-01\	0.0 GB	0.0 GB	191	1	1.7%	9/25/2009
E:\FRC\FRC0098\F-412-95-0078-13\	0.0 GB	0.0 GB	153	1	1.1%	9/25/2009
E:\FRC\FRC0098\F-412-97-0175-03\	0.0 GB	0.0 GB	115	1	1.0%	9/25/2009
E:\FRC\FRC0098\F-412-97-0175-02\	0.0 GB	0.0 GB	139	1	0.9%	9/25/2009
E:\FRC\FRC0098\F-412-95-0078-14\	0.0 GB	0.0 GB	98	1	0.8%	9/25/2009
E:\FRC\FRC0098\F-412-95-0078-08\	0.0 GB	0.0 GB	79	1	0.6%	9/25/2009
E:\FRC\FRC0098\F-412-97-0072-03\	0.0 GB	0.0 GB	73	1	0.6%	9/25/2009
E:\FRC\FRC0098\F-412-99-0044-01\	0.0 GB	0.0 GB	36	1	0.6%	9/25/2009
E:\FRC\FRC0098\F-412-81-0012-01\	0.0 GB	0.0 GB	110	1	0.5%	9/25/2009
E:\FRC\FRC0098\F-412-81-0012-02\	0.0 GB	0.0 GB	57	1	0.5%	9/25/2009
E:\FRC\FRC0098\F-412-99-0041-01\	0.0 GB	0.0 GB	60	1	0.4%	9/25/2009
E:\FRC\FRC0098\F-412-99-0058-02\	0.0 GB	0.0 GB	40	1	0.3%	9/25/2009
E:\FRC\FRC0098\F-412-97-0072-05\	0.0 GB	0.0 GB	40	1	0.3%	9/25/2009
E:\FRC\FRC0098\F-412-97-0176-01\	0.0 GB	0.0 GB	23	1	0.2%	9/25/2009
E:\FRC\FRC0098\F-412-97-0070-10\	0.0 GB	0.0 GB	22	1	0.2%	9/25/2009
E:\FRC\FRC0098\F-412-00-0096-03\	0.0 GB	0.0 GB	26	1	0.1%	9/25/2009
E:\FRC\FRC0098\F-412-98-0107-03\	0.0 GB	0.0 GB	18	1	0.1%	9/25/2009
E:\FRC\FRC0098\F-412-98-0129-01\	0.0 GB	0.0 GB	10	1	0.1%	9/25/2009
E:\FRC\FRC0098\F-412-92-0063-02\	0.0 GB	0.0 GB	6	1	0.0%	9/25/2009
E:\FRC\FRC0098\F-412-97-0168-01\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0072\	0.6 GB	0.6 GB	15141	10	0.9%	9/24/2009
E:\FRC\FRC0072\R-412-01-0510-04\	0.2 GB	0.2 GB	5597	1	34.1%	9/24/2009
E:\FRC\FRC0072\R-412-98-0229-03\	0.2 GB	0.2 GB	4193	1	27.9%	9/24/2009
E:\FRC\FRC0072\R-412-98-0229-02\	0.1 GB	0.1 GB	2502	1	16.1%	9/24/2009
E:\FRC\FRC0072\R-412-00-0087-05\	0.1 GB	0.1 GB	1529	1	11.0%	9/24/2009
E:\FRC\FRC0072\R-412-00-0087-06\	0.1 GB	0.1 GB	1320	1	10.9%	9/24/2009
E:\FRC\FRC0122\	0.6 GB	0.6 GB	12967	12	0.9%	9/25/2009
E:\FRC\FRC0122\C-412-83-0006-19\	0.2 GB	0.2 GB	3902	1	28.2%	9/25/2009
E:\FRC\FRC0122\C-412-83-0025-02\	0.1 GB	0.1 GB	3280	1	23.0%	9/25/2009
E:\FRC\FRC0122\C-412-83-0025-06\	0.1 GB	0.1 GB	3322	1	22.9%	9/25/2009
E:\FRC\FRC0122\C-412-83-0006-18\	0.1 GB	0.1 GB	1785	1	21.9%	9/25/2009
E:\FRC\FRC0122\C-412-83-0025-04\	0.0 GB	0.0 GB	676	1	4.0%	9/25/2009
E:\FRC\FRC0122\C-412-83-0025-09\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0067\	0.6 GB	0.6 GB	14081	26	0.9%	9/24/2009
E:\FRC\FRC0067\R-412-98-0229-08\	0.1 GB	0.1 GB	2919	1	23.5%	9/24/2009
E:\FRC\FRC0067\R-412-95-0067-05\	0.1 GB	0.1 GB	2409	1	15.0%	9/24/2009

E:\FRC\FRC0067\R-412-00-0087-04\	0.1 GB	0.1 GB	1824	1	14.5%	9/24/2009
E:\FRC\FRC0067\R-412-00-0087-01\	0.1 GB	0.1 GB	1708	1	13.5%	9/24/2009
E:\FRC\FRC0067\R-412-00-0087-03\	0.1 GB	0.1 GB	1563	1	11.9%	9/24/2009
E:\FRC\FRC0067\R-412-94-0092-06\	0.0 GB	0.0 GB	1267	1	6.7%	9/24/2009
E:\FRC\FRC0067\R-412-94-0184-47\	0.0 GB	0.0 GB	711	1	4.4%	9/24/2009
E:\FRC\FRC0067\R-412-94-0184-33\	0.0 GB	0.0 GB	595	1	2.9%	9/24/2009
E:\FRC\FRC0067\R-412-95-0067-24\	0.0 GB	0.0 GB	322	1	2.2%	9/24/2009
E:\FRC\FRC0067\R-412-95-0067-21\	0.0 GB	0.0 GB	240	1	2.1%	9/24/2009
E:\FRC\FRC0067\R-412-99-0218-01\	0.0 GB	0.0 GB	267	1	2.0%	9/24/2009
E:\FRC\FRC0067\R-412-94-0184-03\	0.0 GB	0.0 GB	237	1	1.1%	9/24/2009
E:\FRC\FRC0067\R-412-95-0067-15\	0.0 GB	0.0 GB	19	1	0.1%	9/24/2009
E:\FRC\FRC0022\	0.5 GB	0.6 GB	14588	14	0.9%	9/24/2009
E:\FRC\FRC0022\W-412-82-0158-03\	0.1 GB	0.1 GB	2893	1	23.9%	9/24/2009
E:\FRC\FRC0022\W-412-82-0102-02\	0.1 GB	0.1 GB	2959	1	19.2%	9/24/2009
E:\FRC\FRC0022\W-412-82-0006-01\	0.1 GB	0.1 GB	2784	1	18.2%	9/24/2009
E:\FRC\FRC0022\W-412-82-0102-03\	0.1 GB	0.1 GB	2129	1	15.1%	9/24/2009
E:\FRC\FRC0022\W-412-84-0025-03\	0.1 GB	0.1 GB	2296	1	13.0%	9/24/2009
E:\FRC\FRC0022\W-412-82-0102-04\	0.0 GB	0.0 GB	875	1	5.4%	9/24/2009
E:\FRC\FRC0022\W-412-81-0136-08\	0.0 GB	0.0 GB	652	1	5.3%	9/24/2009
E:\FRC\FRC0043\	0.6 GB	0.6 GB	13277	20	0.9%	9/25/2009
E:\FRC\FRC0043\W-412-96-0894-23\	0.2 GB	0.2 GB	3995	1	34.7%	9/25/2009
E:\FRC\FRC0043\W-412-95-0723-14\	0.1 GB	0.1 GB	2883	1	20.2%	9/25/2009
E:\FRC\FRC0043\W-412-86-0063-02\	0.1 GB	0.1 GB	1516	1	10.0%	9/25/2009
E:\FRC\FRC0043\W-412-95-0723-08\	0.1 GB	0.1 GB	1155	1	9.3%	9/25/2009
E:\FRC\FRC0043\W-412-95-0355-18\	0.0 GB	0.1 GB	1350	1	9.0%	9/25/2009
E:\FRC\FRC0043\W-412-95-0355-08\	0.0 GB	0.1 GB	1310	1	8.7%	9/25/2009
E:\FRC\FRC0043\W-412-85-0120-07\	0.0 GB	0.0 GB	957	1	6.9%	9/25/2009
E:\FRC\FRC0043\W-412-95-0355-04\	0.0 GB	0.0 GB	55	1	0.7%	9/25/2009
E:\FRC\FRC0043\W-412-99-0286-01\	0.0 GB	0.0 GB	53	1	0.4%	9/25/2009
E:\FRC\FRC0043\W-412-94-0407-17\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0048\	0.6 GB	0.6 GB	13433	28	0.9%	9/25/2009
E:\FRC\FRC0048\C-412-86-0035-15\	0.1 GB	0.1 GB	2535	1	19.8%	9/25/2009
E:\FRC\FRC0048\C-412-86-0036-17\	0.1 GB	0.1 GB	2602	1	17.4%	9/25/2009
E:\FRC\FRC0048\C-412-99-0239-18\	0.1 GB	0.1 GB	2291	1	17.0%	9/25/2009
E:\FRC\FRC0048\C-412-94-0061-02\	0.1 GB	0.1 GB	1765	1	17.0%	9/25/2009
E:\FRC\FRC0048\C-412-99-0239-11\	0.1 GB	0.1 GB	1221	1	9.3%	9/25/2009
E:\FRC\FRC0048\C-412-88-0031-04\	0.0 GB	0.0 GB	979	1	5.5%	9/25/2009

E:\FRC\FRC0048\C-412-90-0014-01\	0.0 GB	0.0 GB	494	1	3.1%	9/25/2009
E:\FRC\FRC0048\C-412-79-0007-03\	0.0 GB	0.0 GB	301	1	2.4%	9/25/2009
E:\FRC\FRC0048\C-412-88-0032-09\	0.0 GB	0.0 GB	281	1	2.0%	9/25/2009
E:\FRC\FRC0048\C-412-86-0036-09\	0.0 GB	0.0 GB	239	1	1.7%	9/25/2009
E:\FRC\FRC0048\C-412-86-0036-13\	0.0 GB	0.0 GB	262	1	1.7%	9/25/2009
E:\FRC\FRC0048\C-412-86-0036-08\	0.0 GB	0.0 GB	184	1	1.3%	9/25/2009
E:\FRC\FRC0048\C-412-86-0035-26\	0.0 GB	0.0 GB	197	1	1.2%	9/25/2009
E:\FRC\FRC0048\C-412-85-0007-01\	0.0 GB	0.0 GB	82	1	0.5%	9/25/2009
E:\FRC\FRC0081\	0.5 GB	0.6 GB	14540	38	0.9%	9/24/2009
E:\FRC\FRC0081\A-412-95-0027-05\	0.1 GB	0.1 GB	1802	1	12.4%	9/24/2009
E:\FRC\FRC0081\A-AFC-98-0169-02\	0.1 GB	0.1 GB	1395	1	11.1%	9/24/2009
E:\FRC\FRC0081\A-AFC-96-0021-20\	0.1 GB	0.1 GB	1695	1	10.8%	9/24/2009
E:\FRC\FRC0081\A-412-95-0027-06\	0.1 GB	0.1 GB	1596	1	10.4%	9/24/2009
E:\FRC\FRC0081\A-AFC-96-0021-18\	0.1 GB	0.1 GB	1629	1	10.2%	9/24/2009
E:\FRC\FRC0081\A-412-89-0015-05\	0.0 GB	0.0 GB	1010	1	7.3%	9/24/2009
E:\FRC\FRC0081\A-412-01-0331-04\	0.0 GB	0.0 GB	927	1	7.1%	9/24/2009
E:\FRC\FRC0081\A-AFC-98-0130-01\	0.0 GB	0.0 GB	907	1	5.9%	9/24/2009
E:\FRC\FRC0081\A-AFC-96-0021-04\	0.0 GB	0.0 GB	828	1	5.5%	9/24/2009
E:\FRC\FRC0081\A-AFC-98-0135-01\	0.0 GB	0.0 GB	581	1	4.5%	9/24/2009
E:\FRC\FRC0081\A-AFC-96-0021-06\	0.0 GB	0.0 GB	626	1	4.0%	9/24/2009
E:\FRC\FRC0081\A-AFC-98-0121-01\	0.0 GB	0.0 GB	336	1	2.4%	9/24/2009
E:\FRC\FRC0081\A-AFC-00-0183-01\	0.0 GB	0.0 GB	303	1	2.3%	9/24/2009
E:\FRC\FRC0081\A-412-01-0352-03\	0.0 GB	0.0 GB	270	1	1.7%	9/24/2009
E:\FRC\FRC0081\A-AFC-96-0021-03\	0.0 GB	0.0 GB	224	1	1.3%	9/24/2009
E:\FRC\FRC0081\A-AFC-96-0021-15\	0.0 GB	0.0 GB	165	1	1.2%	9/24/2009
E:\FRC\FRC0081\A-412-79-0001-02\	0.0 GB	0.0 GB	153	1	1.0%	9/24/2009
E:\FRC\FRC0081\A-AFC-98-0169-03\	0.0 GB	0.0 GB	29	1	0.3%	9/24/2009
E:\FRC\FRC0081\A-AFC-98-0171-02\	0.0 GB	0.0 GB	64	1	0.3%	9/24/2009
E:\FRC\FRC0005\	0.5 GB	0.6 GB	13137	8	0.9%	9/24/2009
E:\FRC\FRC0005\W-412-80-0084-15\	0.1 GB	0.2 GB	3442	1	26.7%	9/24/2009
E:\FRC\FRC0005\W-412-80-0084-14\	0.1 GB	0.2 GB	3612	1	26.7%	9/24/2009
E:\FRC\FRC0005\W-412-80-0084-13\	0.1 GB	0.1 GB	2725	1	24.1%	9/24/2009
E:\FRC\FRC0005\W-412-80-0084-11\	0.1 GB	0.1 GB	3358	1	22.6%	9/24/2009
E:\FRC\FRC0077\	0.5 GB	0.6 GB	13224	22	0.9%	9/24/2009
E:\FRC\FRC0077\A-412-85-0049-04\	0.2 GB	0.2 GB	4230	1	33.8%	9/24/2009
E:\FRC\FRC0077\A-AFC-96-0062-11\	0.1 GB	0.1 GB	1852	1	13.5%	9/24/2009
E:\FRC\FRC0077\A-AFC-96-0021-05\	0.1 GB	0.1 GB	1850	1	13.4%	9/24/2009

E:\FRC\FRC0077\A-AFC-96-0021-07\	0.1 GB	0.1 GB	1797	1	11.7%	9/24/2009
E:\FRC\FRC0077\A-AFC-96-0062-10\	0.1 GB	0.1 GB	1598	1	11.6%	9/24/2009
E:\FRC\FRC0077\A-412-91-0094-01\	0.0 GB	0.0 GB	805	1	7.9%	9/24/2009
E:\FRC\FRC0077\A-AFC-96-0021-24\	0.0 GB	0.0 GB	852	1	6.7%	9/24/2009
E:\FRC\FRC0077\A-412-98-0100-04\	0.0 GB	0.0 GB	196	1	1.1%	9/24/2009
E:\FRC\FRC0077\A-412-79-0001-07\	0.0 GB	0.0 GB	20	1	0.2%	9/24/2009
E:\FRC\FRC0077\A-412-97-0296-01\	0.0 GB	0.0 GB	22	1	0.1%	9/24/2009
E:\FRC\FRC0077\A-AFC-98-0122-01\	0.0 GB	0.0 GB	2	1	0.0%	9/24/2009
E:\FRC\FRC0118\	0.5 GB	0.6 GB	13492	30	0.9%	9/25/2009
E:\FRC\FRC0118\C-412-78-0005-10\	0.1 GB	0.1 GB	2767	1	19.5%	9/25/2009
E:\FRC\FRC0118\C-412-78-0005-06\	0.1 GB	0.1 GB	1641	1	15.7%	9/25/2009
E:\FRC\FRC0118\C-412-78-0005-05\	0.1 GB	0.1 GB	1266	1	10.8%	9/25/2009
E:\FRC\FRC0118\C-412-78-0005-03\	0.1 GB	0.1 GB	1349	1	10.7%	9/25/2009
E:\FRC\FRC0118\C-412-85-0006-02\	0.1 GB	0.1 GB	1471	1	9.8%	9/25/2009
E:\FRC\FRC0118\C-412-97-0183-02\	0.0 GB	0.0 GB	869	1	6.2%	9/25/2009
E:\FRC\FRC0118\C-412-91-0048-01\	0.0 GB	0.0 GB	811	1	5.7%	9/25/2009
E:\FRC\FRC0118\C-412-91-0047-01\	0.0 GB	0.0 GB	794	1	4.9%	9/25/2009
E:\FRC\FRC0118\C-412-78-0005-11\	0.0 GB	0.0 GB	616	1	4.7%	9/25/2009
E:\FRC\FRC0118\C-412-91-0045-01\	0.0 GB	0.0 GB	624	1	3.5%	9/25/2009
E:\FRC\FRC0118\C-412-85-0006-01\	0.0 GB	0.0 GB	474	1	3.1%	9/25/2009
E:\FRC\FRC0118\C-412-85-0006-05\	0.0 GB	0.0 GB	467	1	2.6%	9/25/2009
E:\FRC\FRC0118\C-412-85-0006-04\	0.0 GB	0.0 GB	241	1	2.1%	9/25/2009
E:\FRC\FRC0118\C-412-85-0006-37\	0.0 GB	0.0 GB	47	1	0.4%	9/25/2009
E:\FRC\FRC0118\C-412-78-0005-20\	0.0 GB	0.0 GB	55	1	0.3%	9/25/2009
E:\FRC\FRC0099\	0.5 GB	0.6 GB	12101	66	0.9%	9/25/2009
E:\FRC\FRC0099\F-412-99-0065-01\	0.2 GB	0.2 GB	2549	1	28.7%	9/25/2009
E:\FRC\FRC0099\F-412-97-0122-01\	0.1 GB	0.1 GB	2482	1	16.2%	9/25/2009
E:\FRC\FRC0099\F-412-01-0008-04\	0.1 GB	0.1 GB	1420	1	10.3%	9/25/2009
E:\FRC\FRC0099\F-412-99-0065-02\	0.0 GB	0.0 GB	677	1	8.6%	9/25/2009
E:\FRC\FRC0099\F-412-99-0138-01\	0.0 GB	0.0 GB	714	1	6.0%	9/25/2009
E:\FRC\FRC0099\F-412-97-0178-03\	0.0 GB	0.0 GB	688	1	4.8%	9/25/2009
E:\FRC\FRC0099\F-412-95-0078-09\	0.0 GB	0.0 GB	569	1	4.6%	9/25/2009
E:\FRC\FRC0099\F-412-97-0124-01\	0.0 GB	0.0 GB	436	1	2.9%	9/25/2009
E:\FRC\FRC0099\F-412-99-0124-02\	0.0 GB	0.0 GB	316	1	2.7%	9/25/2009
E:\FRC\FRC0099\F-412-01-0008-02\	0.0 GB	0.0 GB	392	1	2.2%	9/25/2009
E:\FRC\FRC0099\F-412-01-0008-03\	0.0 GB	0.0 GB	243	1	1.7%	9/25/2009
E:\FRC\FRC0099\F-412-01-0008-05\	0.0 GB	0.0 GB	254	1	1.7%	9/25/2009

E:\FRC\FRC0099\F-412-97-0027-02\	0.0 GB	0.0 GB	214	1	1.4%	9/25/2009
E:\FRC\FRC0099\F-412-92-0056-01\	0.0 GB	0.0 GB	164	1	1.2%	9/25/2009
E:\FRC\FRC0099\F-412-97-0146-01\	0.0 GB	0.0 GB	136	1	1.0%	9/25/2009
E:\FRC\FRC0099\F-412-01-0069-06\	0.0 GB	0.0 GB	104	1	0.9%	9/25/2009
E:\FRC\FRC0099\F-412-98-0109-08\	0.0 GB	0.0 GB	126	1	0.9%	9/25/2009
E:\FRC\FRC0099\F-412-99-0138-02\	0.0 GB	0.0 GB	127	1	0.8%	9/25/2009
E:\FRC\FRC0099\F-412-95-0078-10\	0.0 GB	0.0 GB	80	1	0.6%	9/25/2009
E:\FRC\FRC0099\F-412-01-0071-02\	0.0 GB	0.0 GB	87	1	0.6%	9/25/2009
E:\FRC\FRC0099\F-412-92-0063-01\	0.0 GB	0.0 GB	91	1	0.5%	9/25/2009
E:\FRC\FRC0099\F-412-97-0155-01\	0.0 GB	0.0 GB	63	1	0.5%	9/25/2009
E:\FRC\FRC0099\F-412-89-0010-01\	0.0 GB	0.0 GB	48	1	0.5%	9/25/2009
E:\FRC\FRC0099\F-412-99-0124-01\	0.0 GB	0.0 GB	35	1	0.3%	9/25/2009
E:\FRC\FRC0099\F-412-97-0170-01\	0.0 GB	0.0 GB	26	1	0.2%	9/25/2009
E:\FRC\FRC0099\F-412-94-0162-05\	0.0 GB	0.0 GB	20	1	0.1%	9/25/2009
E:\FRC\FRC0099\F-412-98-0109-07\	0.0 GB	0.0 GB	14	1	0.1%	9/25/2009
E:\FRC\FRC0099\F-412-97-0054-04\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0099\F-412-97-0174-01\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0099\F-412-97-0071-02\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0099\F-412-97-0121-01\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0099\F-412-01-0069-04\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0099\F-412-98-0109-06\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0090\	0.5 GB	0.6 GB	14279	32	0.9%	9/25/2009
E:\FRC\FRC0090\T-412-97-0176-01\	0.1 GB	0.1 GB	3114	1	21.6%	9/25/2009
E:\FRC\FRC0090\T-412-98-0155-04\	0.1 GB	0.1 GB	2019	1	14.3%	9/25/2009
E:\FRC\FRC0090\T-412-99-0045-07\	0.1 GB	0.1 GB	1849	1	13.3%	9/25/2009
E:\FRC\FRC0090\T-412-99-0044-09\	0.1 GB	0.1 GB	1686	1	12.4%	9/25/2009
E:\FRC\FRC0090\T-412-98-0155-08\	0.1 GB	0.1 GB	1592	1	10.8%	9/25/2009
E:\FRC\FRC0090\T-412-99-0045-01\	0.1 GB	0.1 GB	1536	1	10.4%	9/25/2009
E:\FRC\FRC0090\T-412-98-0155-02\	0.0 GB	0.0 GB	508	1	3.5%	9/25/2009
E:\FRC\FRC0090\T-412-98-0161-01\	0.0 GB	0.0 GB	479	1	3.3%	9/25/2009
E:\FRC\FRC0090\T-412-00-0035-02\	0.0 GB	0.0 GB	367	1	2.8%	9/25/2009
E:\FRC\FRC0090\T-412-99-0044-07\	0.0 GB	0.0 GB	504	1	2.8%	9/25/2009
E:\FRC\FRC0090\T-412-93-0001-18\	0.0 GB	0.0 GB	199	1	2.0%	9/25/2009
E:\FRC\FRC0090\T-412-98-0179-07\	0.0 GB	0.0 GB	291	1	1.9%	9/25/2009
E:\FRC\FRC0090\T-412-99-0044-08\	0.0 GB	0.0 GB	85	1	0.6%	9/25/2009
E:\FRC\FRC0090\T-412-99-0085-10\	0.0 GB	0.0 GB	24	1	0.2%	9/25/2009
E:\FRC\FRC0090\T-412-99-0045-02\	0.0 GB	0.0 GB	25	1	0.1%	9/25/2009

E:\FRC\FRC0090\T-412-99-0085-07\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0102\	0.5 GB	0.6 GB	12090	64	0.9%	9/25/2009
E:\FRC\FRC0102\K-412-00-0057-01\	0.1 GB	0.1 GB	1611	1	20.7%	9/25/2009
E:\FRC\FRC0102\K-412-00-0016-04\	0.1 GB	0.1 GB	1666	1	13.1%	9/25/2009
E:\FRC\FRC0102\K-412-98-0099-01\	0.1 GB	0.1 GB	1597	1	10.3%	9/25/2009
E:\FRC\FRC0102\K-412-01-0033-02\	0.0 GB	0.0 GB	871	1	8.7%	9/25/2009
E:\FRC\FRC0102\K-412-99-0170-35\	0.0 GB	0.0 GB	930	1	7.0%	9/25/2009
E:\FRC\FRC0102\K-412-93-0026-01\	0.0 GB	0.0 GB	933	1	6.0%	9/25/2009
E:\FRC\FRC0102\K-412-93-0055-14\	0.0 GB	0.0 GB	651	1	5.8%	9/25/2009
E:\FRC\FRC0102\K-412-93-0007-02\	0.0 GB	0.0 GB	695	1	5.7%	9/25/2009
E:\FRC\FRC0102\K-412-98-0075-01\	0.0 GB	0.0 GB	538	1	5.4%	9/25/2009
E:\FRC\FRC0102\K-412-92-0025-06\	0.0 GB	0.0 GB	625	1	3.9%	9/25/2009
E:\FRC\FRC0102\K-412-98-0075-03\	0.0 GB	0.0 GB	390	1	2.6%	9/25/2009
E:\FRC\FRC0102\K-412-92-0025-05\	0.0 GB	0.0 GB	296	1	2.0%	9/25/2009
E:\FRC\FRC0102\K-412-85-0014-07\	0.0 GB	0.0 GB	276	1	2.0%	9/25/2009
E:\FRC\FRC0102\K-412-85-0014-06\	0.0 GB	0.0 GB	277	1	2.0%	9/25/2009
E:\FRC\FRC0102\K-412-94-0006-01\	0.0 GB	0.0 GB	201	1	1.3%	9/25/2009
E:\FRC\FRC0102\K-412-00-0016-02\	0.0 GB	0.0 GB	146	1	0.8%	9/25/2009
E:\FRC\FRC0102\K-412-92-0025-17\	0.0 GB	0.0 GB	43	1	0.4%	9/25/2009
E:\FRC\FRC0102\K-412-99-0170-09\	0.0 GB	0.0 GB	64	1	0.4%	9/25/2009
E:\FRC\FRC0102\K-412-93-0007-01\	0.0 GB	0.0 GB	36	1	0.3%	9/25/2009
E:\FRC\FRC0102\K-412-98-0099-02\	0.0 GB	0.0 GB	48	1	0.2%	9/25/2009
E:\FRC\FRC0102\K-412-00-0016-01\	0.0 GB	0.0 GB	42	1	0.2%	9/25/2009
E:\FRC\FRC0102\K-412-00-0016-03\	0.0 GB	0.0 GB	42	1	0.2%	9/25/2009
E:\FRC\FRC0102\K-412-91-0020-03\	0.0 GB	0.0 GB	20	1	0.2%	9/25/2009
E:\FRC\FRC0102\K-412-91-0026-02\	0.0 GB	0.0 GB	20	1	0.2%	9/25/2009
E:\FRC\FRC0102\K-412-98-0096-01\	0.0 GB	0.0 GB	20	1	0.1%	9/25/2009
E:\FRC\FRC0102\K-412-85-0014-02\	0.0 GB	0.0 GB	21	1	0.1%	9/25/2009
E:\FRC\FRC0102\K-412-85-0014-04\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0102\K-412-85-0014-03\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0102\K-412-85-0014-05\	0.0 GB	0.0 GB	6	1	0.0%	9/25/2009
E:\FRC\FRC0102\K-412-93-0007-05\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0102\K-412-93-0026-03\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0102\K-412-92-0025-04\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0076\	0.5 GB	0.6 GB	13787	30	0.9%	9/24/2009
E:\FRC\FRC0076\A-412-89-0010-01\	0.1 GB	0.1 GB	2200	1	21.3%	9/24/2009
E:\FRC\FRC0076\A-412-90-0063-02\	0.1 GB	0.1 GB	3403	1	20.9%	9/24/2009

E:\FRC\FRC0076\A-412-85-0049-01\	0.1 GB	0.1 GB	1080	1	10.6%	9/24/2009
E:\FRC\FRC0076\A-AFC-96-0021-10\	0.0 GB	0.0 GB	1298	1	8.6%	9/24/2009
E:\FRC\FRC0076\A-AFC-96-0062-01\	0.0 GB	0.0 GB	1154	1	8.0%	9/24/2009
E:\FRC\FRC0076\A-412-89-0012-01\	0.0 GB	0.0 GB	1029	1	6.2%	9/24/2009
E:\FRC\FRC0076\A-412-98-0100-05\	0.0 GB	0.0 GB	846	1	6.1%	9/24/2009
E:\FRC\FRC0076\A-412-77-0045-06\	0.0 GB	0.0 GB	534	1	4.1%	9/24/2009
E:\FRC\FRC0076\A-412-89-0011-01\	0.0 GB	0.0 GB	745	1	4.0%	9/24/2009
E:\FRC\FRC0076\A-412-80-0055-03\	0.0 GB	0.0 GB	491	1	3.1%	9/24/2009
E:\FRC\FRC0076\A-412-85-0015-01\	0.0 GB	0.0 GB	306	1	2.5%	9/24/2009
E:\FRC\FRC0076\A-412-85-0015-03\	0.0 GB	0.0 GB	263	1	2.1%	9/24/2009
E:\FRC\FRC0076\A-412-88-0013-01\	0.0 GB	0.0 GB	360	1	1.8%	9/24/2009
E:\FRC\FRC0076\A-412-90-0023-01\	0.0 GB	0.0 GB	66	1	0.7%	9/24/2009
E:\FRC\FRC0076\A-412-91-0106-06\	0.0 GB	0.0 GB	12	1	0.1%	9/24/2009
E:\FRC\FRC0011\	0.5 GB	0.6 GB	13194	28	0.9%	9/24/2009
E:\FRC\FRC0011\W-412-81-0142-07\	0.2 GB	0.2 GB	3418	1	32.1%	9/24/2009
E:\FRC\FRC0011\W-412-82-0120-03\	0.1 GB	0.1 GB	2914	1	20.0%	9/24/2009
E:\FRC\FRC0011\W-412-82-0006-03\	0.1 GB	0.1 GB	1873	1	13.0%	9/24/2009
E:\FRC\FRC0011\W-412-81-0142-05\	0.1 GB	0.1 GB	1667	1	11.4%	9/24/2009
E:\FRC\FRC0011\W-412-81-0136-09\	0.0 GB	0.0 GB	702	1	4.9%	9/24/2009
E:\FRC\FRC0011\W-412-81-0102-01\	0.0 GB	0.0 GB	461	1	4.1%	9/24/2009
E:\FRC\FRC0011\W-412-81-0134-03\	0.0 GB	0.0 GB	590	1	3.8%	9/24/2009
E:\FRC\FRC0011\W-412-81-0136-11\	0.0 GB	0.0 GB	392	1	2.7%	9/24/2009
E:\FRC\FRC0011\W-412-81-0136-03\	0.0 GB	0.0 GB	403	1	2.6%	9/24/2009
E:\FRC\FRC0011\W-412-81-0134-10\	0.0 GB	0.0 GB	356	1	2.4%	9/24/2009
E:\FRC\FRC0011\W-412-81-0142-01\	0.0 GB	0.0 GB	256	1	1.7%	9/24/2009
E:\FRC\FRC0011\W-412-83-0065-13\	0.0 GB	0.0 GB	127	1	1.2%	9/24/2009
E:\FRC\FRC0011\W-412-81-0136-06\	0.0 GB	0.0 GB	32	1	0.2%	9/24/2009
E:\FRC\FRC0011\W-412-81-0118-02\	0.0 GB	0.0 GB	3	1	0.0%	9/24/2009
E:\FRC\FRC0080\	0.5 GB	0.6 GB	11861	42	0.9%	9/24/2009
E:\FRC\FRC0080\A-412-85-0068-01\	0.1 GB	0.1 GB	1725	1	22.7%	9/24/2009
E:\FRC\FRC0080\A-412-85-0048-02\	0.1 GB	0.1 GB	2112	1	16.2%	9/24/2009
E:\FRC\FRC0080\A-AFC-96-0021-19\	0.1 GB	0.1 GB	1624	1	12.0%	9/24/2009
E:\FRC\FRC0080\A-AFC-96-0062-09\	0.0 GB	0.1 GB	1271	1	9.3%	9/24/2009
E:\FRC\FRC0080\A-AFC-96-0021-12\	0.0 GB	0.0 GB	905	1	6.6%	9/24/2009
E:\FRC\FRC0080\A-412-90-0058-02\	0.0 GB	0.0 GB	746	1	6.1%	9/24/2009
E:\FRC\FRC0080\A-412-94-0126-01\	0.0 GB	0.0 GB	369	1	3.9%	9/24/2009
E:\FRC\FRC0080\A-412-91-0072-04\	0.0 GB	0.0 GB	491	1	3.7%	9/24/2009

E:\FRC\FRC0080\A-412-92-0069-05\	0.0 GB	0.0 GB	431	1	3.1%	9/24/2009
E:\FRC\FRC0080\A-412-79-0001-06\	0.0 GB	0.0 GB	422	1	2.8%	9/24/2009
E:\FRC\FRC0080\A-412-84-0016-01\	0.0 GB	0.0 GB	420	1	2.8%	9/24/2009
E:\FRC\FRC0080\A-412-88-0011-01\	0.0 GB	0.0 GB	206	1	2.0%	9/24/2009
E:\FRC\FRC0080\A-412-84-0010-01\	0.0 GB	0.0 GB	157	1	1.7%	9/24/2009
E:\FRC\FRC0080\A-412-91-0096-01\	0.0 GB	0.0 GB	221	1	1.7%	9/24/2009
E:\FRC\FRC0080\A-412-90-0074-03\	0.0 GB	0.0 GB	286	1	1.5%	9/24/2009
E:\FRC\FRC0080\A-412-84-0013-01\	0.0 GB	0.0 GB	138	1	1.3%	9/24/2009
E:\FRC\FRC0080\A-412-90-0023-03\	0.0 GB	0.0 GB	157	1	1.0%	9/24/2009
E:\FRC\FRC0080\A-AFC-98-0120-01\	0.0 GB	0.0 GB	107	1	0.8%	9/24/2009
E:\FRC\FRC0080\A-AFC-98-0114-01\	0.0 GB	0.0 GB	58	1	0.4%	9/24/2009
E:\FRC\FRC0080\A-412-91-0072-02\	0.0 GB	0.0 GB	5	1	0.3%	9/24/2009
E:\FRC\FRC0080\A-412-91-0097-01\	0.0 GB	0.0 GB	10	1	0.1%	9/24/2009
E:\FRC\FRC0042\	0.5 GB	0.6 GB	13516	16	0.9%	9/25/2009
E:\FRC\FRC0042\W-412-83-0110-05\	0.2 GB	0.2 GB	5198	1	35.3%	9/25/2009
E:\FRC\FRC0042\W-412-96-0894-15\	0.1 GB	0.2 GB	3440	1	28.2%	9/25/2009
E:\FRC\FRC0042\W-412-90-0085-14\	0.1 GB	0.1 GB	1351	1	10.6%	9/25/2009
E:\FRC\FRC0042\W-412-95-0723-09\	0.1 GB	0.1 GB	1289	1	10.6%	9/25/2009
E:\FRC\FRC0042\W-412-86-0093-01\	0.0 GB	0.0 GB	1038	1	6.4%	9/25/2009
E:\FRC\FRC0042\W-412-96-0894-22\	0.0 GB	0.0 GB	857	1	6.1%	9/25/2009
E:\FRC\FRC0042\W-412-94-0296-16\	0.0 GB	0.0 GB	332	1	2.8%	9/25/2009
E:\FRC\FRC0042\W-412-91-0038-04\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0047\	0.5 GB	0.6 GB	14900	52	0.9%	9/25/2009
E:\FRC\FRC0047\C-412-88-0033-01\	0.1 GB	0.1 GB	2946	1	19.8%	9/25/2009
E:\FRC\FRC0047\C-412-86-0037-01\	0.1 GB	0.1 GB	2393	1	15.6%	9/25/2009
E:\FRC\FRC0047\C-412-89-0022-03\	0.1 GB	0.1 GB	1834	1	13.4%	9/25/2009
E:\FRC\FRC0047\C-412-89-0022-05\	0.1 GB	0.1 GB	1714	1	11.5%	9/25/2009
E:\FRC\FRC0047\C-412-89-0022-01\	0.1 GB	0.1 GB	1160	1	10.4%	9/25/2009
E:\FRC\FRC0047\C-412-88-0033-02\	0.0 GB	0.0 GB	1054	1	6.4%	9/25/2009
E:\FRC\FRC0047\C-412-88-0010-06\	0.0 GB	0.0 GB	1118	1	6.2%	9/25/2009
E:\FRC\FRC0047\C-412-86-0036-02\	0.0 GB	0.0 GB	905	1	4.4%	9/25/2009
E:\FRC\FRC0047\C-412-89-0024-02\	0.0 GB	0.0 GB	316	1	2.5%	9/25/2009
E:\FRC\FRC0047\C-412-86-0034-02\	0.0 GB	0.0 GB	515	1	2.1%	9/25/2009
E:\FRC\FRC0047\C-412-86-0038-02\	0.0 GB	0.0 GB	256	1	1.9%	9/25/2009
E:\FRC\FRC0047\C-412-86-0036-01\	0.0 GB	0.0 GB	191	1	1.8%	9/25/2009
E:\FRC\FRC0047\C-412-86-0036-16\	0.0 GB	0.0 GB	120	1	0.9%	9/25/2009
E:\FRC\FRC0047\C-412-87-0002-01\	0.0 GB	0.0 GB	73	1	0.6%	9/25/2009

E:\FRC\FRC0047\C-412-86-0036-11\	0.0 GB	0.0 GB	52	1	0.4%	9/25/2009
E:\FRC\FRC0047\C-412-86-0036-14\	0.0 GB	0.0 GB	46	1	0.4%	9/25/2009
E:\FRC\FRC0047\C-412-86-0036-07\	0.0 GB	0.0 GB	34	1	0.3%	9/25/2009
E:\FRC\FRC0047\C-412-86-0036-12\	0.0 GB	0.0 GB	30	1	0.3%	9/25/2009
E:\FRC\FRC0047\C-412-88-0015-01\	0.0 GB	0.0 GB	26	1	0.3%	9/25/2009
E:\FRC\FRC0047\C-412-86-0036-15\	0.0 GB	0.0 GB	27	1	0.2%	9/25/2009
E:\FRC\FRC0047\C-412-88-0010-03\	0.0 GB	0.0 GB	26	1	0.2%	9/25/2009
E:\FRC\FRC0047\C-412-86-0038-07\	0.0 GB	0.0 GB	14	1	0.1%	9/25/2009
E:\FRC\FRC0047\C-412-86-0038-05\	0.0 GB	0.0 GB	20	1	0.1%	9/25/2009
E:\FRC\FRC0047\C-412-86-0038-12\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0047\C-412-86-0038-09\	0.0 GB	0.0 GB	10	1	0.1%	9/25/2009
E:\FRC\FRC0047\C-412-86-0038-10\	0.0 GB	0.0 GB	8	1	0.1%	9/25/2009
E:\FRC\FRC0053\	0.5 GB	0.6 GB	15243	20	0.9%	9/25/2009
E:\FRC\FRC0053\C-412-89-0023-03\	0.1 GB	0.1 GB	3042	1	24.6%	9/25/2009
E:\FRC\FRC0053\C-412-86-0035-18\	0.1 GB	0.1 GB	2730	1	20.6%	9/25/2009
E:\FRC\FRC0053\C-412-99-0077-14\	0.1 GB	0.1 GB	2710	1	19.6%	9/25/2009
E:\FRC\FRC0053\C-412-99-0077-11\	0.1 GB	0.1 GB	4050	1	15.1%	9/25/2009
E:\FRC\FRC0053\C-412-93-0189-01\	0.0 GB	0.0 GB	1161	1	8.7%	9/25/2009
E:\FRC\FRC0053\C-412-93-0125-01\	0.0 GB	0.0 GB	660	1	4.4%	9/25/2009
E:\FRC\FRC0053\C-412-89-0023-02\	0.0 GB	0.0 GB	582	1	4.4%	9/25/2009
E:\FRC\FRC0053\C-412-93-0116-03\	0.0 GB	0.0 GB	225	1	2.1%	9/25/2009
E:\FRC\FRC0053\C-412-86-0038-16\	0.0 GB	0.0 GB	57	1	0.3%	9/25/2009
E:\FRC\FRC0053\C-412-86-0038-18\	0.0 GB	0.0 GB	26	1	0.2%	9/25/2009
E:\FRC\FRC0078\	0.5 GB	0.6 GB	13523	40	0.9%	9/24/2009
E:\FRC\FRC0078\A-412-85-0069-01\	0.1 GB	0.1 GB	2083	1	17.3%	9/24/2009
E:\FRC\FRC0078\A-412-95-0027-07\	0.1 GB	0.1 GB	2327	1	15.8%	9/24/2009
E:\FRC\FRC0078\A-412-85-0066-04\	0.1 GB	0.1 GB	1300	1	9.9%	9/24/2009
E:\FRC\FRC0078\A-412-77-0045-03\	0.1 GB	0.1 GB	1227	1	9.5%	9/24/2009
E:\FRC\FRC0078\A-412-95-0027-09\	0.0 GB	0.0 GB	1441	1	7.8%	9/24/2009
E:\FRC\FRC0078\A-412-80-0057-02\	0.0 GB	0.0 GB	923	1	6.2%	9/24/2009
E:\FRC\FRC0078\A-412-85-0066-03\	0.0 GB	0.0 GB	887	1	6.0%	9/24/2009
E:\FRC\FRC0078\A-412-79-0001-03\	0.0 GB	0.0 GB	545	1	4.8%	9/24/2009
E:\FRC\FRC0078\A-412-77-0045-04\	0.0 GB	0.0 GB	477	1	4.4%	9/24/2009
E:\FRC\FRC0078\A-412-77-0045-05\	0.0 GB	0.0 GB	546	1	4.0%	9/24/2009
E:\FRC\FRC0078\A-AFC-01-0132-01\	0.0 GB	0.0 GB	513	1	3.9%	9/24/2009
E:\FRC\FRC0078\A-412-01-0257-01\	0.0 GB	0.0 GB	390	1	3.4%	9/24/2009
E:\FRC\FRC0078\A-412-84-0011-01\	0.0 GB	0.0 GB	108	1	1.6%	9/24/2009

E:\FRC\FRC0078\A-AFC-96-0620-01\	0.0 GB	0.0 GB	211	1	1.4%	9/24/2009
E:\FRC\FRC0078\A-412-94-0162-04\	0.0 GB	0.0 GB	189	1	1.2%	9/24/2009
E:\FRC\FRC0078\A-AFC-96-0021-11\	0.0 GB	0.0 GB	117	1	0.8%	9/24/2009
E:\FRC\FRC0078\A-412-84-0012-01\	0.0 GB	0.0 GB	81	1	0.8%	9/24/2009
E:\FRC\FRC0078\A-412-90-0029-01\	0.0 GB	0.0 GB	103	1	0.7%	9/24/2009
E:\FRC\FRC0078\A-412-84-0015-01\	0.0 GB	0.0 GB	38	1	0.3%	9/24/2009
E:\FRC\FRC0078\A-412-97-0312-01\	0.0 GB	0.0 GB	17	1	0.1%	9/24/2009
E:\FRC\FRC0125\	0.5 GB	0.6 GB	12301	20	0.9%	9/25/2009
E:\FRC\FRC0125\C-412-85-0006-42\	0.1 GB	0.2 GB	2878	1	28.0%	9/25/2009
E:\FRC\FRC0125\C-412-83-0006-10\	0.1 GB	0.1 GB	3011	1	23.4%	9/25/2009
E:\FRC\FRC0125\C-412-85-0006-36\	0.1 GB	0.1 GB	1475	1	15.0%	9/25/2009
E:\FRC\FRC0125\C-412-78-0005-16\	0.1 GB	0.1 GB	1725	1	13.0%	9/25/2009
E:\FRC\FRC0125\C-412-85-0006-34\	0.1 GB	0.1 GB	1929	1	11.7%	9/25/2009
E:\FRC\FRC0125\C-412-83-0006-04\	0.0 GB	0.0 GB	452	1	3.2%	9/25/2009
E:\FRC\FRC0125\C-412-85-0006-38\	0.0 GB	0.0 GB	434	1	2.7%	9/25/2009
E:\FRC\FRC0125\C-412-85-0006-43\	0.0 GB	0.0 GB	226	1	1.7%	9/25/2009
E:\FRC\FRC0125\C-412-85-0006-44\	0.0 GB	0.0 GB	161	1	1.2%	9/25/2009
E:\FRC\FRC0125\C-412-85-0006-39\	0.0 GB	0.0 GB	10	1	0.2%	9/25/2009
E:\FRC\FRC0052\	0.5 GB	0.6 GB	14209	28	0.9%	9/25/2009
E:\FRC\FRC0052\C-412-99-0077-10\	0.1 GB	0.1 GB	3816	1	24.7%	9/25/2009
E:\FRC\FRC0052\C-412-90-0018-02\	0.1 GB	0.1 GB	2972	1	24.4%	9/25/2009
E:\FRC\FRC0052\C-412-99-0077-09\	0.1 GB	0.1 GB	1516	1	10.8%	9/25/2009
E:\FRC\FRC0052\C-412-94-0325-03\	0.0 GB	0.0 GB	1600	1	8.6%	9/25/2009
E:\FRC\FRC0052\C-412-92-0060-01\	0.0 GB	0.0 GB	1005	1	7.7%	9/25/2009
E:\FRC\FRC0052\C-412-91-0083-01\	0.0 GB	0.0 GB	914	1	5.6%	9/25/2009
E:\FRC\FRC0052\C-412-86-0038-06\	0.0 GB	0.0 GB	757	1	5.5%	9/25/2009
E:\FRC\FRC0052\C-412-89-0022-04\	0.0 GB	0.0 GB	511	1	4.9%	9/25/2009
E:\FRC\FRC0052\C-412-89-0022-02\	0.0 GB	0.0 GB	599	1	4.2%	9/25/2009
E:\FRC\FRC0052\C-412-89-0029-01\	0.0 GB	0.0 GB	336	1	2.1%	9/25/2009
E:\FRC\FRC0052\C-412-89-0028-01\	0.0 GB	0.0 GB	114	1	1.0%	9/25/2009
E:\FRC\FRC0052\C-412-86-0038-14\	0.0 GB	0.0 GB	39	1	0.3%	9/25/2009
E:\FRC\FRC0052\C-412-89-0024-01\	0.0 GB	0.0 GB	28	1	0.2%	9/25/2009
E:\FRC\FRC0052\C-412-86-0038-13\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0093\	0.5 GB	0.5 GB	12385	80	0.9%	9/25/2009
E:\FRC\FRC0093\S-412-97-0069-04\	0.1 GB	0.1 GB	1278	1	13.8%	9/25/2009
E:\FRC\FRC0093\S-412-79-0011-09\	0.1 GB	0.1 GB	1631	1	12.9%	9/25/2009
E:\FRC\FRC0093\S-412-01-0096-05\	0.1 GB	0.1 GB	1470	1	11.9%	9/25/2009

E:\FRC\FRC0093\S-412-96-0064-02\	0.1 GB	0.1 GB	1293	1	11.1%	9/25/2009
E:\FRC\FRC0093\S-412-82-0017-11\	0.0 GB	0.0 GB	1094	1	8.0%	9/25/2009
E:\FRC\FRC0093\S-412-88-0003-04\	0.0 GB	0.0 GB	711	1	6.2%	9/25/2009
E:\FRC\FRC0093\S-412-93-0033-02\	0.0 GB	0.0 GB	777	1	5.0%	9/25/2009
E:\FRC\FRC0093\S-412-01-0096-03\	0.0 GB	0.0 GB	490	1	4.2%	9/25/2009
E:\FRC\FRC0093\S-412-79-0011-01\	0.0 GB	0.0 GB	547	1	3.5%	9/25/2009
E:\FRC\FRC0093\S-412-79-0011-06\	0.0 GB	0.0 GB	335	1	3.2%	9/25/2009
E:\FRC\FRC0093\S-412-93-0030-01\	0.0 GB	0.0 GB	239	1	1.8%	9/25/2009
E:\FRC\FRC0093\S-412-93-0032-02\	0.0 GB	0.0 GB	269	1	1.8%	9/25/2009
E:\FRC\FRC0093\S-412-93-0033-05\	0.0 GB	0.0 GB	232	1	1.7%	9/25/2009
E:\FRC\FRC0093\S-412-99-0071-09\	0.0 GB	0.0 GB	197	1	1.6%	9/25/2009
E:\FRC\FRC0093\S-412-01-0096-10\	0.0 GB	0.0 GB	212	1	1.5%	9/25/2009
E:\FRC\FRC0093\S-412-91-0012-01\	0.0 GB	0.0 GB	167	1	1.4%	9/25/2009
E:\FRC\FRC0093\S-412-82-0017-13\	0.0 GB	0.0 GB	140	1	1.3%	9/25/2009
E:\FRC\FRC0093\S-412-94-0066-14\	0.0 GB	0.0 GB	149	1	1.1%	9/25/2009
E:\FRC\FRC0093\S-412-02-0038-01\	0.0 GB	0.0 GB	145	1	1.0%	9/25/2009
E:\FRC\FRC0093\S-412-93-0032-03\	0.0 GB	0.0 GB	134	1	1.0%	9/25/2009
E:\FRC\FRC0093\S-412-99-0071-22\	0.0 GB	0.0 GB	159	1	0.9%	9/25/2009
E:\FRC\FRC0093\S-412-95-0016-01\	0.0 GB	0.0 GB	96	1	0.8%	9/25/2009
E:\FRC\FRC0093\S-412-99-0071-21\	0.0 GB	0.0 GB	142	1	0.7%	9/25/2009
E:\FRC\FRC0093\S-412-94-0066-05\	0.0 GB	0.0 GB	70	1	0.6%	9/25/2009
E:\FRC\FRC0093\S-412-99-0071-02\	0.0 GB	0.0 GB	71	1	0.6%	9/25/2009
E:\FRC\FRC0093\S-412-79-0011-20\	0.0 GB	0.0 GB	65	1	0.6%	9/25/2009
E:\FRC\FRC0093\S-412-85-0027-05\	0.0 GB	0.0 GB	70	1	0.5%	9/25/2009
E:\FRC\FRC0093\S-412-93-0033-04\	0.0 GB	0.0 GB	40	1	0.3%	9/25/2009
E:\FRC\FRC0093\S-412-93-0033-03\	0.0 GB	0.0 GB	35	1	0.2%	9/25/2009
E:\FRC\FRC0093\S-412-92-0007-01\	0.0 GB	0.0 GB	38	1	0.2%	9/25/2009
E:\FRC\FRC0093\S-412-92-0004-10\	0.0 GB	0.0 GB	23	1	0.2%	9/25/2009
E:\FRC\FRC0093\S-412-01-0096-11\	0.0 GB	0.0 GB	14	1	0.1%	9/25/2009
E:\FRC\FRC0093\S-412-94-0066-12\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0093\S-412-99-0071-20\	0.0 GB	0.0 GB	16	1	0.1%	9/25/2009
E:\FRC\FRC0093\S-412-91-0012-11\	0.0 GB	0.0 GB	8	1	0.1%	9/25/2009
E:\FRC\FRC0093\S-412-94-0066-11\	0.0 GB	0.0 GB	5	1	0.0%	9/25/2009
E:\FRC\FRC0093\S-412-88-0003-01\	0.0 GB	0.0 GB	5	1	0.0%	9/25/2009
E:\FRC\FRC0093\S-412-92-0004-09\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0093\S-412-94-0066-10\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0093\S-412-01-0096-04\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009

E:\FRC\FRC0030\	0.5 GB	0.5 GB	13115	52	0.9%	11/4/2009
E:\FRC\FRC0030\W-412-84-0138-04\	0.1 GB	0.1 GB	2010	1	16.4%	9/24/2009
E:\FRC\FRC0030\W-412-89-0060-06\	0.1 GB	0.1 GB	2011	1	14.0%	9/25/2009
E:\FRC\FRC0030\W-412-86-0063-06\	0.1 GB	0.1 GB	1614	1	11.3%	9/24/2009
E:\FRC\FRC0030\W-412-86-0153-12\	0.0 GB	0.0 GB	1194	1	8.4%	9/24/2009
E:\FRC\FRC0030\W-412-90-0085-32\	0.0 GB	0.0 GB	685	1	6.2%	9/25/2009
E:\FRC\FRC0030\W-412-84-0138-07\	0.0 GB	0.0 GB	352	1	6.0%	9/24/2009
E:\FRC\FRC0030\W-412-84-0077-10\	0.0 GB	0.0 GB	910	1	5.6%	9/24/2009
E:\FRC\FRC0030\W-412-84-0146-02\	0.0 GB	0.0 GB	472	1	3.9%	9/24/2009
E:\FRC\FRC0030\W-412-90-0057-15\	0.0 GB	0.0 GB	508	1	3.7%	9/25/2009
E:\FRC\FRC0030\W-412-84-0077-03\	0.0 GB	0.0 GB	487	1	3.3%	9/24/2009
E:\FRC\FRC0030\W-412-84-0050-01\	0.0 GB	0.0 GB	509	1	3.1%	9/24/2009
E:\FRC\FRC0030\W-412-87-0059-06\	0.0 GB	0.0 GB	306	1	2.6%	9/24/2009
E:\FRC\FRC0030\W-412-86-0109-05\	0.0 GB	0.0 GB	291	1	2.3%	11/4/2009
E:\FRC\FRC0030\W-412-85-0053-04\	0.0 GB	0.0 GB	300	1	2.0%	9/24/2009
E:\FRC\FRC0030\W-412-89-0060-03\	0.0 GB	0.0 GB	208	1	1.8%	9/24/2009
E:\FRC\FRC0030\W-412-84-0050-02\	0.0 GB	0.0 GB	236	1	1.7%	9/24/2009
E:\FRC\FRC0030\W-412-84-0134-07\	0.0 GB	0.0 GB	158	1	1.4%	9/24/2009
E:\FRC\FRC0030\W-412-84-0025-04\	0.0 GB	0.0 GB	165	1	1.1%	9/24/2009
E:\FRC\FRC0030\W-412-84-0146-05\	0.0 GB	0.0 GB	148	1	1.0%	9/24/2009
E:\FRC\FRC0030\W-412-84-0134-05\	0.0 GB	0.0 GB	139	1	1.0%	9/24/2009
E:\FRC\FRC0030\W-412-84-0025-05\	0.0 GB	0.0 GB	109	1	0.9%	9/24/2009
E:\FRC\FRC0030\W-412-86-0063-04\	0.0 GB	0.0 GB	116	1	0.9%	9/24/2009
E:\FRC\FRC0030\W-412-86-0153-01\	0.0 GB	0.0 GB	112	1	0.9%	9/24/2009
E:\FRC\FRC0030\W-412-89-0082-01\	0.0 GB	0.0 GB	33	1	0.2%	9/25/2009
E:\FRC\FRC0030\W-412-89-0082-08\	0.0 GB	0.0 GB	25	1	0.2%	9/25/2009
E:\FRC\FRC0030\W-412-85-0053-03\	0.0 GB	0.0 GB	17	1	0.1%	9/24/2009
E:\FRC\FRC0092\	0.5 GB	0.5 GB	13308	60	0.9%	9/25/2009
E:\FRC\FRC0092\S-412-01-0096-06\	0.1 GB	0.1 GB	2478	1	19.6%	9/25/2009
E:\FRC\FRC0092\S-412-01-0096-08\	0.1 GB	0.1 GB	1344	1	11.3%	9/25/2009
E:\FRC\FRC0092\S-412-93-0030-02\	0.0 GB	0.1 GB	1202	1	9.5%	9/25/2009
E:\FRC\FRC0092\S-412-84-0025-04\	0.0 GB	0.0 GB	1255	1	8.1%	9/25/2009
E:\FRC\FRC0092\S-412-93-0030-11\	0.0 GB	0.0 GB	912	1	6.7%	9/25/2009
E:\FRC\FRC0092\S-412-00-0034-01\	0.0 GB	0.0 GB	794	1	6.1%	9/25/2009
E:\FRC\FRC0092\S-412-00-0018-05\	0.0 GB	0.0 GB	782	1	5.9%	9/25/2009
E:\FRC\FRC0092\S-412-00-0042-03\	0.0 GB	0.0 GB	753	1	5.8%	9/25/2009
E:\FRC\FRC0092\S-412-84-0025-03\	0.0 GB	0.0 GB	621	1	4.7%	9/25/2009

E:\FRC\FRC0092\S-412-94-0031-05\	0.0 GB	0.0 GB	779	1	4.6%	9/25/2009
E:\FRC\FRC0092\S-412-91-0012-02\	0.0 GB	0.0 GB	393	1	3.6%	9/25/2009
E:\FRC\FRC0092\S-412-85-0018-03\	0.0 GB	0.0 GB	569	1	3.4%	9/25/2009
E:\FRC\FRC0092\S-412-92-0001-05\	0.0 GB	0.0 GB	356	1	2.8%	9/25/2009
E:\FRC\FRC0092\S-412-94-0031-04\	0.0 GB	0.0 GB	318	1	2.5%	9/25/2009
E:\FRC\FRC0092\S-412-91-0012-08\	0.0 GB	0.0 GB	172	1	1.1%	9/25/2009
E:\FRC\FRC0092\S-412-84-0025-02\	0.0 GB	0.0 GB	141	1	1.1%	9/25/2009
E:\FRC\FRC0092\S-412-91-0012-07\	0.0 GB	0.0 GB	37	1	0.6%	9/25/2009
E:\FRC\FRC0092\S-412-85-0018-18\	0.0 GB	0.0 GB	72	1	0.6%	9/25/2009
E:\FRC\FRC0092\S-412-79-0011-18\	0.0 GB	0.0 GB	52	1	0.4%	9/25/2009
E:\FRC\FRC0092\S-412-79-0011-12\	0.0 GB	0.0 GB	44	1	0.3%	9/25/2009
E:\FRC\FRC0092\S-412-85-0020-01\	0.0 GB	0.0 GB	52	1	0.3%	9/25/2009
E:\FRC\FRC0092\S-412-91-0012-12\	0.0 GB	0.0 GB	29	1	0.2%	9/25/2009
E:\FRC\FRC0092\S-412-01-0134-01\	0.0 GB	0.0 GB	20	1	0.2%	9/25/2009
E:\FRC\FRC0092\S-412-91-0012-04\	0.0 GB	0.0 GB	56	1	0.2%	9/25/2009
E:\FRC\FRC0092\S-412-93-0030-15\	0.0 GB	0.0 GB	36	1	0.2%	9/25/2009
E:\FRC\FRC0092\S-412-89-0012-20\	0.0 GB	0.0 GB	27	1	0.2%	9/25/2009
E:\FRC\FRC0092\S-412-88-0003-02\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0092\S-412-86-0024-09\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0092\S-412-84-0025-07\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0092\S-412-94-0031-03\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0084\	0.5 GB	0.5 GB	12284	30	0.9%	9/25/2009
E:\FRC\FRC0084\A-412-01-0331-03\	0.2 GB	0.2 GB	3591	1	31.8%	9/25/2009
E:\FRC\FRC0084\A-412-94-0126-02\	0.1 GB	0.1 GB	1945	1	16.6%	9/25/2009
E:\FRC\FRC0084\A-412-90-0063-01\	0.1 GB	0.1 GB	1380	1	10.4%	9/25/2009
E:\FRC\FRC0084\A-AFC-96-0062-06\	0.0 GB	0.1 GB	1315	1	9.3%	9/25/2009
E:\FRC\FRC0084\A-AFC-96-0021-09\	0.0 GB	0.0 GB	1000	1	7.8%	9/25/2009
E:\FRC\FRC0084\A-412-96-0105-01\	0.0 GB	0.0 GB	786	1	7.3%	9/25/2009
E:\FRC\FRC0084\A-AFC-98-0133-01\	0.0 GB	0.0 GB	311	1	3.2%	9/25/2009
E:\FRC\FRC0084\A-AFC-96-0701-01\	0.0 GB	0.0 GB	387	1	2.9%	9/25/2009
E:\FRC\FRC0084\A-AFC-96-0021-23\	0.0 GB	0.0 GB	424	1	2.3%	9/25/2009
E:\FRC\FRC0084\A-412-91-0065-02\	0.0 GB	0.0 GB	275	1	2.2%	9/25/2009
E:\FRC\FRC0084\A-412-91-0065-01\	0.0 GB	0.0 GB	235	1	1.7%	9/25/2009
E:\FRC\FRC0084\A-412-90-0025-01\	0.0 GB	0.0 GB	237	1	1.7%	9/25/2009
E:\FRC\FRC0084\A-412-96-0108-01\	0.0 GB	0.0 GB	237	1	1.6%	9/25/2009
E:\FRC\FRC0084\A-412-91-0093-01\	0.0 GB	0.0 GB	124	1	0.8%	9/25/2009
E:\FRC\FRC0084\A-AFC-LC-0222-01\	0.0 GB	0.0 GB	37	1	0.4%	9/25/2009

E:\FRC\FRC0069\	0.5 GB	0.5 GB	13725	52	0.9%	9/24/2009
E:\FRC\FRC0069\C-412-99-0077-07\	0.1 GB	0.1 GB	3826	1	23.5%	9/24/2009
E:\FRC\FRC0069\C-412-99-0235-03\	0.1 GB	0.1 GB	1446	1	16.6%	9/24/2009
E:\FRC\FRC0069\C-412-99-0239-13\	0.1 GB	0.1 GB	2156	1	15.7%	9/24/2009
E:\FRC\FRC0069\C-412-01-0251-01\	0.1 GB	0.1 GB	1708	1	11.8%	9/24/2009
E:\FRC\FRC0069\C-412-99-0487-05\	0.0 GB	0.0 GB	1044	1	6.7%	9/24/2009
E:\FRC\FRC0069\C-412-00-0309-02\	0.0 GB	0.0 GB	745	1	5.6%	9/24/2009
E:\FRC\FRC0069\C-412-91-0020-01\	0.0 GB	0.0 GB	390	1	3.5%	9/24/2009
E:\FRC\FRC0069\C-412-01-0242-02\	0.0 GB	0.0 GB	411	1	2.9%	9/24/2009
E:\FRC\FRC0069\C-412-01-0248-02\	0.0 GB	0.0 GB	387	1	2.8%	9/24/2009
E:\FRC\FRC0069\C-412-90-0016-32\	0.0 GB	0.0 GB	392	1	2.4%	9/24/2009
E:\FRC\FRC0069\C-412-96-0058-02\	0.0 GB	0.0 GB	244	1	1.8%	9/24/2009
E:\FRC\FRC0069\C-412-99-0228-01\	0.0 GB	0.0 GB	179	1	1.5%	9/24/2009
E:\FRC\FRC0069\C-412-99-0480-02\	0.0 GB	0.0 GB	110	1	0.9%	9/24/2009
E:\FRC\FRC0069\C-412-99-0486-03\	0.0 GB	0.0 GB	139	1	0.6%	9/24/2009
E:\FRC\FRC0069\C-412-99-0487-04\	0.0 GB	0.0 GB	93	1	0.6%	9/24/2009
E:\FRC\FRC0069\C-412-99-0486-07\	0.0 GB	0.0 GB	75	1	0.6%	9/24/2009
E:\FRC\FRC0069\C-412-01-0225-01\	0.0 GB	0.0 GB	100	1	0.5%	9/24/2009
E:\FRC\FRC0069\C-412-99-0151-04\	0.0 GB	0.0 GB	76	1	0.5%	9/24/2009
E:\FRC\FRC0069\C-412-99-0484-10\	0.0 GB	0.0 GB	53	1	0.4%	9/24/2009
E:\FRC\FRC0069\C-412-99-0484-07\	0.0 GB	0.0 GB	47	1	0.3%	9/24/2009
E:\FRC\FRC0069\C-412-99-0137-02\	0.0 GB	0.0 GB	40	1	0.2%	9/24/2009
E:\FRC\FRC0069\C-412-99-0480-03\	0.0 GB	0.0 GB	25	1	0.1%	9/24/2009
E:\FRC\FRC0069\C-412-99-0488-02\	0.0 GB	0.0 GB	13	1	0.1%	9/24/2009
E:\FRC\FRC0069\C-412-99-0238-02\	0.0 GB	0.0 GB	11	1	0.1%	9/24/2009
E:\FRC\FRC0069\C-412-99-0484-12\	0.0 GB	0.0 GB	6	1	0.1%	9/24/2009
E:\FRC\FRC0069\C-412-99-0136-01\	0.0 GB	0.0 GB	9	1	0.0%	9/24/2009
E:\FRC\FRC0091\	0.5 GB	0.5 GB	13430	52	0.9%	9/25/2009
E:\FRC\FRC0091\S-412-85-0025-01\	0.1 GB	0.1 GB	2626	1	19.5%	9/25/2009
E:\FRC\FRC0091\S-412-93-0030-12\	0.1 GB	0.1 GB	1793	1	10.8%	9/25/2009
E:\FRC\FRC0091\S-412-84-0025-05\	0.0 GB	0.0 GB	1241	1	8.8%	9/25/2009
E:\FRC\FRC0091\S-412-86-0024-04\	0.0 GB	0.0 GB	1306	1	8.2%	9/25/2009
E:\FRC\FRC0091\S-412-00-0020-07\	0.0 GB	0.0 GB	960	1	7.8%	9/25/2009
E:\FRC\FRC0091\S-412-93-0030-07\	0.0 GB	0.0 GB	743	1	5.6%	9/25/2009
E:\FRC\FRC0091\S-412-00-0020-11\	0.0 GB	0.0 GB	744	1	5.4%	9/25/2009
E:\FRC\FRC0091\S-412-85-0018-07\	0.0 GB	0.0 GB	631	1	4.6%	9/25/2009
E:\FRC\FRC0091\S-412-82-0017-07\	0.0 GB	0.0 GB	380	1	4.6%	9/25/2009

E:\FRC\FRC0091\S-412-85-0018-17\	0.0 GB	0.0 GB	441	1	3.6%	9/25/2009
E:\FRC\FRC0091\S-412-00-0020-09\	0.0 GB	0.0 GB	448	1	3.4%	9/25/2009
E:\FRC\FRC0091\S-412-00-0018-02\	0.0 GB	0.0 GB	398	1	3.1%	9/25/2009
E:\FRC\FRC0091\S-412-86-0024-02\	0.0 GB	0.0 GB	117	1	2.5%	9/25/2009
E:\FRC\FRC0091\S-412-82-0017-10\	0.0 GB	0.0 GB	305	1	2.1%	9/25/2009
E:\FRC\FRC0091\S-412-00-0020-06\	0.0 GB	0.0 GB	323	1	1.8%	9/25/2009
E:\FRC\FRC0091\S-412-86-0021-01\	0.0 GB	0.0 GB	247	1	1.7%	9/25/2009
E:\FRC\FRC0091\S-412-00-0042-01\	0.0 GB	0.0 GB	105	1	1.6%	9/25/2009
E:\FRC\FRC0091\S-412-00-0017-01\	0.0 GB	0.0 GB	172	1	1.3%	9/25/2009
E:\FRC\FRC0091\S-412-00-0008-11\	0.0 GB	0.0 GB	150	1	1.2%	9/25/2009
E:\FRC\FRC0091\S-412-00-0020-04\	0.0 GB	0.0 GB	85	1	0.7%	9/25/2009
E:\FRC\FRC0091\S-412-93-0030-06\	0.0 GB	0.0 GB	121	1	0.6%	9/25/2009
E:\FRC\FRC0091\S-412-82-0017-22\	0.0 GB	0.0 GB	16	1	0.4%	9/25/2009
E:\FRC\FRC0091\S-412-93-0030-14\	0.0 GB	0.0 GB	34	1	0.4%	9/25/2009
E:\FRC\FRC0091\S-412-82-0017-26\	0.0 GB	0.0 GB	27	1	0.2%	9/25/2009
E:\FRC\FRC0091\S-412-00-0006-01\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0091\S-412-82-0017-28\	0.0 GB	0.0 GB	5	1	0.0%	9/25/2009
E:\FRC\FRC0008\	0.5 GB	0.5 GB	12342	16	0.8%	9/24/2009
E:\FRC\FRC0008\W-412-80-0084-08\	0.1 GB	0.1 GB	1768	1	20.4%	9/24/2009
E:\FRC\FRC0008\W-412-80-0084-01\	0.1 GB	0.1 GB	3069	1	18.9%	9/24/2009
E:\FRC\FRC0008\W-412-80-0084-09\	0.1 GB	0.1 GB	1929	1	17.1%	9/24/2009
E:\FRC\FRC0008\W-412-81-0118-08\	0.1 GB	0.1 GB	1637	1	13.5%	9/24/2009
E:\FRC\FRC0008\W-412-81-0136-13\	0.1 GB	0.1 GB	1272	1	11.6%	9/24/2009
E:\FRC\FRC0008\W-412-81-0125-06\	0.0 GB	0.0 GB	1133	1	8.6%	9/24/2009
E:\FRC\FRC0008\W-412-80-0084-12\	0.0 GB	0.0 GB	1007	1	5.6%	9/24/2009
E:\FRC\FRC0008\W-412-81-0136-14\	0.0 GB	0.0 GB	527	1	4.4%	9/24/2009
E:\FRC\FRC0107\	0.5 GB	0.5 GB	10174	26	0.8%	9/25/2009
E:\FRC\FRC0107\P-412-89-0003-01\	0.2 GB	0.2 GB	4396	1	44.7%	9/25/2009
E:\FRC\FRC0107\P-412-98-0132-03\	0.2 GB	0.2 GB	2592	1	32.0%	9/25/2009
E:\FRC\FRC0107\P-412-98-0132-06\	0.1 GB	0.1 GB	1995	1	14.6%	9/25/2009
E:\FRC\FRC0107\P-412-91-0049-01\	0.0 GB	0.0 GB	238	1	2.1%	9/25/2009
E:\FRC\FRC0107\P-412-95-0064-01\	0.0 GB	0.0 GB	208	1	1.7%	9/25/2009
E:\FRC\FRC0107\P-412-91-0007-01\	0.0 GB	0.0 GB	174	1	1.1%	9/25/2009
E:\FRC\FRC0107\P-412-96-0131-02\	0.0 GB	0.0 GB	176	1	1.1%	9/25/2009
E:\FRC\FRC0107\P-412-96-0131-01\	0.0 GB	0.0 GB	160	1	1.1%	9/25/2009
E:\FRC\FRC0107\P-412-94-0120-01\	0.0 GB	0.0 GB	88	1	0.7%	9/25/2009
E:\FRC\FRC0107\P-412-94-0114-05\	0.0 GB	0.0 GB	60	1	0.5%	9/25/2009

E:\FRC\FRC0107\P-412-94-0153-01\	0.0 GB	0.0 GB	53	1	0.4%	9/25/2009
E:\FRC\FRC0107\P-412-97-0047-01\	0.0 GB	0.0 GB	23	1	0.1%	9/25/2009
E:\FRC\FRC0107\P-412-00-0067-01\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0033\	0.5 GB	0.5 GB	12698	26	0.8%	9/25/2009
E:\FRC\FRC0033\W-412-87-0076-04\	0.1 GB	0.1 GB	3516	1	26.3%	9/25/2009
E:\FRC\FRC0033\W-412-87-0076-05\	0.1 GB	0.1 GB	3132	1	24.0%	9/25/2009
E:\FRC\FRC0033\W-412-87-0076-09\	0.1 GB	0.1 GB	1697	1	16.3%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-02\	0.0 GB	0.0 GB	1344	1	9.3%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-07\	0.0 GB	0.0 GB	1099	1	9.3%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-14\	0.0 GB	0.0 GB	560	1	4.7%	9/25/2009
E:\FRC\FRC0033\W-412-87-0076-10\	0.0 GB	0.0 GB	599	1	4.3%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-12\	0.0 GB	0.0 GB	364	1	2.9%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-03\	0.0 GB	0.0 GB	184	1	1.6%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-18\	0.0 GB	0.0 GB	49	1	0.4%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-09\	0.0 GB	0.0 GB	62	1	0.4%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-10\	0.0 GB	0.0 GB	59	1	0.3%	9/25/2009
E:\FRC\FRC0033\W-412-89-0027-16\	0.0 GB	0.0 GB	33	1	0.2%	9/25/2009
E:\FRC\FRC0096\	0.5 GB	0.5 GB	12798	102	0.8%	9/25/2009
E:\FRC\FRC0096\F-412-97-0071-05\	0.1 GB	0.1 GB	1389	1	11.4%	9/25/2009
E:\FRC\FRC0096\F-412-97-0121-04\	0.1 GB	0.1 GB	1340	1	11.1%	9/25/2009
E:\FRC\FRC0096\F-412-97-0157-01\	0.0 GB	0.0 GB	1006	1	9.2%	9/25/2009
E:\FRC\FRC0096\F-412-97-0026-07\	0.0 GB	0.0 GB	711	1	5.8%	9/25/2009
E:\FRC\FRC0096\F-412-97-0070-09\	0.0 GB	0.0 GB	793	1	5.2%	9/25/2009
E:\FRC\FRC0096\F-412-95-0078-05\	0.0 GB	0.0 GB	604	1	4.6%	9/25/2009
E:\FRC\FRC0096\F-412-97-0156-02\	0.0 GB	0.0 GB	576	1	3.8%	9/25/2009
E:\FRC\FRC0096\F-412-97-0026-08\	0.0 GB	0.0 GB	450	1	3.5%	9/25/2009
E:\FRC\FRC0096\F-412-94-0162-04\	0.0 GB	0.0 GB	397	1	3.1%	9/25/2009
E:\FRC\FRC0096\F-412-01-0069-05\	0.0 GB	0.0 GB	325	1	3.1%	9/25/2009
E:\FRC\FRC0096\F-412-92-0061-01\	0.0 GB	0.0 GB	378	1	2.6%	9/25/2009
E:\FRC\FRC0096\F-412-97-0070-11\	0.0 GB	0.0 GB	304	1	2.5%	9/25/2009
E:\FRC\FRC0096\F-412-97-0026-14\	0.0 GB	0.0 GB	288	1	2.3%	9/25/2009
E:\FRC\FRC0096\F-412-01-0069-02\	0.0 GB	0.0 GB	311	1	2.1%	9/25/2009
E:\FRC\FRC0096\F-412-81-0012-14\	0.0 GB	0.0 GB	236	1	2.1%	9/25/2009
E:\FRC\FRC0096\F-412-97-0070-04\	0.0 GB	0.0 GB	295	1	2.0%	9/25/2009
E:\FRC\FRC0096\F-412-97-0027-01\	0.0 GB	0.0 GB	253	1	2.0%	9/25/2009
E:\FRC\FRC0096\F-412-97-0147-01\	0.0 GB	0.0 GB	280	1	1.9%	9/25/2009
E:\FRC\FRC0096\F-412-96-0093-04\	0.0 GB	0.0 GB	196	1	1.9%	9/25/2009

E:\FRC\FRC0096\F-412-97-0159-02\	0.0 GB	0.0 GB	271	1	1.8%	9/25/2009
E:\FRC\FRC0096\F-412-97-0004-03\	0.0 GB	0.0 GB	245	1	1.7%	9/25/2009
E:\FRC\FRC0096\F-412-97-0155-04\	0.0 GB	0.0 GB	204	1	1.6%	9/25/2009
E:\FRC\FRC0096\F-412-92-0063-03\	0.0 GB	0.0 GB	245	1	1.6%	9/25/2009
E:\FRC\FRC0096\F-412-94-0162-01\	0.0 GB	0.0 GB	117	1	1.0%	9/25/2009
E:\FRC\FRC0096\F-412-95-0078-11\	0.0 GB	0.0 GB	106	1	1.0%	9/25/2009
E:\FRC\FRC0096\F-412-97-0157-04\	0.0 GB	0.0 GB	116	1	0.9%	9/25/2009
E:\FRC\FRC0096\F-412-97-0026-06\	0.0 GB	0.0 GB	109	1	0.9%	9/25/2009
E:\FRC\FRC0096\F-412-97-0026-15\	0.0 GB	0.0 GB	87	1	0.7%	9/25/2009
E:\FRC\FRC0096\F-412-97-0159-04\	0.0 GB	0.0 GB	74	1	0.7%	9/25/2009
E:\FRC\FRC0096\F-412-01-0069-03\	0.0 GB	0.0 GB	99	1	0.7%	9/25/2009
E:\FRC\FRC0096\F-412-81-0012-06\	0.0 GB	0.0 GB	86	1	0.7%	9/25/2009
E:\FRC\FRC0096\F-412-95-0078-07\	0.0 GB	0.0 GB	103	1	0.7%	9/25/2009
E:\FRC\FRC0096\F-412-92-0058-01\	0.0 GB	0.0 GB	84	1	0.6%	9/25/2009
E:\FRC\FRC0096\F-412-81-0012-13\	0.0 GB	0.0 GB	90	1	0.6%	9/25/2009
E:\FRC\FRC0096\F-412-00-0096-07\	0.0 GB	0.0 GB	93	1	0.6%	9/25/2009
E:\FRC\FRC0096\F-412-97-0158-01\	0.0 GB	0.0 GB	67	1	0.5%	9/25/2009
E:\FRC\FRC0096\F-412-97-0157-03\	0.0 GB	0.0 GB	71	1	0.5%	9/25/2009
E:\FRC\FRC0096\F-412-97-0159-03\	0.0 GB	0.0 GB	59	1	0.5%	9/25/2009
E:\FRC\FRC0096\F-412-97-0158-02\	0.0 GB	0.0 GB	64	1	0.4%	9/25/2009
E:\FRC\FRC0096\F-412-92-0061-02\	0.0 GB	0.0 GB	49	1	0.4%	9/25/2009
E:\FRC\FRC0096\F-412-95-0112-12\	0.0 GB	0.0 GB	52	1	0.4%	9/25/2009
E:\FRC\FRC0096\F-412-81-0012-04\	0.0 GB	0.0 GB	40	1	0.3%	9/25/2009
E:\FRC\FRC0096\F-412-94-0162-08\	0.0 GB	0.0 GB	15	1	0.2%	9/25/2009
E:\FRC\FRC0096\F-412-97-0159-01\	0.0 GB	0.0 GB	28	1	0.2%	9/25/2009
E:\FRC\FRC0096\F-412-96-0127-03\	0.0 GB	0.0 GB	14	1	0.2%	9/25/2009
E:\FRC\FRC0096\F-412-00-0096-02\	0.0 GB	0.0 GB	25	1	0.2%	9/25/2009
E:\FRC\FRC0096\F-412-97-0155-03\	0.0 GB	0.0 GB	15	1	0.1%	9/25/2009
E:\FRC\FRC0096\F-412-81-0012-12\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0096\F-412-81-0012-07\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0096\F-412-97-0004-02\	0.0 GB	0.0 GB	9	1	0.1%	9/25/2009
E:\FRC\FRC0096\F-412-81-0012-11\	0.0 GB	0.0 GB	5	1	0.0%	9/25/2009
E:\FRC\FRC0013\	0.5 GB	0.5 GB	10737	22	0.8%	9/24/2009
E:\FRC\FRC0013\C-412-86-0035-24\	0.2 GB	0.2 GB	2780	1	41.7%	9/24/2009
E:\FRC\FRC0013\C-412-86-0035-23\	0.1 GB	0.1 GB	3024	1	23.5%	9/24/2009
E:\FRC\FRC0013\C-412-86-0035-14\	0.1 GB	0.1 GB	2236	1	16.1%	9/24/2009
E:\FRC\FRC0013\C-412-90-0017-02\	0.0 GB	0.0 GB	1368	1	8.1%	9/24/2009

E:\FRC\FRC0013\C-412-86-0035-25\	0.0 GB	0.0 GB	364	1	3.1%	9/24/2009
E:\FRC\FRC0013\C-412-90-0015-06\	0.0 GB	0.0 GB	414	1	3.1%	9/24/2009
E:\FRC\FRC0013\C-412-99-0239-12\	0.0 GB	0.0 GB	243	1	2.0%	9/24/2009
E:\FRC\FRC0013\C-412-90-0015-09\	0.0 GB	0.0 GB	183	1	1.4%	9/24/2009
E:\FRC\FRC0013\C-412-90-0014-03\	0.0 GB	0.0 GB	90	1	0.7%	9/24/2009
E:\FRC\FRC0013\C-412-99-0239-04\	0.0 GB	0.0 GB	28	1	0.3%	9/24/2009
E:\FRC\FRC0013\C-412-99-0239-03\	0.0 GB	0.0 GB	7	1	0.1%	9/24/2009
E:\FRC\FRC0061\	0.5 GB	0.5 GB	13637	38	0.8%	11/4/2009
E:\FRC\FRC0061\C-412-01-0249-01\	0.1 GB	0.1 GB	2909	1	18.3%	9/25/2009
E:\FRC\FRC0061\C-412-99-0483-04\	0.1 GB	0.1 GB	1843	1	14.7%	9/25/2009
E:\FRC\FRC0061\C-412-99-0229-05\	0.1 GB	0.1 GB	1434	1	12.2%	9/25/2009
E:\FRC\FRC0061\C-412-99-0487-03\	0.0 GB	0.1 GB	1456	1	10.1%	9/25/2009
E:\FRC\FRC0061\C-412-88-0031-05\	0.0 GB	0.0 GB	1065	1	9.1%	9/25/2009
E:\FRC\FRC0061\C-412-95-0299-01\	0.0 GB	0.0 GB	712	1	7.0%	9/25/2009
E:\FRC\FRC0061\C-412-01-0241-01\	0.0 GB	0.0 GB	1087	1	5.4%	9/25/2009
E:\FRC\FRC0061\C-412-01-0244-04\	0.0 GB	0.0 GB	870	1	4.9%	9/25/2009
E:\FRC\FRC0061\C-412-99-0237-02\	0.0 GB	0.0 GB	585	1	4.5%	9/25/2009
E:\FRC\FRC0061\C-412-99-0144-01\	0.0 GB	0.0 GB	313	1	2.6%	9/25/2009
E:\FRC\FRC0061\C-412-99-0482-02\	0.0 GB	0.0 GB	272	1	2.5%	9/25/2009
E:\FRC\FRC0061\C-412-99-0511-01\	0.0 GB	0.0 GB	266	1	2.3%	11/4/2009
E:\FRC\FRC0061\C-412-99-0078-02\	0.0 GB	0.0 GB	240	1	2.2%	9/25/2009
E:\FRC\FRC0061\C-412-99-0483-02\	0.0 GB	0.0 GB	290	1	2.0%	9/25/2009
E:\FRC\FRC0061\C-412-01-0244-03\	0.0 GB	0.0 GB	131	1	0.9%	9/25/2009
E:\FRC\FRC0061\C-412-99-0238-07\	0.0 GB	0.0 GB	76	1	0.5%	9/25/2009
E:\FRC\FRC0061\C-412-95-0039-01\	0.0 GB	0.0 GB	53	1	0.4%	9/25/2009
E:\FRC\FRC0061\C-412-99-0481-05\	0.0 GB	0.0 GB	24	1	0.2%	9/25/2009
E:\FRC\FRC0061\C-412-96-0345-01\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0016\	0.5 GB	0.5 GB	12505	10	0.8%	9/24/2009
E:\FRC\FRC0016\C-412-99-0239-10\	0.1 GB	0.1 GB	2231	1	22.3%	9/24/2009
E:\FRC\FRC0016\C-412-86-0035-06\	0.1 GB	0.1 GB	2969	1	21.6%	9/24/2009
E:\FRC\FRC0016\C-412-86-0035-04\	0.1 GB	0.1 GB	2935	1	21.6%	9/24/2009
E:\FRC\FRC0016\C-412-99-0239-02\	0.1 GB	0.1 GB	1707	1	17.3%	9/24/2009
E:\FRC\FRC0016\C-412-99-0239-19\	0.1 GB	0.1 GB	2663	1	17.1%	9/24/2009
E:\FRC\FRC0120\	0.5 GB	0.5 GB	13807	22	0.8%	9/25/2009
E:\FRC\FRC0120\C-412-78-0005-17\	0.1 GB	0.1 GB	3109	1	22.6%	9/25/2009
E:\FRC\FRC0120\C-412-78-0005-09\	0.1 GB	0.1 GB	3147	1	22.5%	9/25/2009
E:\FRC\FRC0120\C-412-83-0006-12\	0.1 GB	0.1 GB	1900	1	15.9%	9/25/2009

E:\FRC\FRC0120\C-412-83-0006-13\	0.0 GB	0.0 GB	1010	1	7.3%	9/25/2009
E:\FRC\FRC0120\C-412-83-0006-06\	0.0 GB	0.0 GB	1025	1	6.6%	9/25/2009
E:\FRC\FRC0120\C-412-83-0006-05\	0.0 GB	0.0 GB	986	1	6.1%	9/25/2009
E:\FRC\FRC0120\C-412-83-0006-02\	0.0 GB	0.0 GB	793	1	5.9%	9/25/2009
E:\FRC\FRC0120\C-412-83-0006-08\	0.0 GB	0.0 GB	591	1	4.4%	9/25/2009
E:\FRC\FRC0120\C-412-78-0005-19\	0.0 GB	0.0 GB	584	1	3.2%	9/25/2009
E:\FRC\FRC0120\C-412-83-0006-09\	0.0 GB	0.0 GB	317	1	2.9%	9/25/2009
E:\FRC\FRC0120\C-412-78-0005-22\	0.0 GB	0.0 GB	345	1	2.7%	9/25/2009
E:\FRC\FRC0068\	0.5 GB	0.5 GB	12194	62	0.8%	9/24/2009
E:\FRC\FRC0068\R-412-01-0510-01\	0.1 GB	0.1 GB	2268	1	17.5%	9/24/2009
E:\FRC\FRC0068\R-412-98-0229-06\	0.1 GB	0.1 GB	1534	1	15.1%	9/24/2009
E:\FRC\FRC0068\R-412-99-0218-03\	0.1 GB	0.1 GB	1708	1	14.6%	9/24/2009
E:\FRC\FRC0068\R-412-95-0068-09\	0.0 GB	0.1 GB	1165	1	10.2%	9/24/2009
E:\FRC\FRC0068\R-412-94-0037-02\	0.0 GB	0.0 GB	587	1	5.1%	9/24/2009
E:\FRC\FRC0068\R-412-98-0211-05\	0.0 GB	0.0 GB	559	1	4.5%	9/24/2009
E:\FRC\FRC0068\R-412-93-0167-01\	0.0 GB	0.0 GB	522	1	4.3%	9/24/2009
E:\FRC\FRC0068\R-412-93-0169-01\	0.0 GB	0.0 GB	567	1	4.2%	9/24/2009
E:\FRC\FRC0068\R-412-98-0211-02\	0.0 GB	0.0 GB	516	1	4.1%	9/24/2009
E:\FRC\FRC0068\R-412-95-0067-23\	0.0 GB	0.0 GB	510	1	3.8%	9/24/2009
E:\FRC\FRC0068\R-412-95-0072-01\	0.0 GB	0.0 GB	178	1	2.0%	9/24/2009
E:\FRC\FRC0068\R-412-94-0063-05\	0.0 GB	0.0 GB	214	1	1.8%	9/24/2009
E:\FRC\FRC0068\R-412-94-0102-08\	0.0 GB	0.0 GB	250	1	1.6%	9/24/2009
E:\FRC\FRC0068\R-412-94-0063-10\	0.0 GB	0.0 GB	200	1	1.4%	9/24/2009
E:\FRC\FRC0068\R-412-94-0037-01\	0.0 GB	0.0 GB	184	1	1.3%	9/24/2009
E:\FRC\FRC0068\R-412-94-0063-04\	0.0 GB	0.0 GB	91	1	1.2%	9/24/2009
E:\FRC\FRC0068\R-412-94-0184-38\	0.0 GB	0.0 GB	118	1	1.1%	9/24/2009
E:\FRC\FRC0068\R-412-94-0092-02\	0.0 GB	0.0 GB	131	1	1.0%	9/24/2009
E:\FRC\FRC0068\R-412-95-0068-05\	0.0 GB	0.0 GB	119	1	0.9%	9/24/2009
E:\FRC\FRC0068\R-412-95-0067-04\	0.0 GB	0.0 GB	107	1	0.8%	9/24/2009
E:\FRC\FRC0068\R-412-94-0102-10\	0.0 GB	0.0 GB	103	1	0.7%	9/24/2009
E:\FRC\FRC0068\R-412-94-0102-14\	0.0 GB	0.0 GB	145	1	0.6%	9/24/2009
E:\FRC\FRC0068\R-412-94-0092-07\	0.0 GB	0.0 GB	135	1	0.6%	9/24/2009
E:\FRC\FRC0068\R-412-94-0063-09\	0.0 GB	0.0 GB	60	1	0.5%	9/24/2009
E:\FRC\FRC0068\R-412-95-0067-29\	0.0 GB	0.0 GB	60	1	0.4%	9/24/2009
E:\FRC\FRC0068\R-412-95-0067-08\	0.0 GB	0.0 GB	52	1	0.4%	9/24/2009
E:\FRC\FRC0068\R-412-95-0067-01\	0.0 GB	0.0 GB	42	1	0.3%	9/24/2009
E:\FRC\FRC0068\R-412-95-0067-26\	0.0 GB	0.0 GB	15	1	0.1%	9/24/2009

E:\FRC\FRC0068\R-412-94-0102-15\	0.0 GB	0.0 GB	28	1	0.1%	9/24/2009
E:\FRC\FRC0068\R-412-95-0068-10\	0.0 GB	0.0 GB	24	1	0.1%	9/24/2009
E:\FRC\FRC0068\R-412-94-0063-07\	0.0 GB	0.0 GB	2	1	0.0%	9/24/2009
E:\FRC\FRC0004\	0.5 GB	0.5 GB	11142	14	0.8%	9/24/2009
E:\FRC\FRC0004\C-412-86-0035-12\	0.1 GB	0.1 GB	2576	1	23.4%	9/24/2009
E:\FRC\FRC0004\C-412-86-0035-10\	0.1 GB	0.1 GB	2442	1	20.3%	9/24/2009
E:\FRC\FRC0004\C-412-86-0035-16\	0.1 GB	0.1 GB	2033	1	19.2%	9/24/2009
E:\FRC\FRC0004\C-412-86-0035-21\	0.1 GB	0.1 GB	1686	1	17.2%	9/24/2009
E:\FRC\FRC0004\C-412-86-0035-09\	0.1 GB	0.1 GB	1343	1	12.3%	9/24/2009
E:\FRC\FRC0004\C-412-90-0015-04\	0.0 GB	0.0 GB	445	1	4.0%	9/24/2009
E:\FRC\FRC0004\C-412-99-0239-21\	0.0 GB	0.0 GB	617	1	3.6%	9/24/2009
E:\FRC\FRC0123\	0.5 GB	0.5 GB	12029	22	0.8%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-13\	0.2 GB	0.2 GB	3845	1	33.3%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-22\	0.1 GB	0.1 GB	2615	1	22.4%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-15\	0.1 GB	0.1 GB	1619	1	12.2%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-12\	0.0 GB	0.0 GB	1127	1	9.0%	9/25/2009
E:\FRC\FRC0123\C-412-83-0025-05\	0.0 GB	0.0 GB	1118	1	8.9%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-20\	0.0 GB	0.0 GB	990	1	8.4%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-10\	0.0 GB	0.0 GB	413	1	2.8%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-08\	0.0 GB	0.0 GB	239	1	2.0%	9/25/2009
E:\FRC\FRC0123\C-412-83-0025-07\	0.0 GB	0.0 GB	41	1	0.6%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-18\	0.0 GB	0.0 GB	15	1	0.2%	9/25/2009
E:\FRC\FRC0123\C-412-85-0006-30\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0057\	0.5 GB	0.5 GB	13185	82	0.8%	11/4/2009
E:\FRC\FRC0057\C-412-99-0077-06\	0.1 GB	0.2 GB	4214	1	31.4%	9/25/2009
E:\FRC\FRC0057\C-412-99-0077-04\	0.1 GB	0.1 GB	3507	1	25.1%	9/25/2009
E:\FRC\FRC0057\C-412-97-0457-10\	0.1 GB	0.1 GB	1453	1	11.0%	9/25/2009
E:\FRC\FRC0057\C-412-99-0229-01\	0.0 GB	0.0 GB	1095	1	9.7%	9/25/2009
E:\FRC\FRC0057\C-412-99-0480-01\	0.0 GB	0.0 GB	698	1	4.8%	9/25/2009
E:\FRC\FRC0057\C-412-95-0037-01\	0.0 GB	0.0 GB	513	1	4.1%	9/25/2009
E:\FRC\FRC0057\C-412-99-0225-01\	0.0 GB	0.0 GB	238	1	2.1%	9/25/2009
E:\FRC\FRC0057\C-412-93-0099-01\	0.0 GB	0.0 GB	127	1	1.1%	9/25/2009
E:\FRC\FRC0057\C-412-97-0170-01\	0.0 GB	0.0 GB	84	1	0.9%	9/25/2009
E:\FRC\FRC0057\C-412-99-0153-01\	0.0 GB	0.0 GB	111	1	0.9%	9/25/2009
E:\FRC\FRC0057\C-412-95-0005-02\	0.0 GB	0.0 GB	90	1	0.7%	9/25/2009
E:\FRC\FRC0057\C-412-99-0148-01\	0.0 GB	0.0 GB	59	1	0.6%	9/25/2009
E:\FRC\FRC0057\C-412-94-0292-02\	0.0 GB	0.0 GB	76	1	0.6%	11/4/2009

E:\FRC\FRC0057\C-412-94-0042-01\	0.0 GB	0.0 GB	91	1	0.6%	9/25/2009
E:\FRC\FRC0057\C-412-97-0457-03\	0.0 GB	0.0 GB	70	1	0.6%	9/25/2009
E:\FRC\FRC0057\C-412-93-0066-01\	0.0 GB	0.0 GB	53	1	0.6%	9/25/2009
E:\FRC\FRC0057\C-412-99-0151-05\	0.0 GB	0.0 GB	59	1	0.6%	9/25/2009
E:\FRC\FRC0057\C-412-99-0223-02\	0.0 GB	0.0 GB	70	1	0.5%	9/25/2009
E:\FRC\FRC0057\C-412-95-0010-01\	0.0 GB	0.0 GB	56	1	0.5%	9/25/2009
E:\FRC\FRC0057\C-412-99-0077-08\	0.0 GB	0.0 GB	75	1	0.5%	9/25/2009
E:\FRC\FRC0057\C-412-94-0316-01\	0.0 GB	0.0 GB	65	1	0.4%	9/25/2009
E:\FRC\FRC0057\C-412-99-0151-02\	0.0 GB	0.0 GB	65	1	0.4%	9/25/2009
E:\FRC\FRC0057\C-412-94-0123-01\	0.0 GB	0.0 GB	47	1	0.4%	9/25/2009
E:\FRC\FRC0057\C-412-00-0177-09\	0.0 GB	0.0 GB	58	1	0.4%	9/25/2009
E:\FRC\FRC0057\C-412-97-0452-01\	0.0 GB	0.0 GB	10	1	0.3%	9/25/2009
E:\FRC\FRC0057\C-412-92-0082-01\	0.0 GB	0.0 GB	19	1	0.2%	9/25/2009
E:\FRC\FRC0057\C-412-00-0304-01\	0.0 GB	0.0 GB	26	1	0.2%	9/25/2009
E:\FRC\FRC0057\C-412-95-0026-01\	0.0 GB	0.0 GB	31	1	0.2%	9/25/2009
E:\FRC\FRC0057\C-412-99-0137-01\	0.0 GB	0.0 GB	24	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-99-0136-02\	0.0 GB	0.0 GB	16	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-93-0133-01\	0.0 GB	0.0 GB	10	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-92-0060-12\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-95-0006-01\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-94-0272-01\	0.0 GB	0.0 GB	6	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-92-0081-01\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-99-0232-01\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-99-0153-03\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-96-0049-01\	0.0 GB	0.0 GB	8	1	0.1%	9/25/2009
E:\FRC\FRC0057\C-412-98-0010-02\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0057\C-412-93-0041-03\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0057\C-412-93-0180-01\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0104\	0.5 GB	0.5 GB	9746	38	0.8%	9/25/2009
E:\FRC\FRC0104\K-412-85-0014-09\	0.1 GB	0.1 GB	2505	1	24.6%	9/25/2009
E:\FRC\FRC0104\K-412-91-0020-02\	0.1 GB	0.1 GB	1488	1	21.8%	9/25/2009
E:\FRC\FRC0104\K-412-89-0003-01\	0.1 GB	0.1 GB	1950	1	17.3%	9/25/2009
E:\FRC\FRC0104\K-412-00-0016-05\	0.1 GB	0.1 GB	1225	1	13.6%	9/25/2009
E:\FRC\FRC0104\K-412-92-0025-02\	0.0 GB	0.0 GB	696	1	5.0%	9/25/2009
E:\FRC\FRC0104\K-412-93-0026-02\	0.0 GB	0.0 GB	459	1	4.6%	9/25/2009
E:\FRC\FRC0104\K-412-93-0007-07\	0.0 GB	0.0 GB	524	1	4.3%	9/25/2009
E:\FRC\FRC0104\K-412-99-0097-02\	0.0 GB	0.0 GB	154	1	2.8%	9/25/2009

E:\FRC\FRC0104\K-412-94-0005-04\	0.0 GB	0.0 GB	202	1	1.5%	9/25/2009
E:\FRC\FRC0104\K-412-93-0055-17\	0.0 GB	0.0 GB	130	1	1.2%	9/25/2009
E:\FRC\FRC0104\K-412-93-0055-15\	0.0 GB	0.0 GB	83	1	0.7%	9/25/2009
E:\FRC\FRC0104\K-412-00-0016-06\	0.0 GB	0.0 GB	104	1	0.6%	9/25/2009
E:\FRC\FRC0104\K-412-98-0073-01\	0.0 GB	0.0 GB	49	1	0.5%	9/25/2009
E:\FRC\FRC0104\K-412-98-0072-01\	0.0 GB	0.0 GB	39	1	0.4%	9/25/2009
E:\FRC\FRC0104\K-412-98-0098-01\	0.0 GB	0.0 GB	35	1	0.4%	9/25/2009
E:\FRC\FRC0104\K-412-94-0005-03\	0.0 GB	0.0 GB	47	1	0.4%	9/25/2009
E:\FRC\FRC0104\K-412-97-0037-03\	0.0 GB	0.0 GB	27	1	0.2%	9/25/2009
E:\FRC\FRC0104\K-412-98-0123-01\	0.0 GB	0.0 GB	16	1	0.1%	9/25/2009
E:\FRC\FRC0104\K-412-99-0097-07\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0085\	0.5 GB	0.5 GB	12959	50	0.8%	9/25/2009
E:\FRC\FRC0085\T-412-98-0156-03\	0.1 GB	0.1 GB	2072	1	15.3%	9/25/2009
E:\FRC\FRC0085\T-412-98-0157-04\	0.1 GB	0.1 GB	1597	1	12.0%	9/25/2009
E:\FRC\FRC0085\T-412-93-0001-24\	0.0 GB	0.0 GB	959	1	7.3%	9/25/2009
E:\FRC\FRC0085\T-412-93-0001-27\	0.0 GB	0.0 GB	775	1	6.8%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-24\	0.0 GB	0.0 GB	840	1	5.7%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-15\	0.0 GB	0.0 GB	637	1	5.2%	9/25/2009
E:\FRC\FRC0085\T-412-98-0174-01\	0.0 GB	0.0 GB	698	1	5.1%	9/25/2009
E:\FRC\FRC0085\T-412-98-0156-02\	0.0 GB	0.0 GB	668	1	5.0%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-25\	0.0 GB	0.0 GB	605	1	4.7%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-11\	0.0 GB	0.0 GB	544	1	4.5%	9/25/2009
E:\FRC\FRC0085\T-412-87-0031-03\	0.0 GB	0.0 GB	518	1	3.8%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-13\	0.0 GB	0.0 GB	447	1	3.7%	9/25/2009
E:\FRC\FRC0085\T-412-98-0179-05\	0.0 GB	0.0 GB	496	1	3.4%	9/25/2009
E:\FRC\FRC0085\T-412-98-0155-03\	0.0 GB	0.0 GB	454	1	3.2%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-12\	0.0 GB	0.0 GB	278	1	3.0%	9/25/2009
E:\FRC\FRC0085\T-412-94-0005-01\	0.0 GB	0.0 GB	334	1	2.5%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-16\	0.0 GB	0.0 GB	255	1	2.3%	9/25/2009
E:\FRC\FRC0085\T-412-98-0155-05\	0.0 GB	0.0 GB	231	1	1.9%	9/25/2009
E:\FRC\FRC0085\T-412-98-0155-01\	0.0 GB	0.0 GB	197	1	1.5%	9/25/2009
E:\FRC\FRC0085\T-412-93-0001-12\	0.0 GB	0.0 GB	116	1	1.0%	9/25/2009
E:\FRC\FRC0085\T-412-93-0001-10\	0.0 GB	0.0 GB	53	1	0.5%	9/25/2009
E:\FRC\FRC0085\T-412-98-0179-08\	0.0 GB	0.0 GB	59	1	0.5%	9/25/2009
E:\FRC\FRC0085\T-412-98-0160-02\	0.0 GB	0.0 GB	52	1	0.5%	9/25/2009
E:\FRC\FRC0085\T-412-95-0013-01\	0.0 GB	0.0 GB	57	1	0.5%	9/25/2009
E:\FRC\FRC0085\T-412-98-0157-02\	0.0 GB	0.0 GB	17	1	0.1%	9/25/2009

E:\FRC\FRC0063\	0.5 GB	0.5 GB	12706	36	0.8%	9/25/2009
E:\FRC\FRC0063\C-412-99-0229-02\	0.1 GB	0.1 GB	2044	1	16.7%	9/24/2009
E:\FRC\FRC0063\C-412-99-0238-03\	0.1 GB	0.1 GB	1769	1	15.5%	9/24/2009
E:\FRC\FRC0063\C-412-01-0251-02\	0.0 GB	0.1 GB	1345	1	10.2%	9/25/2009
E:\FRC\FRC0063\C-412-99-0481-01\	0.0 GB	0.0 GB	1183	1	9.5%	9/24/2009
E:\FRC\FRC0063\C-412-99-0236-02\	0.0 GB	0.0 GB	1237	1	9.5%	9/25/2009
E:\FRC\FRC0063\C-412-97-0168-01\	0.0 GB	0.0 GB	1292	1	7.9%	9/25/2009
E:\FRC\FRC0063\C-412-99-0238-06\	0.0 GB	0.0 GB	1140	1	7.6%	9/24/2009
E:\FRC\FRC0063\C-412-99-0233-04\	0.0 GB	0.0 GB	747	1	6.5%	9/25/2009
E:\FRC\FRC0063\C-412-98-0010-01\	0.0 GB	0.0 GB	640	1	5.6%	9/24/2009
E:\FRC\FRC0063\C-412-00-0307-02\	0.0 GB	0.0 GB	625	1	4.9%	9/25/2009
E:\FRC\FRC0063\C-412-99-0149-04\	0.0 GB	0.0 GB	479	1	4.5%	9/24/2009
E:\FRC\FRC0063\C-412-01-0250-01\	0.0 GB	0.0 GB	40	1	0.5%	9/25/2009
E:\FRC\FRC0063\C-412-99-0233-03\	0.0 GB	0.0 GB	76	1	0.4%	9/25/2009
E:\FRC\FRC0063\C-412-01-0245-03\	0.0 GB	0.0 GB	39	1	0.3%	9/25/2009
E:\FRC\FRC0063\C-412-01-0245-01\	0.0 GB	0.0 GB	20	1	0.2%	9/25/2009
E:\FRC\FRC0063\C-412-99-0486-05\	0.0 GB	0.0 GB	7	1	0.1%	9/24/2009
E:\FRC\FRC0063\C-412-99-0510-01\	0.0 GB	0.0 GB	11	1	0.1%	9/24/2009
E:\FRC\FRC0063\C-412-99-0483-01\	0.0 GB	0.0 GB	12	1	0.1%	9/24/2009
E:\FRC\FRC0106\	0.5 GB	0.5 GB	11879	38	0.8%	9/25/2009
E:\FRC\FRC0106\P-412-89-0003-02\	0.1 GB	0.1 GB	2178	1	19.6%	9/25/2009
E:\FRC\FRC0106\P-412-89-0003-03\	0.1 GB	0.1 GB	2676	1	19.1%	9/25/2009
E:\FRC\FRC0106\P-412-94-0110-01\	0.1 GB	0.1 GB	1287	1	13.4%	9/25/2009
E:\FRC\FRC0106\P-412-94-0114-02\	0.0 GB	0.1 GB	1323	1	10.6%	9/25/2009
E:\FRC\FRC0106\P-412-89-0003-04\	0.0 GB	0.1 GB	1367	1	10.3%	9/25/2009
E:\FRC\FRC0106\P-412-84-0005-03\	0.0 GB	0.0 GB	1120	1	8.8%	9/25/2009
E:\FRC\FRC0106\P-412-93-0007-20\	0.0 GB	0.0 GB	555	1	6.1%	9/25/2009
E:\FRC\FRC0106\P-412-84-0005-02\	0.0 GB	0.0 GB	357	1	3.3%	9/25/2009
E:\FRC\FRC0106\P-412-88-0013-01\	0.0 GB	0.0 GB	281	1	2.1%	9/25/2009
E:\FRC\FRC0106\P-412-85-0004-08\	0.0 GB	0.0 GB	151	1	1.2%	9/25/2009
E:\FRC\FRC0106\P-412-89-0026-02\	0.0 GB	0.0 GB	58	1	1.1%	9/25/2009
E:\FRC\FRC0106\P-412-00-0067-03\	0.0 GB	0.0 GB	142	1	1.1%	9/25/2009
E:\FRC\FRC0106\P-412-85-0004-03\	0.0 GB	0.0 GB	120	1	1.0%	9/25/2009
E:\FRC\FRC0106\P-412-85-0004-06\	0.0 GB	0.0 GB	90	1	0.7%	9/25/2009
E:\FRC\FRC0106\P-412-93-0007-15\	0.0 GB	0.0 GB	57	1	0.7%	9/25/2009
E:\FRC\FRC0106\P-412-93-0007-17\	0.0 GB	0.0 GB	54	1	0.6%	9/25/2009
E:\FRC\FRC0106\P-412-95-0061-01\	0.0 GB	0.0 GB	43	1	0.3%	9/25/2009

E:\FRC\FRC0106\P-412-91-0039-01\	0.0 GB	0.0 GB	16	1	0.1%	9/25/2009
E:\FRC\FRC0106\P-412-93-0008-02\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0086\	0.5 GB	0.5 GB	12057	58	0.8%	9/25/2009
E:\FRC\FRC0086\T-412-98-0155-09\	0.1 GB	0.1 GB	1940	1	14.8%	9/25/2009
E:\FRC\FRC0086\T-412-98-0160-10\	0.1 GB	0.1 GB	1382	1	12.6%	9/25/2009
E:\FRC\FRC0086\T-412-98-0155-07\	0.1 GB	0.1 GB	1471	1	11.7%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-23\	0.0 GB	0.0 GB	919	1	7.4%	9/25/2009
E:\FRC\FRC0086\T-412-99-0044-05\	0.0 GB	0.0 GB	901	1	6.7%	9/25/2009
E:\FRC\FRC0086\T-412-81-0012-01\	0.0 GB	0.0 GB	616	1	6.2%	9/25/2009
E:\FRC\FRC0086\T-412-99-0017-09\	0.0 GB	0.0 GB	437	1	4.9%	9/25/2009
E:\FRC\FRC0086\T-412-99-0044-03\	0.0 GB	0.0 GB	661	1	4.6%	9/25/2009
E:\FRC\FRC0086\T-412-93-0001-05\	0.0 GB	0.0 GB	474	1	4.2%	9/25/2009
E:\FRC\FRC0086\T-412-98-0160-23\	0.0 GB	0.0 GB	518	1	3.4%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-11\	0.0 GB	0.0 GB	338	1	3.3%	9/25/2009
E:\FRC\FRC0086\T-412-99-0084-07\	0.0 GB	0.0 GB	384	1	3.0%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-03\	0.0 GB	0.0 GB	332	1	2.5%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-10\	0.0 GB	0.0 GB	264	1	2.5%	9/25/2009
E:\FRC\FRC0086\T-412-87-0031-02\	0.0 GB	0.0 GB	201	1	2.5%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-06\	0.0 GB	0.0 GB	275	1	1.8%	9/25/2009
E:\FRC\FRC0086\T-412-93-0001-25\	0.0 GB	0.0 GB	189	1	1.7%	9/25/2009
E:\FRC\FRC0086\T-412-99-0017-13\	0.0 GB	0.0 GB	159	1	1.4%	9/25/2009
E:\FRC\FRC0086\T-412-98-0160-17\	0.0 GB	0.0 GB	88	1	1.0%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-17\	0.0 GB	0.0 GB	105	1	1.0%	9/25/2009
E:\FRC\FRC0086\T-412-99-0084-01\	0.0 GB	0.0 GB	101	1	0.8%	9/25/2009
E:\FRC\FRC0086\T-412-99-0118-05\	0.0 GB	0.0 GB	88	1	0.6%	9/25/2009
E:\FRC\FRC0086\T-412-99-0118-02\	0.0 GB	0.0 GB	71	1	0.4%	9/25/2009
E:\FRC\FRC0086\T-412-98-0179-09\	0.0 GB	0.0 GB	50	1	0.4%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-24\	0.0 GB	0.0 GB	53	1	0.4%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-04\	0.0 GB	0.0 GB	21	1	0.2%	9/25/2009
E:\FRC\FRC0086\T-412-99-0111-09\	0.0 GB	0.0 GB	8	1	0.1%	9/25/2009
E:\FRC\FRC0086\T-412-98-0179-10\	0.0 GB	0.0 GB	10	1	0.1%	9/25/2009
E:\FRC\FRC0086\T-412-99-0017-10\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0054\	0.5 GB	0.5 GB	11787	48	0.8%	9/25/2009
E:\FRC\FRC0054\C-412-90-0016-05\	0.1 GB	0.1 GB	2078	1	20.4%	9/25/2009
E:\FRC\FRC0054\C-412-97-0457-02\	0.1 GB	0.1 GB	1227	1	12.4%	9/25/2009
E:\FRC\FRC0054\C-412-99-0078-05\	0.0 GB	0.1 GB	1602	1	10.8%	9/25/2009
E:\FRC\FRC0054\C-412-99-0079-06\	0.0 GB	0.0 GB	1392	1	10.1%	9/25/2009

E:\FRC\FRC0054\C-412-99-0079-07\	0.0 GB	0.0 GB	1042	1	8.8%	9/25/2009
E:\FRC\FRC0054\C-412-92-0060-11\	0.0 GB	0.0 GB	715	1	6.4%	9/25/2009
E:\FRC\FRC0054\C-412-89-0016-01\	0.0 GB	0.0 GB	648	1	5.9%	9/25/2009
E:\FRC\FRC0054\C-412-93-0098-01\	0.0 GB	0.0 GB	673	1	5.0%	9/25/2009
E:\FRC\FRC0054\C-412-97-0451-02\	0.0 GB	0.0 GB	494	1	3.2%	9/25/2009
E:\FRC\FRC0054\C-412-88-0010-02\	0.0 GB	0.0 GB	395	1	3.1%	9/25/2009
E:\FRC\FRC0054\C-412-91-0002-01\	0.0 GB	0.0 GB	367	1	2.9%	9/25/2009
E:\FRC\FRC0054\C-412-88-0009-02\	0.0 GB	0.0 GB	299	1	2.6%	9/25/2009
E:\FRC\FRC0054\C-412-88-0014-01\	0.0 GB	0.0 GB	182	1	1.8%	9/25/2009
E:\FRC\FRC0054\C-412-88-0035-01\	0.0 GB	0.0 GB	177	1	1.4%	9/25/2009
E:\FRC\FRC0054\C-412-88-0034-01\	0.0 GB	0.0 GB	116	1	1.1%	9/25/2009
E:\FRC\FRC0054\C-412-88-0010-05\	0.0 GB	0.0 GB	74	1	0.8%	9/25/2009
E:\FRC\FRC0054\C-412-89-0002-01\	0.0 GB	0.0 GB	84	1	0.8%	9/25/2009
E:\FRC\FRC0054\C-412-88-0032-07\	0.0 GB	0.0 GB	85	1	0.6%	9/25/2009
E:\FRC\FRC0054\C-412-90-0016-02\	0.0 GB	0.0 GB	34	1	0.6%	9/25/2009
E:\FRC\FRC0054\C-412-88-0009-01\	0.0 GB	0.0 GB	32	1	0.6%	9/25/2009
E:\FRC\FRC0054\C-412-90-0016-03\	0.0 GB	0.0 GB	46	1	0.4%	9/25/2009
E:\FRC\FRC0054\C-412-90-0016-09\	0.0 GB	0.0 GB	15	1	0.1%	9/25/2009
E:\FRC\FRC0054\C-412-88-0013-01\	0.0 GB	0.0 GB	5	1	0.1%	9/25/2009
E:\FRC\FRC0054\C-412-88-0010-04\	0.0 GB	0.0 GB	5	1	0.0%	9/25/2009
E:\FRC\FRC0009\	0.5 GB	0.5 GB	10924	14	0.8%	9/25/2009
E:\FRC\FRC0009\W-412-80-0084-03\	0.1 GB	0.1 GB	3062	1	29.8%	9/24/2009
E:\FRC\FRC0009\W-412-80-0084-16\	0.1 GB	0.1 GB	3359	1	29.2%	9/24/2009
E:\FRC\FRC0009\W-412-81-0125-03\	0.1 GB	0.1 GB	1137	1	11.0%	9/24/2009
E:\FRC\FRC0009\W-412-83-0065-01\	0.1 GB	0.1 GB	1268	1	10.8%	9/24/2009
E:\FRC\FRC0009\W-412-81-0137-07\	0.0 GB	0.0 GB	758	1	8.3%	9/24/2009
E:\FRC\FRC0009\W-412-81-0137-04\	0.0 GB	0.0 GB	732	1	5.9%	9/24/2009
E:\FRC\FRC0009\W-412-82-0081-02\	0.0 GB	0.0 GB	608	1	4.9%	9/25/2009
E:\FRC\FRC0038\	0.5 GB	0.5 GB	10375	36	0.8%	9/25/2009
E:\FRC\FRC0038\W-412-80-0084-17\	0.2 GB	0.2 GB	3056	1	35.3%	9/25/2009
E:\FRC\FRC0038\W-412-95-0723-07\	0.1 GB	0.1 GB	1960	1	17.6%	9/25/2009
E:\FRC\FRC0038\W-412-95-0355-16\	0.0 GB	0.1 GB	1298	1	10.8%	9/25/2009
E:\FRC\FRC0038\W-412-94-0180-01\	0.0 GB	0.1 GB	1330	1	10.7%	9/25/2009
E:\FRC\FRC0038\W-412-84-0122-03\	0.0 GB	0.0 GB	645	1	6.0%	9/25/2009
E:\FRC\FRC0038\W-412-95-0723-04\	0.0 GB	0.0 GB	548	1	4.5%	9/25/2009
E:\FRC\FRC0038\W-412-87-0082-08\	0.0 GB	0.0 GB	395	1	4.1%	9/25/2009
E:\FRC\FRC0038\W-412-87-0096-07\	0.0 GB	0.0 GB	255	1	3.4%	9/25/2009

E:\FRC\FRC0038\W-412-87-0082-04\	0.0 GB	0.0 GB	239	1	1.9%	9/25/2009
E:\FRC\FRC0038\W-412-95-0355-09\	0.0 GB	0.0 GB	165	1	1.2%	9/25/2009
E:\FRC\FRC0038\W-412-87-0082-05\	0.0 GB	0.0 GB	123	1	1.1%	9/25/2009
E:\FRC\FRC0038\W-412-86-0063-08\	0.0 GB	0.0 GB	103	1	0.8%	9/25/2009
E:\FRC\FRC0038\W-412-86-0153-07\	0.0 GB	0.0 GB	29	1	0.7%	9/25/2009
E:\FRC\FRC0038\W-412-87-0096-08\	0.0 GB	0.0 GB	78	1	0.6%	9/25/2009
E:\FRC\FRC0038\W-412-90-0094-04\	0.0 GB	0.0 GB	37	1	0.4%	9/25/2009
E:\FRC\FRC0038\W-412-88-0027-03\	0.0 GB	0.0 GB	53	1	0.4%	9/25/2009
E:\FRC\FRC0038\W-412-87-0054-13\	0.0 GB	0.0 GB	34	1	0.4%	9/25/2009
E:\FRC\FRC0038\W-412-85-0120-06\	0.0 GB	0.0 GB	27	1	0.2%	9/25/2009
E:\FRC\FRC0003\	0.5 GB	0.5 GB	10529	28	0.8%	9/24/2009
E:\FRC\FRC0003\W-412-80-0084-04\	0.1 GB	0.1 GB	2774	1	26.3%	9/24/2009
E:\FRC\FRC0003\W-412-80-0084-02\	0.1 GB	0.1 GB	3182	1	25.5%	9/24/2009
E:\FRC\FRC0003\W-412-80-0084-10\	0.1 GB	0.1 GB	2142	1	23.1%	9/24/2009
E:\FRC\FRC0003\W-412-81-0134-12\	0.0 GB	0.0 GB	854	1	9.8%	9/24/2009
E:\FRC\FRC0003\W-412-76-0060-02\	0.0 GB	0.0 GB	408	1	3.8%	9/24/2009
E:\FRC\FRC0003\W-412-77-0057-05\	0.0 GB	0.0 GB	151	1	3.2%	9/24/2009
E:\FRC\FRC0003\W-412-80-0094-03\	0.0 GB	0.0 GB	319	1	2.7%	9/24/2009
E:\FRC\FRC0003\W-412-80-0094-01\	0.0 GB	0.0 GB	357	1	2.7%	9/24/2009
E:\FRC\FRC0003\W-412-81-0125-02\	0.0 GB	0.0 GB	114	1	1.3%	9/24/2009
E:\FRC\FRC0003\W-412-77-0057-04\	0.0 GB	0.0 GB	110	1	0.7%	9/24/2009
E:\FRC\FRC0003\W-412-76-0037-07\	0.0 GB	0.0 GB	53	1	0.4%	9/24/2009
E:\FRC\FRC0003\W-412-76-0037-03\	0.0 GB	0.0 GB	38	1	0.2%	9/24/2009
E:\FRC\FRC0003\W-412-77-0057-01\	0.0 GB	0.0 GB	17	1	0.2%	9/24/2009
E:\FRC\FRC0003\W-412-76-0069-05\	0.0 GB	0.0 GB	10	1	0.1%	9/24/2009
E:\FRC\FRC0062\	0.5 GB	0.5 GB	11418	26	0.8%	9/25/2009
E:\FRC\FRC0062\C-412-90-0018-03\	0.1 GB	0.1 GB	2619	1	24.1%	9/25/2009
E:\FRC\FRC0062\C-412-99-0238-05\	0.1 GB	0.1 GB	2382	1	20.3%	9/25/2009
E:\FRC\FRC0062\C-412-99-0229-07\	0.1 GB	0.1 GB	1921	1	17.4%	9/25/2009
E:\FRC\FRC0062\C-412-99-0238-04\	0.1 GB	0.1 GB	1791	1	14.1%	9/25/2009
E:\FRC\FRC0062\C-412-99-0230-02\	0.0 GB	0.0 GB	1144	1	10.3%	9/25/2009
E:\FRC\FRC0062\C-412-99-0517-06\	0.0 GB	0.0 GB	650	1	4.8%	9/25/2009
E:\FRC\FRC0062\C-412-99-0488-03\	0.0 GB	0.0 GB	316	1	2.9%	9/25/2009
E:\FRC\FRC0062\C-412-00-0308-07\	0.0 GB	0.0 GB	113	1	2.6%	2/25/2002
E:\FRC\FRC0062\C-412-99-0483-05\	0.0 GB	0.0 GB	247	1	1.5%	9/25/2009
E:\FRC\FRC0062\C-412-00-0068-01\	0.0 GB	0.0 GB	189	1	1.4%	2/25/2002
E:\FRC\FRC0062\C-412-00-0024-01\	0.0 GB	0.0 GB	36	1	0.4%	2/25/2002

E:\FRC\FRC0062\C-412-01-0237-01\	0.0 GB	0.0 GB	7	1	0.1%	2/25/2002
E:\FRC\FRC0062\C-412-91-0016-01\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0130\	0.5 GB	0.5 GB	11894	167	0.8%	9/25/2009
E:\FRC\FRC0130\SEATTLE\	0.2 GB	0.2 GB	6061	82	51.5%	9/25/2009
E:\FRC\FRC0130\RTP\	0.1 GB	0.2 GB	4078	36	33.0%	9/25/2009
E:\FRC\FRC0130\KANSAS\	0.1 GB	0.1 GB	1755	46	15.4%	9/25/2009
E:\FRC\FRC0087\	0.4 GB	0.5 GB	11783	80	0.7%	9/25/2009
E:\FRC\FRC0087\T-412-99-0111-18\	0.1 GB	0.1 GB	1555	1	15.8%	9/25/2009
E:\FRC\FRC0087\T-412-99-0045-03\	0.1 GB	0.1 GB	1379	1	11.3%	9/25/2009
E:\FRC\FRC0087\T-412-99-0111-21\	0.0 GB	0.0 GB	946	1	8.0%	9/25/2009
E:\FRC\FRC0087\T-412-98-0155-10\	0.0 GB	0.0 GB	818	1	7.5%	9/25/2009
E:\FRC\FRC0087\T-412-98-0154-01\	0.0 GB	0.0 GB	624	1	4.7%	9/25/2009
E:\FRC\FRC0087\T-412-97-0257-01\	0.0 GB	0.0 GB	661	1	4.6%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-15\	0.0 GB	0.0 GB	534	1	4.5%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-17\	0.0 GB	0.0 GB	430	1	3.6%	9/25/2009
E:\FRC\FRC0087\T-412-99-0044-01\	0.0 GB	0.0 GB	329	1	3.4%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-20\	0.0 GB	0.0 GB	401	1	3.3%	9/25/2009
E:\FRC\FRC0087\T-412-99-0111-01\	0.0 GB	0.0 GB	441	1	3.2%	9/25/2009
E:\FRC\FRC0087\T-412-99-0111-15\	0.0 GB	0.0 GB	356	1	2.9%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-26\	0.0 GB	0.0 GB	280	1	2.7%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-23\	0.0 GB	0.0 GB	339	1	2.6%	9/25/2009
E:\FRC\FRC0087\T-412-98-0160-03\	0.0 GB	0.0 GB	376	1	2.4%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-21\	0.0 GB	0.0 GB	276	1	2.2%	9/25/2009
E:\FRC\FRC0087\T-412-99-0044-06\	0.0 GB	0.0 GB	297	1	2.1%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-22\	0.0 GB	0.0 GB	210	1	1.8%	9/25/2009
E:\FRC\FRC0087\T-412-98-0160-04\	0.0 GB	0.0 GB	176	1	1.5%	9/25/2009
E:\FRC\FRC0087\T-412-00-0023-01\	0.0 GB	0.0 GB	172	1	1.4%	9/25/2009
E:\FRC\FRC0087\T-412-99-0045-05\	0.0 GB	0.0 GB	136	1	1.3%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-02\	0.0 GB	0.0 GB	102	1	1.1%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-06\	0.0 GB	0.0 GB	118	1	1.1%	9/25/2009
E:\FRC\FRC0087\T-412-99-0118-07\	0.0 GB	0.0 GB	126	1	1.1%	9/25/2009
E:\FRC\FRC0087\T-412-98-0157-01\	0.0 GB	0.0 GB	90	1	0.8%	9/25/2009
E:\FRC\FRC0087\T-412-92-0148-01\	0.0 GB	0.0 GB	72	1	0.7%	9/25/2009
E:\FRC\FRC0087\T-412-99-0118-01\	0.0 GB	0.0 GB	121	1	0.7%	9/25/2009
E:\FRC\FRC0087\T-412-99-0084-08\	0.0 GB	0.0 GB	58	1	0.6%	9/25/2009
E:\FRC\FRC0087\T-412-99-0111-13\	0.0 GB	0.0 GB	45	1	0.5%	9/25/2009
E:\FRC\FRC0087\T-412-98-0155-06\	0.0 GB	0.0 GB	62	1	0.4%	9/25/2009

E:\FRC\FRC0087\T-412-93-0062-01\	0.0 GB	0.0 GB	42	1	0.4%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-19\	0.0 GB	0.0 GB	46	1	0.4%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-14\	0.0 GB	0.0 GB	46	1	0.3%	9/25/2009
E:\FRC\FRC0087\T-412-98-0160-14\	0.0 GB	0.0 GB	32	1	0.3%	9/25/2009
E:\FRC\FRC0087\T-412-96-0086-03\	0.0 GB	0.0 GB	33	1	0.3%	9/25/2009
E:\FRC\FRC0087\T-412-01-0071-05\	0.0 GB	0.0 GB	21	1	0.2%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-07\	0.0 GB	0.0 GB	22	1	0.2%	9/25/2009
E:\FRC\FRC0087\T-412-98-0161-02\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0087\T-412-93-0001-08\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0087\T-412-92-0148-05\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0108\	0.4 GB	0.5 GB	10784	42	0.7%	9/25/2009
E:\FRC\FRC0108\P-412-98-0132-05\	0.1 GB	0.1 GB	3367	1	30.7%	9/25/2009
E:\FRC\FRC0108\P-412-98-0132-04\	0.1 GB	0.1 GB	2315	1	26.1%	9/25/2009
E:\FRC\FRC0108\P-412-98-0132-02\	0.1 GB	0.1 GB	2195	1	19.8%	9/25/2009
E:\FRC\FRC0108\P-412-97-0102-01\	0.0 GB	0.0 GB	576	1	4.8%	9/25/2009
E:\FRC\FRC0108\P-412-98-0073-01\	0.0 GB	0.0 GB	439	1	3.2%	9/25/2009
E:\FRC\FRC0108\P-412-98-0073-02\	0.0 GB	0.0 GB	426	1	3.0%	9/25/2009
E:\FRC\FRC0108\P-412-94-0116-02\	0.0 GB	0.0 GB	368	1	2.8%	9/25/2009
E:\FRC\FRC0108\P-412-98-0053-01\	0.0 GB	0.0 GB	205	1	1.9%	9/25/2009
E:\FRC\FRC0108\P-412-93-0007-16\	0.0 GB	0.0 GB	198	1	1.7%	9/25/2009
E:\FRC\FRC0108\P-412-98-0298-01\	0.0 GB	0.0 GB	105	1	1.1%	9/25/2009
E:\FRC\FRC0108\P-412-01-0130-01\	0.0 GB	0.0 GB	127	1	1.0%	9/25/2009
E:\FRC\FRC0108\P-412-98-0034-01\	0.0 GB	0.0 GB	108	1	0.8%	9/25/2009
E:\FRC\FRC0108\P-412-98-0073-03\	0.0 GB	0.0 GB	60	1	0.5%	9/25/2009
E:\FRC\FRC0108\P-412-98-0013-03\	0.0 GB	0.0 GB	75	1	0.5%	9/25/2009
E:\FRC\FRC0108\P-412-94-0133-01\	0.0 GB	0.0 GB	69	1	0.5%	9/25/2009
E:\FRC\FRC0108\P-412-97-0112-02\	0.0 GB	0.0 GB	53	1	0.5%	9/25/2009
E:\FRC\FRC0108\P-412-98-0132-01\	0.0 GB	0.0 GB	39	1	0.3%	9/25/2009
E:\FRC\FRC0108\P-412-00-0093-01\	0.0 GB	0.0 GB	32	1	0.3%	9/25/2009
E:\FRC\FRC0108\P-412-98-0013-02\	0.0 GB	0.0 GB	19	1	0.2%	9/25/2009
E:\FRC\FRC0108\P-412-99-0037-01\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0108\P-412-98-0204-04\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0002\	0.4 GB	0.5 GB	11551	10	0.7%	9/24/2009
E:\FRC\FRC0002\C-412-86-0035-05\	0.1 GB	0.1 GB	2969	1	24.4%	9/24/2009
E:\FRC\FRC0002\C-412-86-0035-02\	0.1 GB	0.1 GB	2180	1	21.0%	9/24/2009
E:\FRC\FRC0002\C-412-86-0035-07\	0.1 GB	0.1 GB	2518	1	20.1%	9/24/2009
E:\FRC\FRC0002\C-412-86-0035-08\	0.1 GB	0.1 GB	2051	1	18.6%	9/24/2009

E:\FRC\FRC0002\C-412-86-0035-01\	0.1 GB	0.1 GB	1833	1	15.9%	9/24/2009
E:\FRC\FRC0131\	0.4 GB	0.5 GB	11915	253	0.7%	9/25/2009
E:\FRC\FRC0131\WASHDC\	0.4 GB	0.5 GB	11915	252	100.0%	9/25/2009
E:\FRC\FRC0115\	0.4 GB	0.5 GB	9948	80	0.7%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-27\	0.1 GB	0.1 GB	1550	1	16.4%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-21\	0.1 GB	0.1 GB	1070	1	11.9%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-22\	0.0 GB	0.0 GB	731	1	7.8%	9/25/2009
E:\FRC\FRC0115\D-412-93-0001-17\	0.0 GB	0.0 GB	583	1	7.1%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-12\	0.0 GB	0.0 GB	717	1	5.1%	9/25/2009
E:\FRC\FRC0115\D-412-91-0003-14\	0.0 GB	0.0 GB	562	1	5.0%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-26\	0.0 GB	0.0 GB	350	1	4.9%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-09\	0.0 GB	0.0 GB	479	1	4.2%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-30\	0.0 GB	0.0 GB	443	1	4.2%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-11\	0.0 GB	0.0 GB	400	1	4.1%	9/25/2009
E:\FRC\FRC0115\D-412-93-0001-05\	0.0 GB	0.0 GB	318	1	3.2%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-32\	0.0 GB	0.0 GB	351	1	3.1%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-28\	0.0 GB	0.0 GB	243	1	2.5%	9/25/2009
E:\FRC\FRC0115\D-412-93-0001-04\	0.0 GB	0.0 GB	217	1	2.2%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-47\	0.0 GB	0.0 GB	209	1	1.9%	9/25/2009
E:\FRC\FRC0115\D-412-93-0001-02\	0.0 GB	0.0 GB	156	1	1.6%	9/25/2009
E:\FRC\FRC0115\D-412-91-0003-16\	0.0 GB	0.0 GB	150	1	1.6%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-54\	0.0 GB	0.0 GB	189	1	1.5%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-20\	0.0 GB	0.0 GB	129	1	1.4%	9/25/2009
E:\FRC\FRC0115\D-412-94-0017-10\	0.0 GB	0.0 GB	168	1	1.4%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-06\	0.0 GB	0.0 GB	121	1	1.2%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-16\	0.0 GB	0.0 GB	74	1	1.0%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-34\	0.0 GB	0.0 GB	91	1	0.8%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-48\	0.0 GB	0.0 GB	98	1	0.7%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-51\	0.0 GB	0.0 GB	96	1	0.7%	9/25/2009
E:\FRC\FRC0115\D-412-94-0017-02\	0.0 GB	0.0 GB	23	1	0.7%	9/25/2009
E:\FRC\FRC0115\D-412-91-0003-13\	0.0 GB	0.0 GB	70	1	0.6%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-52\	0.0 GB	0.0 GB	43	1	0.5%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-14\	0.0 GB	0.0 GB	54	1	0.5%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-46\	0.0 GB	0.0 GB	45	1	0.4%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-39\	0.0 GB	0.0 GB	36	1	0.4%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-38\	0.0 GB	0.0 GB	33	1	0.4%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-61\	0.0 GB	0.0 GB	49	1	0.3%	9/25/2009

E:\FRC\FRC0115\D-412-91-0003-01\	0.0 GB	0.0 GB	22	1	0.2%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-53\	0.0 GB	0.0 GB	27	1	0.2%	9/25/2009
E:\FRC\FRC0115\D-412-94-0017-04\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-23\	0.0 GB	0.0 GB	18	1	0.1%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-55\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-29\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0115\D-412-89-0002-10\	0.0 GB	0.0 GB	3	1	0.1%	9/25/2009
E:\FRC\FRC0045\	0.4 GB	0.4 GB	9826	50	0.7%	9/25/2009
E:\FRC\FRC0045\W-412-95-0723-12\	0.1 GB	0.1 GB	2899	1	29.8%	9/25/2009
E:\FRC\FRC0045\W-412-99-0258-01\	0.1 GB	0.1 GB	1332	1	13.7%	9/25/2009
E:\FRC\FRC0045\W-412-90-0057-21\	0.0 GB	0.1 GB	1380	1	11.6%	9/25/2009
E:\FRC\FRC0045\W-412-90-0085-26\	0.0 GB	0.0 GB	172	1	7.4%	9/25/2009
E:\FRC\FRC0045\W-412-99-0242-01\	0.0 GB	0.0 GB	698	1	6.7%	9/25/2009
E:\FRC\FRC0045\W-412-89-0027-13\	0.0 GB	0.0 GB	641	1	6.1%	9/25/2009
E:\FRC\FRC0045\W-412-90-0085-43\	0.0 GB	0.0 GB	560	1	5.0%	9/25/2009
E:\FRC\FRC0045\W-412-94-0407-09\	0.0 GB	0.0 GB	450	1	4.9%	9/25/2009
E:\FRC\FRC0045\W-412-99-0238-01\	0.0 GB	0.0 GB	392	1	3.1%	9/25/2009
E:\FRC\FRC0045\W-412-84-0122-02\	0.0 GB	0.0 GB	198	1	1.9%	9/25/2009
E:\FRC\FRC0045\W-412-88-0071-05\	0.0 GB	0.0 GB	188	1	1.6%	9/25/2009
E:\FRC\FRC0045\W-412-94-0297-08\	0.0 GB	0.0 GB	145	1	1.1%	9/25/2009
E:\FRC\FRC0045\W-412-87-0102-04\	0.0 GB	0.0 GB	122	1	1.1%	9/25/2009
E:\FRC\FRC0045\W-412-94-0296-23\	0.0 GB	0.0 GB	102	1	1.1%	9/25/2009
E:\FRC\FRC0045\W-412-95-0061-06\	0.0 GB	0.0 GB	64	1	0.8%	9/25/2009
E:\FRC\FRC0045\W-412-90-0085-68\	0.0 GB	0.0 GB	104	1	0.8%	9/25/2009
E:\FRC\FRC0045\W-412-88-0075-02\	0.0 GB	0.0 GB	49	1	0.7%	9/25/2009
E:\FRC\FRC0045\W-412-94-0297-09\	0.0 GB	0.0 GB	93	1	0.7%	9/25/2009
E:\FRC\FRC0045\W-412-94-0296-15\	0.0 GB	0.0 GB	64	1	0.6%	9/25/2009
E:\FRC\FRC0045\W-412-95-0355-11\	0.0 GB	0.0 GB	58	1	0.5%	9/25/2009
E:\FRC\FRC0045\W-412-95-0355-17\	0.0 GB	0.0 GB	70	1	0.5%	9/25/2009
E:\FRC\FRC0045\W-412-95-0723-15\	0.0 GB	0.0 GB	17	1	0.1%	9/25/2009
E:\FRC\FRC0045\W-412-94-0296-26\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0045\W-412-91-0097-03\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0045\W-412-94-0296-36\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0064\	0.4 GB	0.4 GB	11285	66	0.7%	9/24/2009
E:\FRC\FRC0064\C-412-86-0036-18\	0.0 GB	0.1 GB	1934	1	12.0%	9/24/2009
E:\FRC\FRC0064\C-412-99-0238-01\	0.0 GB	0.0 GB	596	1	9.5%	9/24/2009
E:\FRC\FRC0064\C-412-99-0150-01\	0.0 GB	0.0 GB	782	1	8.7%	9/24/2009

E:\FRC\FRC0064\C-412-99-0485-01\	0.0 GB	0.0 GB	693	1	6.4%	9/24/2009
E:\FRC\FRC0064\C-412-99-0518-14\	0.0 GB	0.0 GB	610	1	5.5%	9/24/2009
E:\FRC\FRC0064\C-412-01-0243-01\	0.0 GB	0.0 GB	600	1	5.2%	9/24/2009
E:\FRC\FRC0064\C-412-99-0483-06\	0.0 GB	0.0 GB	699	1	5.0%	9/24/2009
E:\FRC\FRC0064\C-412-99-0518-18\	0.0 GB	0.0 GB	403	1	3.8%	9/24/2009
E:\FRC\FRC0064\C-412-99-0232-05\	0.0 GB	0.0 GB	404	1	3.7%	9/24/2009
E:\FRC\FRC0064\C-412-00-0306-01\	0.0 GB	0.0 GB	406	1	3.4%	9/24/2009
E:\FRC\FRC0064\C-412-99-0237-03\	0.0 GB	0.0 GB	379	1	3.4%	9/24/2009
E:\FRC\FRC0064\C-412-99-0226-04\	0.0 GB	0.0 GB	195	1	3.2%	9/24/2009
E:\FRC\FRC0064\C-412-01-0221-01\	0.0 GB	0.0 GB	312	1	3.1%	9/24/2009
E:\FRC\FRC0064\C-412-99-0230-04\	0.0 GB	0.0 GB	351	1	3.1%	9/24/2009
E:\FRC\FRC0064\C-412-91-0001-01\	0.0 GB	0.0 GB	363	1	2.8%	9/24/2009
E:\FRC\FRC0064\C-412-99-0481-04\	0.0 GB	0.0 GB	336	1	2.6%	9/24/2009
E:\FRC\FRC0064\C-412-01-0248-01\	0.0 GB	0.0 GB	286	1	2.5%	9/24/2009
E:\FRC\FRC0064\C-412-99-0478-02\	0.0 GB	0.0 GB	321	1	2.1%	9/24/2009
E:\FRC\FRC0064\C-412-86-0038-15\	0.0 GB	0.0 GB	276	1	2.0%	9/24/2009
E:\FRC\FRC0064\C-412-99-0484-02\	0.0 GB	0.0 GB	168	1	1.9%	9/24/2009
E:\FRC\FRC0064\C-412-00-0308-01\	0.0 GB	0.0 GB	175	1	1.7%	9/24/2009
E:\FRC\FRC0064\C-412-99-0477-02\	0.0 GB	0.0 GB	187	1	1.5%	9/24/2009
E:\FRC\FRC0064\C-412-99-0231-02\	0.0 GB	0.0 GB	201	1	1.4%	9/24/2009
E:\FRC\FRC0064\C-412-99-0481-02\	0.0 GB	0.0 GB	85	1	1.0%	9/24/2009
E:\FRC\FRC0064\C-412-00-0017-02\	0.0 GB	0.0 GB	94	1	0.9%	9/24/2009
E:\FRC\FRC0064\C-412-99-0477-01\	0.0 GB	0.0 GB	117	1	0.8%	9/24/2009
E:\FRC\FRC0064\C-412-01-0244-05\	0.0 GB	0.0 GB	94	1	0.8%	9/24/2009
E:\FRC\FRC0064\C-412-99-0483-03\	0.0 GB	0.0 GB	58	1	0.5%	9/24/2009
E:\FRC\FRC0064\C-412-00-0177-07\	0.0 GB	0.0 GB	45	1	0.5%	9/24/2009
E:\FRC\FRC0064\C-412-00-0307-04\	0.0 GB	0.0 GB	42	1	0.4%	9/24/2009
E:\FRC\FRC0064\C-412-99-0484-06\	0.0 GB	0.0 GB	47	1	0.4%	9/24/2009
E:\FRC\FRC0064\C-412-99-0484-05\	0.0 GB	0.0 GB	14	1	0.1%	9/24/2009
E:\FRC\FRC0064\C-412-99-0484-11\	0.0 GB	0.0 GB	12	1	0.1%	9/24/2009
E:\FRC\FRC0035\	0.4 GB	0.4 GB	11678	42	0.7%	11/4/2009
E:\FRC\FRC0035\W-412-85-0120-08\	0.1 GB	0.1 GB	2100	1	17.4%	9/25/2009
E:\FRC\FRC0035\W-412-83-0067-08\	0.1 GB	0.1 GB	1240	1	12.0%	9/25/2009
E:\FRC\FRC0035\W-412-85-0053-06\	0.0 GB	0.1 GB	1594	1	11.3%	9/25/2009
E:\FRC\FRC0035\W-412-90-0085-48\	0.0 GB	0.0 GB	1030	1	10.5%	9/25/2009
E:\FRC\FRC0035\W-412-86-0063-09\	0.0 GB	0.0 GB	1145	1	9.9%	9/25/2009
E:\FRC\FRC0035\W-412-87-0082-06\	0.0 GB	0.0 GB	825	1	9.0%	9/25/2009

E:\FRC\FRC0035\W-412-87-0054-04\	0.0 GB	0.0 GB	1080	1	7.1%	9/25/2009
E:\FRC\FRC0035\W-412-88-0071-08\	0.0 GB	0.0 GB	572	1	5.5%	9/25/2009
E:\FRC\FRC0035\W-412-87-0059-03\	0.0 GB	0.0 GB	610	1	4.9%	9/25/2009
E:\FRC\FRC0035\W-412-90-0085-07\	0.0 GB	0.0 GB	393	1	3.8%	9/25/2009
E:\FRC\FRC0035\W-412-90-0057-24\	0.0 GB	0.0 GB	305	1	2.5%	9/25/2009
E:\FRC\FRC0035\W-412-86-0063-05\	0.0 GB	0.0 GB	269	1	2.0%	9/25/2009
E:\FRC\FRC0035\W-412-85-0053-05\	0.0 GB	0.0 GB	227	1	1.7%	9/25/2009
E:\FRC\FRC0035\W-412-88-0071-06\	0.0 GB	0.0 GB	136	1	1.4%	9/25/2009
E:\FRC\FRC0035\W-412-87-0059-05\	0.0 GB	0.0 GB	56	1	0.4%	9/25/2009
E:\FRC\FRC0035\W-412-84-0173-11\	0.0 GB	0.0 GB	34	1	0.3%	11/4/2009
E:\FRC\FRC0035\W-412-84-0173-07\	0.0 GB	0.0 GB	21	1	0.2%	9/25/2009
E:\FRC\FRC0035\W-412-84-0101-08\	0.0 GB	0.0 GB	16	1	0.2%	9/25/2009
E:\FRC\FRC0035\W-412-85-0053-01\	0.0 GB	0.0 GB	22	1	0.2%	9/25/2009
E:\FRC\FRC0035\W-412-86-0063-03\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0035\W-412-87-0054-10\	0.0 GB	0.0 GB	0	1	0.0%	
E:\FRC\FRC0095\	0.4 GB	0.4 GB	10823	40	0.7%	9/25/2009
E:\FRC\FRC0095\S-412-85-0018-10\	0.1 GB	0.1 GB	2661	1	26.6%	9/25/2009
E:\FRC\FRC0095\S-412-98-0068-04\	0.1 GB	0.1 GB	1752	1	16.7%	9/25/2009
E:\FRC\FRC0095\S-412-91-0012-17\	0.1 GB	0.1 GB	1345	1	13.4%	9/25/2009
E:\FRC\FRC0095\S-412-94-0031-08\	0.0 GB	0.0 GB	1105	1	8.3%	9/25/2009
E:\FRC\FRC0095\S-412-91-0012-06\	0.0 GB	0.0 GB	812	1	7.3%	9/25/2009
E:\FRC\FRC0095\S-412-93-0033-07\	0.0 GB	0.0 GB	728	1	5.6%	9/25/2009
E:\FRC\FRC0095\S-412-84-0025-06\	0.0 GB	0.0 GB	501	1	4.5%	9/25/2009
E:\FRC\FRC0095\S-412-98-0070-03\	0.0 GB	0.0 GB	453	1	4.1%	9/25/2009
E:\FRC\FRC0095\S-412-98-0008-05\	0.0 GB	0.0 GB	333	1	3.3%	9/25/2009
E:\FRC\FRC0095\S-412-93-0032-04\	0.0 GB	0.0 GB	252	1	2.5%	9/25/2009
E:\FRC\FRC0095\S-412-94-0015-05\	0.0 GB	0.0 GB	205	1	2.3%	9/25/2009
E:\FRC\FRC0095\S-412-85-0021-01\	0.0 GB	0.0 GB	246	1	1.9%	9/25/2009
E:\FRC\FRC0095\S-412-82-0017-17\	0.0 GB	0.0 GB	120	1	0.9%	9/25/2009
E:\FRC\FRC0095\S-412-94-0066-04\	0.0 GB	0.0 GB	93	1	0.8%	9/25/2009
E:\FRC\FRC0095\S-412-98-0070-08\	0.0 GB	0.0 GB	94	1	0.7%	9/25/2009
E:\FRC\FRC0095\S-412-98-0109-06\	0.0 GB	0.0 GB	63	1	0.6%	9/25/2009
E:\FRC\FRC0095\S-412-94-0019-01\	0.0 GB	0.0 GB	49	1	0.4%	9/25/2009
E:\FRC\FRC0095\S-412-95-0125-01\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0095\S-412-86-0024-06\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0095\S-412-01-0096-02\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0010\	0.4 GB	0.4 GB	10534	20	0.7%	9/24/2009

E:\FRC\FRC0010\C-412-90-0017-01\	0.1 GB	0.1 GB	2130	1	21.4%	9/24/2009
E:\FRC\FRC0010\C-412-90-0015-03\	0.1 GB	0.1 GB	1781	1	16.5%	9/24/2009
E:\FRC\FRC0010\C-412-99-0239-20\	0.1 GB	0.1 GB	1713	1	14.5%	9/24/2009
E:\FRC\FRC0010\C-412-90-0014-04\	0.1 GB	0.1 GB	987	1	13.4%	9/24/2009
E:\FRC\FRC0010\C-412-99-0239-22\	0.1 GB	0.1 GB	1558	1	12.9%	9/24/2009
E:\FRC\FRC0010\C-412-90-0014-02\	0.0 GB	0.0 GB	907	1	7.7%	9/24/2009
E:\FRC\FRC0010\C-412-90-0017-04\	0.0 GB	0.0 GB	587	1	5.0%	9/24/2009
E:\FRC\FRC0010\C-412-90-0015-05\	0.0 GB	0.0 GB	434	1	4.9%	9/24/2009
E:\FRC\FRC0010\C-412-99-0239-15\	0.0 GB	0.0 GB	320	1	2.9%	9/24/2009
E:\FRC\FRC0010\C-412-90-0017-03\	0.0 GB	0.0 GB	117	1	0.9%	9/24/2009
E:\FRC\FRC0007\	0.4 GB	0.4 GB	7692	10	0.7%	9/24/2009
E:\FRC\FRC0007\C-412-86-0035-17\	0.2 GB	0.2 GB	2588	1	38.4%	9/24/2009
E:\FRC\FRC0007\C-412-86-0035-20\	0.1 GB	0.1 GB	1582	1	19.3%	9/24/2009
E:\FRC\FRC0007\C-412-86-0035-27\	0.1 GB	0.1 GB	1191	1	16.3%	9/24/2009
E:\FRC\FRC0007\C-412-90-0015-02\	0.1 GB	0.1 GB	1390	1	16.2%	9/24/2009
E:\FRC\FRC0007\C-412-90-0015-01\	0.0 GB	0.0 GB	941	1	9.8%	9/24/2009
E:\FRC\FRC0018\	0.4 GB	0.4 GB	10447	44	0.7%	9/24/2009
E:\FRC\FRC0018\C-412-86-0035-13\	0.1 GB	0.1 GB	2294	1	21.4%	9/24/2009
E:\FRC\FRC0018\C-412-86-0035-22\	0.1 GB	0.1 GB	1728	1	16.0%	9/24/2009
E:\FRC\FRC0018\C-412-94-0061-03\	0.0 GB	0.0 GB	913	1	9.8%	9/24/2009
E:\FRC\FRC0018\C-412-00-0005-01\	0.0 GB	0.0 GB	951	1	9.4%	9/24/2009
E:\FRC\FRC0018\C-412-88-0031-02\	0.0 GB	0.0 GB	652	1	6.5%	9/24/2009
E:\FRC\FRC0018\C-412-99-0239-17\	0.0 GB	0.0 GB	688	1	6.4%	9/24/2009
E:\FRC\FRC0018\C-412-00-0004-01\	0.0 GB	0.0 GB	366	1	5.2%	9/24/2009
E:\FRC\FRC0018\C-412-90-0015-08\	0.0 GB	0.0 GB	623	1	5.2%	9/24/2009
E:\FRC\FRC0018\C-412-79-0009-02\	0.0 GB	0.0 GB	521	1	4.7%	9/24/2009
E:\FRC\FRC0018\C-412-00-0377-01\	0.0 GB	0.0 GB	527	1	4.3%	9/24/2009
E:\FRC\FRC0018\C-412-00-0066-01\	0.0 GB	0.0 GB	214	1	2.1%	9/24/2009
E:\FRC\FRC0018\C-412-00-0064-01\	0.0 GB	0.0 GB	196	1	2.0%	9/24/2009
E:\FRC\FRC0018\C-412-79-0008-02\	0.0 GB	0.0 GB	153	1	1.3%	9/24/2009
E:\FRC\FRC0018\C-412-00-0019-01\	0.0 GB	0.0 GB	122	1	1.1%	9/24/2009
E:\FRC\FRC0018\C-412-90-0015-07\	0.0 GB	0.0 GB	126	1	1.0%	9/24/2009
E:\FRC\FRC0018\C-412-79-0008-03\	0.0 GB	0.0 GB	89	1	0.9%	9/24/2009
E:\FRC\FRC0018\C-412-79-0009-07\	0.0 GB	0.0 GB	58	1	0.9%	9/24/2009
E:\FRC\FRC0018\C-412-00-0065-01\	0.0 GB	0.0 GB	114	1	0.8%	9/24/2009
E:\FRC\FRC0018\C-412-99-0239-07\	0.0 GB	0.0 GB	55	1	0.5%	9/24/2009
E:\FRC\FRC0018\C-412-00-0005-02\	0.0 GB	0.0 GB	39	1	0.3%	9/24/2009

E:\FRC\FRC0018\C-412-00-0178-07\	0.0 GB	0.0 GB	12	1	0.1%	9/24/2009
E:\FRC\FRC0018\C-412-00-0021-01\	0.0 GB	0.0 GB	6	1	0.1%	9/24/2009
E:\FRC\FRC0014\	0.4 GB	0.4 GB	10761	12	0.7%	9/24/2009
E:\FRC\FRC0014\C-412-86-0035-11\	0.1 GB	0.1 GB	2416	1	25.5%	9/24/2009
E:\FRC\FRC0014\C-412-86-0035-03\	0.1 GB	0.1 GB	2711	1	24.1%	9/24/2009
E:\FRC\FRC0014\C-412-86-0035-19\	0.1 GB	0.1 GB	1742	1	18.0%	9/24/2009
E:\FRC\FRC0014\C-412-99-0239-23\	0.1 GB	0.1 GB	2071	1	16.5%	9/24/2009
E:\FRC\FRC0014\C-412-90-0015-11\	0.0 GB	0.0 GB	973	1	9.3%	9/24/2009
E:\FRC\FRC0014\C-412-99-0239-09\	0.0 GB	0.0 GB	848	1	6.6%	9/24/2009
E:\FRC\FRC0046\	0.4 GB	0.4 GB	9472	20	0.7%	9/25/2009
E:\FRC\FRC0046\W-412-96-0894-18\	0.2 GB	0.2 GB	4698	1	49.2%	9/25/2009
E:\FRC\FRC0046\W-412-87-0054-06\	0.1 GB	0.1 GB	2991	1	32.5%	9/25/2009
E:\FRC\FRC0046\W-412-99-0260-01\	0.0 GB	0.0 GB	1052	1	11.7%	9/25/2009
E:\FRC\FRC0046\W-412-90-0085-31\	0.0 GB	0.0 GB	347	1	3.1%	9/25/2009
E:\FRC\FRC0046\W-412-90-0085-19\	0.0 GB	0.0 GB	292	1	2.5%	9/25/2009
E:\FRC\FRC0046\W-412-94-0180-03\	0.0 GB	0.0 GB	25	1	0.4%	9/25/2009
E:\FRC\FRC0046\W-412-90-0085-65\	0.0 GB	0.0 GB	33	1	0.3%	9/25/2009
E:\FRC\FRC0046\W-412-87-0082-03\	0.0 GB	0.0 GB	30	1	0.3%	9/25/2009
E:\FRC\FRC0046\W-412-94-0180-04\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0046\W-412-91-0038-03\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0034\	0.4 GB	0.4 GB	10735	50	0.7%	9/25/2009
E:\FRC\FRC0034\W-412-89-0060-08\	0.1 GB	0.1 GB	2357	1	20.6%	9/25/2009
E:\FRC\FRC0034\W-412-86-0063-07\	0.1 GB	0.1 GB	1450	1	15.2%	9/25/2009
E:\FRC\FRC0034\W-412-90-0057-09\	0.0 GB	0.0 GB	916	1	10.0%	9/25/2009
E:\FRC\FRC0034\W-412-86-0109-06\	0.0 GB	0.0 GB	820	1	8.0%	9/25/2009
E:\FRC\FRC0034\W-412-87-0076-03\	0.0 GB	0.0 GB	908	1	7.7%	9/25/2009
E:\FRC\FRC0034\W-412-88-0071-02\	0.0 GB	0.0 GB	851	1	7.4%	9/25/2009
E:\FRC\FRC0034\W-412-88-0071-03\	0.0 GB	0.0 GB	741	1	6.8%	9/25/2009
E:\FRC\FRC0034\W-412-90-0057-19\	0.0 GB	0.0 GB	704	1	6.4%	9/25/2009
E:\FRC\FRC0034\W-412-90-0057-10\	0.0 GB	0.0 GB	441	1	4.1%	9/25/2009
E:\FRC\FRC0034\W-412-84-0088-03\	0.0 GB	0.0 GB	359	1	3.0%	9/25/2009
E:\FRC\FRC0034\W-412-90-0085-44\	0.0 GB	0.0 GB	326	1	2.9%	9/25/2009
E:\FRC\FRC0034\W-412-88-0071-07\	0.0 GB	0.0 GB	299	1	2.6%	9/25/2009
E:\FRC\FRC0034\W-412-90-0057-23\	0.0 GB	0.0 GB	182	1	1.8%	9/25/2009
E:\FRC\FRC0034\W-412-90-0085-25\	0.0 GB	0.0 GB	147	1	1.4%	9/25/2009
E:\FRC\FRC0034\W-412-90-0057-16\	0.0 GB	0.0 GB	98	1	1.0%	9/25/2009
E:\FRC\FRC0034\W-412-88-0071-01\	0.0 GB	0.0 GB	45	1	0.3%	9/25/2009

E:\FRC\FRC0034\W-412-90-0057-11\	0.0 GB	0.0 GB	23	1	0.2%	9/25/2009
E:\FRC\FRC0034\W-412-91-0065-05\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0034\W-412-90-0085-02\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0034\W-412-86-0153-02\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0034\W-412-85-0120-05\	0.0 GB	0.0 GB	18	1	0.1%	9/25/2009
E:\FRC\FRC0034\W-412-92-0150-02\	0.0 GB	0.0 GB	5	1	0.1%	9/25/2009
E:\FRC\FRC0034\W-412-85-0084-08\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0034\W-412-86-0093-02\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0034\W-412-90-0085-28\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0056\	0.4 GB	0.4 GB	10089	74	0.6%	9/25/2009
E:\FRC\FRC0056\C-412-90-0016-11\	0.1 GB	0.1 GB	1658	1	17.9%	9/25/2009
E:\FRC\FRC0056\C-412-99-0078-09\	0.0 GB	0.0 GB	797	1	11.1%	9/25/2009
E:\FRC\FRC0056\C-412-99-0226-05\	0.0 GB	0.0 GB	965	1	9.2%	9/25/2009
E:\FRC\FRC0056\C-412-99-0079-04\	0.0 GB	0.0 GB	906	1	8.1%	9/25/2009
E:\FRC\FRC0056\C-412-99-0232-04\	0.0 GB	0.0 GB	731	1	6.5%	9/25/2009
E:\FRC\FRC0056\C-412-99-0153-02\	0.0 GB	0.0 GB	605	1	5.2%	9/25/2009
E:\FRC\FRC0056\C-412-94-0325-06\	0.0 GB	0.0 GB	373	1	3.6%	9/25/2009
E:\FRC\FRC0056\C-412-99-0233-01\	0.0 GB	0.0 GB	257	1	3.5%	9/25/2009
E:\FRC\FRC0056\C-412-94-0067-01\	0.0 GB	0.0 GB	316	1	3.2%	9/25/2009
E:\FRC\FRC0056\C-412-94-0324-01\	0.0 GB	0.0 GB	382	1	3.0%	9/25/2009
E:\FRC\FRC0056\C-412-94-0325-07\	0.0 GB	0.0 GB	296	1	2.6%	9/25/2009
E:\FRC\FRC0056\C-412-88-0032-06\	0.0 GB	0.0 GB	239	1	2.3%	9/25/2009
E:\FRC\FRC0056\C-412-94-0325-04\	0.0 GB	0.0 GB	240	1	2.2%	9/25/2009
E:\FRC\FRC0056\C-412-97-0108-01\	0.0 GB	0.0 GB	168	1	1.8%	9/25/2009
E:\FRC\FRC0056\C-412-96-0050-01\	0.0 GB	0.0 GB	210	1	1.7%	9/25/2009
E:\FRC\FRC0056\C-412-99-0139-01\	0.0 GB	0.0 GB	163	1	1.6%	9/25/2009
E:\FRC\FRC0056\C-412-97-0082-01\	0.0 GB	0.0 GB	174	1	1.6%	9/25/2009
E:\FRC\FRC0056\C-412-99-0149-05\	0.0 GB	0.0 GB	146	1	1.5%	9/25/2009
E:\FRC\FRC0056\C-412-92-0060-02\	0.0 GB	0.0 GB	139	1	1.4%	9/25/2009
E:\FRC\FRC0056\C-412-92-0023-02\	0.0 GB	0.0 GB	138	1	1.3%	9/25/2009
E:\FRC\FRC0056\C-412-92-0030-02\	0.0 GB	0.0 GB	164	1	1.3%	9/25/2009
E:\FRC\FRC0056\C-412-94-0325-05\	0.0 GB	0.0 GB	130	1	1.1%	9/25/2009
E:\FRC\FRC0056\C-412-91-0079-01\	0.0 GB	0.0 GB	105	1	1.0%	9/25/2009
E:\FRC\FRC0056\C-412-99-0236-01\	0.0 GB	0.0 GB	107	1	1.0%	9/25/2009
E:\FRC\FRC0056\C-412-97-0083-01\	0.0 GB	0.0 GB	150	1	1.0%	9/25/2009
E:\FRC\FRC0056\C-412-91-0070-01\	0.0 GB	0.0 GB	80	1	1.0%	9/25/2009
E:\FRC\FRC0056\C-412-95-0005-01\	0.0 GB	0.0 GB	113	1	0.9%	9/25/2009

E:\FRC\FRC0056\C-412-95-0038-01\	0.0 GB	0.0 GB	67	1	0.7%	9/25/2009
E:\FRC\FRC0056\C-412-96-0054-02\	0.0 GB	0.0 GB	68	1	0.6%	9/25/2009
E:\FRC\FRC0056\C-412-99-0237-01\	0.0 GB	0.0 GB	55	1	0.4%	9/25/2009
E:\FRC\FRC0056\C-412-96-0053-02\	0.0 GB	0.0 GB	15	1	0.3%	9/25/2009
E:\FRC\FRC0056\C-412-95-0020-01\	0.0 GB	0.0 GB	22	1	0.3%	9/25/2009
E:\FRC\FRC0056\C-412-95-0022-01\	0.0 GB	0.0 GB	22	1	0.2%	9/25/2009
E:\FRC\FRC0056\C-412-99-0229-04\	0.0 GB	0.0 GB	26	1	0.2%	9/25/2009
E:\FRC\FRC0056\C-412-96-0388-02\	0.0 GB	0.0 GB	26	1	0.2%	9/25/2009
E:\FRC\FRC0056\C-412-96-0056-01\	0.0 GB	0.0 GB	22	1	0.2%	9/25/2009
E:\FRC\FRC0056\C-412-93-0099-02\	0.0 GB	0.0 GB	14	1	0.2%	9/25/2009
E:\FRC\FRC0012\	0.4 GB	0.4 GB	8959	14	0.6%	9/24/2009
E:\FRC\FRC0012\P-412-86-0005-01\	0.1 GB	0.1 GB	1832	1	19.9%	9/24/2009
E:\FRC\FRC0012\P-412-91-0020-03\	0.1 GB	0.1 GB	1892	1	19.7%	9/24/2009
E:\FRC\FRC0012\P-412-91-0020-01\	0.1 GB	0.1 GB	1331	1	14.9%	9/24/2009
E:\FRC\FRC0012\P-412-86-0005-02\	0.1 GB	0.1 GB	1126	1	14.2%	9/24/2009
E:\FRC\FRC0012\P-412-94-0124-02\	0.0 GB	0.0 GB	1181	1	13.0%	9/24/2009
E:\FRC\FRC0012\P-412-94-0124-03\	0.0 GB	0.0 GB	1124	1	12.4%	9/24/2009
E:\FRC\FRC0012\P-412-94-0124-01\	0.0 GB	0.0 GB	473	1	6.0%	9/24/2009
E:\FRC\FRC0127\	0.4 GB	0.4 GB	8899	32	0.6%	9/25/2009
E:\FRC\FRC0127\C-412-91-0044-02\	0.1 GB	0.1 GB	2110	1	22.6%	9/25/2009
E:\FRC\FRC0127\C-412-78-0005-01\	0.1 GB	0.1 GB	1380	1	17.3%	9/25/2009
E:\FRC\FRC0127\C-412-91-0043-05\	0.1 GB	0.1 GB	1221	1	14.9%	9/25/2009
E:\FRC\FRC0127\C-412-91-0043-04\	0.1 GB	0.1 GB	1197	1	14.0%	9/25/2009
E:\FRC\FRC0127\C-412-85-0006-28\	0.0 GB	0.0 GB	746	1	9.2%	9/25/2009
E:\FRC\FRC0127\C-412-91-0043-02\	0.0 GB	0.0 GB	846	1	7.1%	9/25/2009
E:\FRC\FRC0127\C-412-91-0044-01\	0.0 GB	0.0 GB	361	1	4.4%	9/25/2009
E:\FRC\FRC0127\C-EPA-UN-0001-07\	0.0 GB	0.0 GB	170	1	2.0%	9/25/2009
E:\FRC\FRC0127\C-412-91-0043-03\	0.0 GB	0.0 GB	150	1	1.7%	9/25/2009
E:\FRC\FRC0127\C-412-91-0042-05\	0.0 GB	0.0 GB	146	1	1.5%	9/25/2009
E:\FRC\FRC0127\C-EPA-UN-0001-01\	0.0 GB	0.0 GB	145	1	1.4%	9/25/2009
E:\FRC\FRC0127\C-412-91-0042-02\	0.0 GB	0.0 GB	101	1	1.2%	9/25/2009
E:\FRC\FRC0127\C-412-91-0052-01\	0.0 GB	0.0 GB	125	1	1.1%	9/25/2009
E:\FRC\FRC0127\C-EPA-UN-0001-05\	0.0 GB	0.0 GB	110	1	1.0%	9/25/2009
E:\FRC\FRC0127\C-412-91-0043-06\	0.0 GB	0.0 GB	51	1	0.6%	9/25/2009
E:\FRC\FRC0127\C-412-91-0043-01\	0.0 GB	0.0 GB	40	1	0.3%	9/25/2009
E:\FRC\FRC0101\	0.4 GB	0.4 GB	8719	192	0.6%	9/25/2009
E:\FRC\FRC0101\B-412-94-0001-03\	0.0 GB	0.0 GB	1040	1	9.1%	9/25/2009

E:\FRC\FRC0101\B-412-94-0050-04\	0.0 GB	0.0 GB	544	1	7.1%	9/25/2009
E:\FRC\FRC0101\B-412-98-0050-06\	0.0 GB	0.0 GB	502	1	5.7%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-01\	0.0 GB	0.0 GB	410	1	4.9%	9/25/2009
E:\FRC\FRC0101\B-412-01-0023-03\	0.0 GB	0.0 GB	222	1	4.8%	9/25/2009
E:\FRC\FRC0101\B-412-95-0028-04\	0.0 GB	0.0 GB	398	1	4.4%	9/25/2009
E:\FRC\FRC0101\B-412-94-0001-07\	0.0 GB	0.0 GB	444	1	4.2%	9/25/2009
E:\FRC\FRC0101\B-412-99-0005-01\	0.0 GB	0.0 GB	305	1	4.0%	9/25/2009
E:\FRC\FRC0101\B-412-92-0120-01\	0.0 GB	0.0 GB	267	1	3.0%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-07\	0.0 GB	0.0 GB	242	1	2.7%	9/25/2009
E:\FRC\FRC0101\B-412-92-0092-07\	0.0 GB	0.0 GB	175	1	2.5%	9/25/2009
E:\FRC\FRC0101\B-412-99-0005-02\	0.0 GB	0.0 GB	182	1	2.3%	9/25/2009
E:\FRC\FRC0101\B-412-96-0032-05\	0.0 GB	0.0 GB	206	1	2.1%	9/25/2009
E:\FRC\FRC0101\B-412-95-0028-03\	0.0 GB	0.0 GB	195	1	2.1%	9/25/2009
E:\FRC\FRC0101\B-412-99-0005-06\	0.0 GB	0.0 GB	204	1	2.0%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-09\	0.0 GB	0.0 GB	177	1	1.9%	9/25/2009
E:\FRC\FRC0101\B-412-98-0008-02\	0.0 GB	0.0 GB	133	1	1.7%	9/25/2009
E:\FRC\FRC0101\B-412-00-0038-16\	0.0 GB	0.0 GB	143	1	1.6%	9/25/2009
E:\FRC\FRC0101\B-412-98-0050-03\	0.0 GB	0.0 GB	130	1	1.6%	9/25/2009
E:\FRC\FRC0101\B-412-96-0032-04\	0.0 GB	0.0 GB	160	1	1.5%	9/25/2009
E:\FRC\FRC0101\B-412-92-0120-07\	0.0 GB	0.0 GB	71	1	1.4%	9/25/2009
E:\FRC\FRC0101\B-412-95-0018-02\	0.0 GB	0.0 GB	138	1	1.4%	9/25/2009
E:\FRC\FRC0101\B-412-95-0028-02\	0.0 GB	0.0 GB	151	1	1.3%	9/25/2009
E:\FRC\FRC0101\B-412-98-0050-04\	0.0 GB	0.0 GB	103	1	1.3%	9/25/2009
E:\FRC\FRC0101\B-412-01-0051-15\	0.0 GB	0.0 GB	100	1	1.3%	9/25/2009
E:\FRC\FRC0101\B-412-95-0007-01\	0.0 GB	0.0 GB	120	1	1.2%	9/25/2009
E:\FRC\FRC0101\B-412-95-0040-02\	0.0 GB	0.0 GB	112	1	1.2%	9/25/2009
E:\FRC\FRC0101\B-412-01-0038-01\	0.0 GB	0.0 GB	69	1	1.2%	9/25/2009
E:\FRC\FRC0101\B-412-94-0023-01\	0.0 GB	0.0 GB	67	1	0.9%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-11\	0.0 GB	0.0 GB	88	1	0.8%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-12\	0.0 GB	0.0 GB	71	1	0.8%	9/25/2009
E:\FRC\FRC0101\B-412-01-0051-20\	0.0 GB	0.0 GB	49	1	0.8%	9/25/2009
E:\FRC\FRC0101\B-412-01-0023-01\	0.0 GB	0.0 GB	66	1	0.8%	9/25/2009
E:\FRC\FRC0101\B-412-96-0030-01\	0.0 GB	0.0 GB	73	1	0.8%	9/25/2009
E:\FRC\FRC0101\B-412-01-0037-02\	0.0 GB	0.0 GB	65	1	0.7%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-14\	0.0 GB	0.0 GB	99	1	0.7%	9/25/2009
E:\FRC\FRC0101\B-412-97-0055-01\	0.0 GB	0.0 GB	59	1	0.7%	9/25/2009
E:\FRC\FRC0101\B-412-92-0092-06\	0.0 GB	0.0 GB	44	1	0.7%	9/25/2009

E:\FRC\FRC0101\B-412-96-0001-01\	0.0 GB	0.0 GB	65	1	0.7%	9/25/2009
E:\FRC\FRC0101\B-412-00-0038-05\	0.0 GB	0.0 GB	42	1	0.6%	9/25/2009
E:\FRC\FRC0101\B-412-96-0029-10\	0.0 GB	0.0 GB	61	1	0.6%	9/25/2009
E:\FRC\FRC0101\B-412-92-0092-01\	0.0 GB	0.0 GB	47	1	0.6%	9/25/2009
E:\FRC\FRC0101\B-412-94-0029-05\	0.0 GB	0.0 GB	35	1	0.5%	9/25/2009
E:\FRC\FRC0101\B-412-98-0023-03\	0.0 GB	0.0 GB	27	1	0.5%	9/25/2009
E:\FRC\FRC0101\B-412-94-0023-02\	0.0 GB	0.0 GB	42	1	0.5%	9/25/2009
E:\FRC\FRC0101\B-412-99-0041-02\	0.0 GB	0.0 GB	53	1	0.5%	9/25/2009
E:\FRC\FRC0101\B-412-95-0018-10\	0.0 GB	0.0 GB	27	1	0.5%	9/25/2009
E:\FRC\FRC0101\B-412-94-0042-07\	0.0 GB	0.0 GB	43	1	0.4%	9/25/2009
E:\FRC\FRC0101\B-412-95-0040-01\	0.0 GB	0.0 GB	37	1	0.4%	9/25/2009
E:\FRC\FRC0101\B-412-98-0013-06\	0.0 GB	0.0 GB	30	1	0.4%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-15\	0.0 GB	0.0 GB	33	1	0.4%	9/25/2009
E:\FRC\FRC0101\B-412-96-0001-02\	0.0 GB	0.0 GB	40	1	0.4%	9/25/2009
E:\FRC\FRC0101\B-412-01-0051-11\	0.0 GB	0.0 GB	32	1	0.4%	9/25/2009
E:\FRC\FRC0101\B-412-93-0012-02\	0.0 GB	0.0 GB	23	1	0.3%	9/25/2009
E:\FRC\FRC0101\B-412-95-0012-03\	0.0 GB	0.0 GB	32	1	0.3%	9/25/2009
E:\FRC\FRC0101\B-412-91-0040-02\	0.0 GB	0.0 GB	30	1	0.3%	9/25/2009
E:\FRC\FRC0101\B-412-97-0006-02\	0.0 GB	0.0 GB	21	1	0.3%	9/25/2009
E:\FRC\FRC0101\B-412-98-0050-07\	0.0 GB	0.0 GB	18	1	0.3%	9/25/2009
E:\FRC\FRC0101\B-412-95-0026-02\	0.0 GB	0.0 GB	17	1	0.3%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-03\	0.0 GB	0.0 GB	21	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-00-0058-06\	0.0 GB	0.0 GB	15	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-94-0042-01\	0.0 GB	0.0 GB	16	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-01-0051-07\	0.0 GB	0.0 GB	30	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-00-0058-01\	0.0 GB	0.0 GB	15	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-98-0013-02\	0.0 GB	0.0 GB	17	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-00-0038-03\	0.0 GB	0.0 GB	17	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-91-0040-01\	0.0 GB	0.0 GB	20	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-94-0029-04\	0.0 GB	0.0 GB	12	1	0.2%	9/25/2009
E:\FRC\FRC0101\B-412-95-0012-04\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-13\	0.0 GB	0.0 GB	13	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-95-0028-05\	0.0 GB	0.0 GB	10	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-94-0042-02\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-99-0025-02\	0.0 GB	0.0 GB	10	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-00-0054-04\	0.0 GB	0.0 GB	10	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-92-0120-03\	0.0 GB	0.0 GB	9	1	0.1%	9/25/2009

E:\FRC\FRC0101\B-412-92-0041-01\	0.0 GB	0.0 GB	17	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-06\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-00-0038-06\	0.0 GB	0.0 GB	8	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-95-0040-03\	0.0 GB	0.0 GB	6	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-95-0006-01\	0.0 GB	0.0 GB	9	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-95-0028-01\	0.0 GB	0.0 GB	8	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-97-0022-01\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-94-0001-09\	0.0 GB	0.0 GB	5	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-94-0050-08\	0.0 GB	0.0 GB	4	1	0.1%	9/25/2009
E:\FRC\FRC0101\B-412-98-0008-01\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-94-0026-01\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-99-0025-01\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-95-0051-02\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-92-0092-03\	0.0 GB	0.0 GB	4	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-01-0013-01\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-99-0005-05\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-98-0007-02\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-97-0006-01\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-95-0052-01\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-99-0005-03\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0101\B-412-99-0005-04\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0055\	0.3 GB	0.3 GB	9501	96	0.6%	9/25/2009
E:\FRC\FRC0055\C-412-92-0061-07\	0.1 GB	0.1 GB	2157	1	23.2%	9/25/2009
E:\FRC\FRC0055\C-412-97-0457-04\	0.1 GB	0.1 GB	1895	1	17.6%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-22\	0.0 GB	0.0 GB	463	1	5.5%	9/25/2009
E:\FRC\FRC0055\C-412-99-0226-03\	0.0 GB	0.0 GB	427	1	4.8%	9/25/2009
E:\FRC\FRC0055\C-412-89-0023-04\	0.0 GB	0.0 GB	402	1	4.3%	9/25/2009
E:\FRC\FRC0055\C-412-93-0120-01\	0.0 GB	0.0 GB	370	1	4.1%	9/25/2009
E:\FRC\FRC0055\C-412-94-0322-01\	0.0 GB	0.0 GB	288	1	3.6%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-28\	0.0 GB	0.0 GB	300	1	3.0%	9/25/2009
E:\FRC\FRC0055\C-412-88-0031-07\	0.0 GB	0.0 GB	273	1	2.6%	9/25/2009
E:\FRC\FRC0055\C-412-93-0041-01\	0.0 GB	0.0 GB	287	1	2.5%	9/25/2009
E:\FRC\FRC0055\C-412-93-0106-01\	0.0 GB	0.0 GB	196	1	2.4%	9/25/2009
E:\FRC\FRC0055\C-412-93-0121-01\	0.0 GB	0.0 GB	227	1	2.2%	9/25/2009
E:\FRC\FRC0055\C-412-95-0006-02\	0.0 GB	0.0 GB	182	1	1.8%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-17\	0.0 GB	0.0 GB	122	1	1.6%	9/25/2009
E:\FRC\FRC0055\C-412-94-0037-01\	0.0 GB	0.0 GB	140	1	1.5%	9/25/2009

E:\FRC\FRC0055\C-412-99-0223-01\	0.0 GB	0.0 GB	130	1	1.5%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-27\	0.0 GB	0.0 GB	131	1	1.3%	9/25/2009
E:\FRC\FRC0055\C-412-99-0141-01\	0.0 GB	0.0 GB	144	1	1.3%	9/25/2009
E:\FRC\FRC0055\C-412-92-0021-04\	0.0 GB	0.0 GB	103	1	1.3%	9/25/2009
E:\FRC\FRC0055\C-412-93-0015-01\	0.0 GB	0.0 GB	106	1	1.2%	9/25/2009
E:\FRC\FRC0055\C-412-88-0031-03\	0.0 GB	0.0 GB	111	1	1.2%	9/25/2009
E:\FRC\FRC0055\C-412-95-0004-01\	0.0 GB	0.0 GB	112	1	1.0%	9/25/2009
E:\FRC\FRC0055\C-412-99-0139-02\	0.0 GB	0.0 GB	114	1	0.9%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-30\	0.0 GB	0.0 GB	53	1	0.9%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-20\	0.0 GB	0.0 GB	54	1	0.7%	9/25/2009
E:\FRC\FRC0055\C-412-96-0053-01\	0.0 GB	0.0 GB	79	1	0.7%	9/25/2009
E:\FRC\FRC0055\C-412-92-0065-01\	0.0 GB	0.0 GB	56	1	0.7%	9/25/2009
E:\FRC\FRC0055\C-412-91-0018-01\	0.0 GB	0.0 GB	69	1	0.7%	9/25/2009
E:\FRC\FRC0055\C-412-97-0451-01\	0.0 GB	0.0 GB	52	1	0.6%	9/25/2009
E:\FRC\FRC0055\C-412-94-0292-01\	0.0 GB	0.0 GB	34	1	0.6%	9/25/2009
E:\FRC\FRC0055\C-412-93-0125-02\	0.0 GB	0.0 GB	52	1	0.6%	9/25/2009
E:\FRC\FRC0055\C-412-93-0119-01\	0.0 GB	0.0 GB	52	1	0.6%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-15\	0.0 GB	0.0 GB	57	1	0.5%	9/25/2009
E:\FRC\FRC0055\C-412-88-0031-06\	0.0 GB	0.0 GB	42	1	0.5%	9/25/2009
E:\FRC\FRC0055\C-412-88-0032-08\	0.0 GB	0.0 GB	29	1	0.4%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-29\	0.0 GB	0.0 GB	34	1	0.4%	9/25/2009
E:\FRC\FRC0055\C-412-94-0121-01\	0.0 GB	0.0 GB	37	1	0.3%	9/25/2009
E:\FRC\FRC0055\C-412-92-0061-08\	0.0 GB	0.0 GB	25	1	0.2%	9/25/2009
E:\FRC\FRC0055\C-412-94-0038-01\	0.0 GB	0.0 GB	18	1	0.2%	9/25/2009
E:\FRC\FRC0055\C-412-91-0003-01\	0.0 GB	0.0 GB	19	1	0.2%	9/25/2009
E:\FRC\FRC0055\C-412-94-0079-01\	0.0 GB	0.0 GB	11	1	0.2%	9/25/2009
E:\FRC\FRC0055\C-412-95-0066-01\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0055\C-412-93-0041-02\	0.0 GB	0.0 GB	11	1	0.1%	9/25/2009
E:\FRC\FRC0055\C-412-91-0017-01\	0.0 GB	0.0 GB	9	1	0.1%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-08\	0.0 GB	0.0 GB	7	1	0.1%	9/25/2009
E:\FRC\FRC0055\C-412-91-0040-02\	0.0 GB	0.0 GB	5	1	0.1%	9/25/2009
E:\FRC\FRC0055\C-412-90-0016-26\	0.0 GB	0.0 GB	3	1	0.0%	9/25/2009
E:\FRC\FRC0055\C-412-99-0233-02\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0006\	0.3 GB	0.3 GB	8049	10	0.5%	9/24/2009
E:\FRC\FRC0006\P-412-86-0005-03\	0.1 GB	0.1 GB	2536	1	30.7%	9/24/2009
E:\FRC\FRC0006\P-412-91-0011-01\	0.1 GB	0.1 GB	2014	1	29.4%	9/24/2009
E:\FRC\FRC0006\P-412-91-0020-02\	0.1 GB	0.1 GB	1730	1	18.8%	9/24/2009

E:\FRC\FRC0006\P-412-91-0020-04\	0.0 GB	0.1 GB	1189	1	14.6%	9/24/2009
E:\FRC\FRC0006\P-412-94-0142-01\	0.0 GB	0.0 GB	580	1	6.4%	9/24/2009
E:\FRC\FRC0036\	0.3 GB	0.3 GB	8607	52	0.5%	9/25/2009
E:\FRC\FRC0036\W-412-90-0057-01\	0.1 GB	0.1 GB	1288	1	16.3%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-70\	0.0 GB	0.0 GB	1228	1	13.3%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-27\	0.0 GB	0.0 GB	1116	1	12.2%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-15\	0.0 GB	0.0 GB	781	1	9.5%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-30\	0.0 GB	0.0 GB	595	1	8.6%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-24\	0.0 GB	0.0 GB	687	1	7.2%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-50\	0.0 GB	0.0 GB	449	1	4.1%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-47\	0.0 GB	0.0 GB	377	1	3.9%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-71\	0.0 GB	0.0 GB	219	1	3.6%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-63\	0.0 GB	0.0 GB	303	1	3.2%	9/25/2009
E:\FRC\FRC0036\W-412-94-0180-07\	0.0 GB	0.0 GB	217	1	3.1%	9/25/2009
E:\FRC\FRC0036\W-412-90-0094-01\	0.0 GB	0.0 GB	253	1	3.0%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-04\	0.0 GB	0.0 GB	209	1	2.6%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-56\	0.0 GB	0.0 GB	178	1	1.7%	9/25/2009
E:\FRC\FRC0036\W-412-94-0180-10\	0.0 GB	0.0 GB	135	1	1.6%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-08\	0.0 GB	0.0 GB	85	1	1.2%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-67\	0.0 GB	0.0 GB	121	1	1.0%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-64\	0.0 GB	0.0 GB	69	1	0.9%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-77\	0.0 GB	0.0 GB	41	1	0.5%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-66\	0.0 GB	0.0 GB	43	1	0.5%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-17\	0.0 GB	0.0 GB	65	1	0.5%	9/25/2009
E:\FRC\FRC0036\W-412-90-0094-05\	0.0 GB	0.0 GB	33	1	0.4%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-57\	0.0 GB	0.0 GB	39	1	0.4%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-72\	0.0 GB	0.0 GB	32	1	0.4%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-09\	0.0 GB	0.0 GB	35	1	0.3%	9/25/2009
E:\FRC\FRC0036\W-412-90-0085-62\	0.0 GB	0.0 GB	9	1	0.1%	9/25/2009
E:\FRC\FRC0044\	0.3 GB	0.3 GB	6251	34	0.4%	9/25/2009
E:\FRC\FRC0044\W-412-95-0723-06\	0.0 GB	0.0 GB	850	1	15.6%	9/25/2009
E:\FRC\FRC0044\W-412-94-0180-05\	0.0 GB	0.0 GB	684	1	15.6%	9/25/2009
E:\FRC\FRC0044\W-412-88-0071-04\	0.0 GB	0.0 GB	1102	1	15.0%	9/25/2009
E:\FRC\FRC0044\W-412-99-0240-01\	0.0 GB	0.0 GB	801	1	13.5%	9/25/2009
E:\FRC\FRC0044\W-412-94-0180-08\	0.0 GB	0.0 GB	497	1	7.0%	9/25/2009
E:\FRC\FRC0044\W-412-94-0296-27\	0.0 GB	0.0 GB	547	1	6.5%	9/25/2009
E:\FRC\FRC0044\W-412-90-0057-20\	0.0 GB	0.0 GB	394	1	5.7%	9/25/2009

E:\FRC\FRC0044\W-412-89-0027-15\	0.0 GB	0.0 GB	303	1	4.6%	9/25/2009
E:\FRC\FRC0044\W-412-90-0094-02\	0.0 GB	0.0 GB	305	1	4.4%	9/25/2009
E:\FRC\FRC0044\W-412-94-0180-06\	0.0 GB	0.0 GB	195	1	3.4%	9/25/2009
E:\FRC\FRC0044\W-412-94-0180-02\	0.0 GB	0.0 GB	185	1	2.4%	9/25/2009
E:\FRC\FRC0044\W-412-91-0097-01\	0.0 GB	0.0 GB	124	1	2.2%	9/25/2009
E:\FRC\FRC0044\W-412-90-0057-13\	0.0 GB	0.0 GB	90	1	1.2%	9/25/2009
E:\FRC\FRC0044\W-412-91-0038-01\	0.0 GB	0.0 GB	50	1	1.1%	9/25/2009
E:\FRC\FRC0044\W-412-94-0296-06\	0.0 GB	0.0 GB	76	1	1.0%	9/25/2009
E:\FRC\FRC0044\W-412-94-0180-12\	0.0 GB	0.0 GB	31	1	0.8%	9/25/2009
E:\FRC\FRC0044\W-412-88-0027-05\	0.0 GB	0.0 GB	17	1	0.2%	9/25/2009
E:\FRC\FRC0074\	0.3 GB	0.3 GB	6363	32	0.4%	9/24/2009
E:\FRC\FRC0074\C-412-99-0153-04\	0.1 GB	0.1 GB	1871	1	31.0%	9/24/2009
E:\FRC\FRC0074\C-412-99-0229-06\	0.1 GB	0.1 GB	1229	1	20.8%	9/24/2009
E:\FRC\FRC0074\C-412-99-0485-02\	0.0 GB	0.0 GB	713	1	12.3%	9/24/2009
E:\FRC\FRC0074\C-412-89-0023-01\	0.0 GB	0.0 GB	638	1	9.6%	9/24/2009
E:\FRC\FRC0074\C-412-01-0248-03\	0.0 GB	0.0 GB	400	1	5.5%	9/24/2009
E:\FRC\FRC0074\C-412-99-0237-04\	0.0 GB	0.0 GB	302	1	5.1%	9/24/2009
E:\FRC\FRC0074\C-412-99-0236-03\	0.0 GB	0.0 GB	317	1	4.0%	9/24/2009
E:\FRC\FRC0074\C-412-99-0487-01\	0.0 GB	0.0 GB	212	1	2.8%	9/24/2009
E:\FRC\FRC0074\C-412-00-0022-02\	0.0 GB	0.0 GB	175	1	2.4%	9/24/2009
E:\FRC\FRC0074\C-412-00-0308-04\	0.0 GB	0.0 GB	184	1	2.3%	9/24/2009
E:\FRC\FRC0074\C-412-99-0484-04\	0.0 GB	0.0 GB	149	1	2.0%	9/24/2009
E:\FRC\FRC0074\C-412-01-0250-02\	0.0 GB	0.0 GB	81	1	0.9%	9/24/2009
E:\FRC\FRC0074\C-412-00-0308-05\	0.0 GB	0.0 GB	51	1	0.8%	9/24/2009
E:\FRC\FRC0074\C-412-99-0484-03\	0.0 GB	0.0 GB	38	1	0.4%	9/24/2009
E:\FRC\FRC0074\C-412-99-0233-05\	0.0 GB	0.0 GB	2	1	0.0%	9/24/2009
E:\FRC\FRC0074\C-412-99-0139-03\	0.0 GB	0.0 GB	1	1	0.0%	9/24/2009
E:\FRC\FRC0110\	0.2 GB	0.3 GB	7418	50	0.4%	9/25/2009
E:\FRC\FRC0110\D-412-02-0021-03\	0.1 GB	0.1 GB	2352	1	28.6%	9/25/2009
E:\FRC\FRC0110\D-412-00-0112-02\	0.0 GB	0.0 GB	547	1	8.7%	9/25/2009
E:\FRC\FRC0110\D-412-02-0013-02\	0.0 GB	0.0 GB	530	1	8.4%	9/25/2009
E:\FRC\FRC0110\D-412-02-0021-06\	0.0 GB	0.0 GB	559	1	6.8%	9/25/2009
E:\FRC\FRC0110\D-412-02-0021-07\	0.0 GB	0.0 GB	563	1	6.8%	9/25/2009
E:\FRC\FRC0110\D-412-97-0014-06\	0.0 GB	0.0 GB	376	1	5.6%	9/25/2009
E:\FRC\FRC0110\D-412-01-0096-01\	0.0 GB	0.0 GB	390	1	5.1%	9/25/2009
E:\FRC\FRC0110\D-412-01-0105-06\	0.0 GB	0.0 GB	226	1	4.4%	9/25/2009
E:\FRC\FRC0110\D-412-97-0014-04\	0.0 GB	0.0 GB	422	1	4.0%	9/25/2009

E:\FRC\FRC0110\D-412-98-0012-02\	0.0 GB	0.0 GB	190	1	3.6%	9/25/2009
E:\FRC\FRC0110\D-412-02-0021-01\	0.0 GB	0.0 GB	207	1	3.3%	9/25/2009
E:\FRC\FRC0110\D-412-97-0028-01\	0.0 GB	0.0 GB	190	1	2.6%	9/25/2009
E:\FRC\FRC0110\D-412-00-0061-01\	0.0 GB	0.0 GB	167	1	2.3%	9/25/2009
E:\FRC\FRC0110\D-412-01-0105-01\	0.0 GB	0.0 GB	170	1	1.9%	9/25/2009
E:\FRC\FRC0110\D-412-01-0096-03\	0.0 GB	0.0 GB	75	1	1.4%	9/25/2009
E:\FRC\FRC0110\D-412-02-0021-02\	0.0 GB	0.0 GB	94	1	1.3%	9/25/2009
E:\FRC\FRC0110\D-412-97-0029-01\	0.0 GB	0.0 GB	82	1	1.1%	9/25/2009
E:\FRC\FRC0110\D-412-95-0132-02\	0.0 GB	0.0 GB	92	1	1.1%	9/25/2009
E:\FRC\FRC0110\D-412-97-0064-01\	0.0 GB	0.0 GB	54	1	0.9%	9/25/2009
E:\FRC\FRC0110\D-412-00-0061-02\	0.0 GB	0.0 GB	48	1	0.7%	9/25/2009
E:\FRC\FRC0110\D-412-97-0014-02\	0.0 GB	0.0 GB	41	1	0.5%	9/25/2009
E:\FRC\FRC0110\D-412-01-0105-05\	0.0 GB	0.0 GB	23	1	0.3%	9/25/2009
E:\FRC\FRC0110\D-412-95-0132-01\	0.0 GB	0.0 GB	12	1	0.1%	9/25/2009
E:\FRC\FRC0110\D-412-00-0112-03\	0.0 GB	0.0 GB	6	1	0.1%	9/25/2009
E:\FRC\FRC0110\D-412-01-0105-04\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0129\	0.2 GB	0.3 GB	6207	225	0.4%	9/25/2009
E:\FRC\FRC0129\ATLANTA\	0.2 GB	0.2 GB	5276	164	86.0%	9/25/2009
E:\FRC\FRC0129\BOSTON\	0.0 GB	0.0 GB	664	42	10.0%	9/25/2009
E:\FRC\FRC0129\NEWYORK\	0.0 GB	0.0 GB	267	16	4.1%	9/25/2009
E:\FRC\FRC0128\	0.2 GB	0.2 GB	6030	14	0.4%	9/25/2009
E:\FRC\FRC0128\C-412-85-0006-27\	0.2 GB	0.2 GB	4852	1	79.3%	9/25/2009
E:\FRC\FRC0128\C-EPA-UN-0001-04\	0.0 GB	0.0 GB	211	1	4.9%	9/25/2009
E:\FRC\FRC0128\C-EPA-UN-0001-12\	0.0 GB	0.0 GB	301	1	4.5%	9/25/2009
E:\FRC\FRC0128\C-EPA-UN-0001-15\	0.0 GB	0.0 GB	192	1	4.0%	9/25/2009
E:\FRC\FRC0128\C-EPA-UN-0001-09\	0.0 GB	0.0 GB	253	1	3.7%	9/25/2009
E:\FRC\FRC0128\T-412-99-0085-06\	0.0 GB	0.0 GB	102	1	2.0%	9/25/2009
E:\FRC\FRC0128\C-EPA-UN-0001-10\	0.0 GB	0.0 GB	119	1	1.6%	9/25/2009
E:\FRC\FRC0111\	0.2 GB	0.2 GB	6031	22	0.4%	9/25/2009
E:\FRC\FRC0111\D-412-02-0021-04\	0.1 GB	0.1 GB	2903	1	43.6%	9/25/2009
E:\FRC\FRC0111\D-412-02-0021-08\	0.0 GB	0.0 GB	747	1	12.1%	9/25/2009
E:\FRC\FRC0111\D-412-97-0014-14\	0.0 GB	0.0 GB	696	1	11.8%	9/25/2009
E:\FRC\FRC0111\D-412-96-0001-03\	0.0 GB	0.0 GB	559	1	9.8%	9/25/2009
E:\FRC\FRC0111\D-412-97-0014-07\	0.0 GB	0.0 GB	260	1	8.5%	9/25/2009
E:\FRC\FRC0111\D-412-97-0014-15\	0.0 GB	0.0 GB	439	1	6.6%	9/25/2009
E:\FRC\FRC0111\D-412-00-0112-01\	0.0 GB	0.0 GB	190	1	3.7%	9/25/2009
E:\FRC\FRC0111\D-412-97-0090-12\	0.0 GB	0.0 GB	163	1	2.8%	9/25/2009

E:\FRC\FRC0111\D-412-98-0012-01\	0.0 GB	0.0 GB	64	1	0.9%	9/25/2009
E:\FRC\FRC0111\D-412-98-0041-19\	0.0 GB	0.0 GB	6	1	0.2%	9/25/2009
E:\FRC\FRC0111\D-412-95-0096-02\	0.0 GB	0.0 GB	4	1	0.1%	9/25/2009
E:\FRC\FRC0105\	0.2 GB	0.2 GB	5364	36	0.4%	9/25/2009
E:\FRC\FRC0105\N-412-95-0053-08\	0.1 GB	0.1 GB	2068	1	41.5%	9/25/2009
E:\FRC\FRC0105\N-412-88-0004-06\	0.0 GB	0.0 GB	1174	1	21.0%	9/25/2009
E:\FRC\FRC0105\N-412-88-0004-05\	0.0 GB	0.0 GB	387	1	6.2%	9/25/2009
E:\FRC\FRC0105\N-412-88-0004-07\	0.0 GB	0.0 GB	342	1	5.6%	9/25/2009
E:\FRC\FRC0105\N-412-88-0014-05\	0.0 GB	0.0 GB	248	1	5.6%	9/25/2009
E:\FRC\FRC0105\N-412-88-0014-07\	0.0 GB	0.0 GB	327	1	5.1%	9/25/2009
E:\FRC\FRC0105\N-412-88-0004-08\	0.0 GB	0.0 GB	167	1	3.1%	9/25/2009
E:\FRC\FRC0105\N-412-86-0011-01\	0.0 GB	0.0 GB	144	1	2.6%	9/25/2009
E:\FRC\FRC0105\N-412-88-0004-03\	0.0 GB	0.0 GB	140	1	2.4%	9/25/2009
E:\FRC\FRC0105\N-412-88-0004-01\	0.0 GB	0.0 GB	77	1	1.5%	9/25/2009
E:\FRC\FRC0105\N-412-95-0053-01\	0.0 GB	0.0 GB	79	1	1.3%	9/25/2009
E:\FRC\FRC0105\N-412-93-0087-06\	0.0 GB	0.0 GB	59	1	1.3%	9/25/2009
E:\FRC\FRC0105\N-412-88-0014-06\	0.0 GB	0.0 GB	57	1	1.2%	9/25/2009
E:\FRC\FRC0105\N-412-86-0011-03\	0.0 GB	0.0 GB	55	1	1.0%	9/25/2009
E:\FRC\FRC0105\N-412-88-0004-04\	0.0 GB	0.0 GB	24	1	0.3%	9/25/2009
E:\FRC\FRC0105\N-412-86-0011-05\	0.0 GB	0.0 GB	7	1	0.2%	9/25/2009
E:\FRC\FRC0105\N-412-86-0011-06\	0.0 GB	0.0 GB	4	1	0.1%	9/25/2009
E:\FRC\FRC0105\N-412-86-0011-07\	0.0 GB	0.0 GB	5	1	0.1%	9/25/2009
E:\FRC\FRC0073\	0.2 GB	0.2 GB	5025	4	0.3%	9/24/2009
E:\FRC\FRC0073\R-412-00-0087-10\	0.1 GB	0.1 GB	4236	1	77.9%	9/24/2009
E:\FRC\FRC0073\R-412-00-0087-07\	0.0 GB	0.0 GB	789	1	22.1%	9/24/2009
E:\FRC\FRC0088\	0.2 GB	0.2 GB	4939	22	0.3%	9/25/2009
E:\FRC\FRC0088\A-412-95-0027-08\	0.1 GB	0.1 GB	2393	1	46.3%	9/25/2009
E:\FRC\FRC0088\A-AFC-96-0021-17\	0.0 GB	0.0 GB	541	1	12.4%	9/25/2009
E:\FRC\FRC0088\A-412-91-0064-01\	0.0 GB	0.0 GB	582	1	12.4%	9/25/2009
E:\FRC\FRC0088\A-412-98-0100-01\	0.0 GB	0.0 GB	512	1	9.9%	9/25/2009
E:\FRC\FRC0088\A-412-91-0070-06\	0.0 GB	0.0 GB	259	1	6.2%	9/25/2009
E:\FRC\FRC0088\A-412-97-0196-04\	0.0 GB	0.0 GB	256	1	5.5%	9/25/2009
E:\FRC\FRC0088\A-412-00-0129-01\	0.0 GB	0.0 GB	310	1	5.5%	9/25/2009
E:\FRC\FRC0088\A-412-92-0069-04\	0.0 GB	0.0 GB	39	1	0.8%	9/25/2009
E:\FRC\FRC0088\A-412-88-0011-02\	0.0 GB	0.0 GB	29	1	0.7%	9/25/2009
E:\FRC\FRC0088\A-412-91-0095-01\	0.0 GB	0.0 GB	12	1	0.3%	9/25/2009
E:\FRC\FRC0088\A-412-01-0259-02\	0.0 GB	0.0 GB	6	1	0.1%	9/25/2009

E:\FRC\FRC0059\	0.2 GB	0.2 GB	4128	56	0.3%	9/25/2009
E:\FRC\FRC0059\A-AFC-98-0131-01\	0.0 GB	0.0 GB	643	1	15.7%	9/25/2009
E:\FRC\FRC0059\A-412-82-0014-01\	0.0 GB	0.0 GB	405	1	9.9%	9/25/2009
E:\FRC\FRC0059\A-412-88-0012-03\	0.0 GB	0.0 GB	305	1	9.1%	9/25/2009
E:\FRC\FRC0059\A-412-79-0001-10\	0.0 GB	0.0 GB	375	1	8.1%	9/25/2009
E:\FRC\FRC0059\A-412-85-0050-01\	0.0 GB	0.0 GB	297	1	6.9%	9/25/2009
E:\FRC\FRC0059\A-412-97-0206-01\	0.0 GB	0.0 GB	241	1	6.2%	9/25/2009
E:\FRC\FRC0059\A-412-97-0196-03\	0.0 GB	0.0 GB	218	1	5.7%	9/25/2009
E:\FRC\FRC0059\A-AFC-96-0622-01\	0.0 GB	0.0 GB	196	1	5.0%	9/25/2009
E:\FRC\FRC0059\A-412-91-0101-01\	0.0 GB	0.0 GB	182	1	3.8%	9/25/2009
E:\FRC\FRC0059\A-412-93-0247-01\	0.0 GB	0.0 GB	160	1	3.8%	9/25/2009
E:\FRC\FRC0059\A-412-90-0057-05\	0.0 GB	0.0 GB	111	1	3.4%	9/25/2009
E:\FRC\FRC0059\A-412-94-0126-03\	0.0 GB	0.0 GB	139	1	3.3%	9/25/2009
E:\FRC\FRC0059\A-AFC-96-0021-21\	0.0 GB	0.0 GB	161	1	3.1%	9/25/2009
E:\FRC\FRC0059\A-AFC-97-0058-01\	0.0 GB	0.0 GB	57	1	2.3%	9/25/2009
E:\FRC\FRC0059\A-412-90-0024-01\	0.0 GB	0.0 GB	93	1	2.3%	9/25/2009
E:\FRC\FRC0059\A-AFC-96-0700-01\	0.0 GB	0.0 GB	106	1	2.2%	9/25/2009
E:\FRC\FRC0059\A-412-93-0038-01\	0.0 GB	0.0 GB	75	1	1.9%	9/25/2009
E:\FRC\FRC0059\A-AFC-98-0120-02\	0.0 GB	0.0 GB	57	1	1.4%	9/25/2009
E:\FRC\FRC0059\A-AFC-98-0170-01\	0.0 GB	0.0 GB	55	1	1.3%	9/25/2009
E:\FRC\FRC0059\A-AFC-96-0705-01\	0.0 GB	0.0 GB	61	1	1.0%	9/25/2009
E:\FRC\FRC0059\A-412-92-0069-06\	0.0 GB	0.0 GB	38	1	0.8%	9/25/2009
E:\FRC\FRC0059\A-AFC-96-0021-22\	0.0 GB	0.0 GB	43	1	0.8%	9/25/2009
E:\FRC\FRC0059\A-412-91-0068-02\	0.0 GB	0.0 GB	48	1	0.7%	9/25/2009
E:\FRC\FRC0059\A-412-95-0026-01\	0.0 GB	0.0 GB	25	1	0.5%	9/25/2009
E:\FRC\FRC0059\A-AFC-98-0127-01\	0.0 GB	0.0 GB	16	1	0.4%	9/25/2009
E:\FRC\FRC0059\A-AFC-98-0133-02\	0.0 GB	0.0 GB	17	1	0.4%	9/25/2009
E:\FRC\FRC0059\A-AFC-98-0128-01\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0059\A-412-94-0149-01\	0.0 GB	0.0 GB	2	1	0.0%	9/25/2009
E:\FRC\FRC0041\	0.2 GB	0.2 GB	4576	30	0.3%	9/25/2009
E:\FRC\FRC0041\W-412-96-0894-14\	0.0 GB	0.0 GB	754	1	19.4%	9/25/2009
E:\FRC\FRC0041\W-412-93-0299-07\	0.0 GB	0.0 GB	809	1	17.2%	9/25/2009
E:\FRC\FRC0041\W-412-93-0299-02\	0.0 GB	0.0 GB	838	1	16.0%	9/25/2009
E:\FRC\FRC0041\W-412-87-0059-04\	0.0 GB	0.0 GB	581	1	13.6%	9/25/2009
E:\FRC\FRC0041\W-412-93-0299-05\	0.0 GB	0.0 GB	552	1	11.7%	9/25/2009
E:\FRC\FRC0041\W-412-94-0407-06\	0.0 GB	0.0 GB	293	1	6.9%	9/25/2009
E:\FRC\FRC0041\W-412-93-0299-06\	0.0 GB	0.0 GB	328	1	6.6%	9/25/2009

E:\FRC\FRC0041\W-412-93-0299-16\	0.0 GB	0.0 GB	147	1	2.6%	9/25/2009
E:\FRC\FRC0041\W-412-93-0299-04\	0.0 GB	0.0 GB	75	1	1.9%	9/25/2009
E:\FRC\FRC0041\W-412-94-0407-14\	0.0 GB	0.0 GB	84	1	1.6%	9/25/2009
E:\FRC\FRC0041\W-412-94-0407-03\	0.0 GB	0.0 GB	51	1	0.9%	9/25/2009
E:\FRC\FRC0041\W-412-94-0407-13\	0.0 GB	0.0 GB	30	1	0.8%	9/25/2009
E:\FRC\FRC0041\W-412-94-0407-08\	0.0 GB	0.0 GB	27	1	0.5%	9/25/2009
E:\FRC\FRC0041\W-412-90-0094-06\	0.0 GB	0.0 GB	4	1	0.1%	9/25/2009
E:\FRC\FRC0041\W-412-93-0299-18\	0.0 GB	0.0 GB	3	1	0.1%	9/25/2009
E:\FRC\FRC0097\	0.1 GB	0.1 GB	3398	44	0.2%	9/25/2009
E:\FRC\FRC0097\S-412-91-0012-13\	0.0 GB	0.0 GB	817	1	28.5%	9/25/2009
E:\FRC\FRC0097\S-412-97-0043-01\	0.0 GB	0.0 GB	638	1	20.3%	9/25/2009
E:\FRC\FRC0097\S-412-98-0109-07\	0.0 GB	0.0 GB	398	1	10.4%	9/25/2009
E:\FRC\FRC0097\S-412-98-0047-02\	0.0 GB	0.0 GB	311	1	7.9%	9/25/2009
E:\FRC\FRC0097\S-412-96-0014-01\	0.0 GB	0.0 GB	214	1	6.7%	9/25/2009
E:\FRC\FRC0097\S-412-95-0125-03\	0.0 GB	0.0 GB	231	1	6.1%	9/25/2009
E:\FRC\FRC0097\S-412-98-0068-01\	0.0 GB	0.0 GB	153	1	3.3%	9/25/2009
E:\FRC\FRC0097\S-412-98-0070-01\	0.0 GB	0.0 GB	113	1	3.1%	9/25/2009
E:\FRC\FRC0097\S-412-93-0030-16\	0.0 GB	0.0 GB	91	1	2.6%	9/25/2009
E:\FRC\FRC0097\S-412-98-0070-04\	0.0 GB	0.0 GB	89	1	2.6%	9/25/2009
E:\FRC\FRC0097\S-412-93-0054-02\	0.0 GB	0.0 GB	108	1	2.5%	9/25/2009
E:\FRC\FRC0097\S-412-92-0001-09\	0.0 GB	0.0 GB	107	1	2.2%	9/25/2009
E:\FRC\FRC0097\S-412-99-0073-02\	0.0 GB	0.0 GB	34	1	1.1%	9/25/2009
E:\FRC\FRC0097\S-412-99-0073-05\	0.0 GB	0.0 GB	22	1	0.7%	9/25/2009
E:\FRC\FRC0097\S-412-94-0018-01\	0.0 GB	0.0 GB	20	1	0.6%	9/25/2009
E:\FRC\FRC0097\S-412-94-0015-01\	0.0 GB	0.0 GB	19	1	0.5%	9/25/2009
E:\FRC\FRC0097\S-412-97-0022-15\	0.0 GB	0.0 GB	13	1	0.4%	9/25/2009
E:\FRC\FRC0097\S-412-98-0008-02\	0.0 GB	0.0 GB	7	1	0.2%	9/25/2009
E:\FRC\FRC0097\S-412-98-0067-01\	0.0 GB	0.0 GB	6	1	0.1%	9/25/2009
E:\FRC\FRC0097\S-412-98-0109-11\	0.0 GB	0.0 GB	5	1	0.1%	9/25/2009
E:\FRC\FRC0097\S-412-79-0011-14\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0097\S-412-97-0022-04\	0.0 GB	0.0 GB	1	1	0.0%	9/25/2009
E:\FRC\FRC0100\	0.1 GB	0.1 GB	3475	10	0.2%	9/25/2009
E:\FRC\FRC0100\F-412-99-0138-04\	0.1 GB	0.1 GB	1763	1	53.2%	9/25/2009
E:\FRC\FRC0100\F-412-99-0126-01\	0.0 GB	0.0 GB	635	1	18.4%	9/25/2009
E:\FRC\FRC0100\F-412-98-0125-01\	0.0 GB	0.0 GB	474	1	13.2%	9/25/2009
E:\FRC\FRC0100\F-412-97-0026-02\	0.0 GB	0.0 GB	532	1	13.1%	9/25/2009
E:\FRC\FRC0100\F-412-98-0123-01\	0.0 GB	0.0 GB	71	1	2.1%	9/25/2009

E:\FRC\FRC0049\	0.1 GB	0.1 GB	2996	54	0.2%	9/25/2009
E:\FRC\FRC0049\A-AFC-02-LC06-01\	0.0 GB	0.0 GB	694	1	24.4%	9/25/2009
E:\FRC\FRC0049\A-412-85-0067-01\	0.0 GB	0.0 GB	247	1	10.7%	9/25/2009
E:\FRC\FRC0049\A-AFC-02-LC09-01\	0.0 GB	0.0 GB	277	1	8.9%	9/25/2009
E:\FRC\FRC0049\A-412-80-0056-02\	0.0 GB	0.0 GB	274	1	8.3%	9/25/2009
E:\FRC\FRC0049\A-412-80-0057-01\	0.0 GB	0.0 GB	215	1	7.6%	9/25/2009
E:\FRC\FRC0049\A-412-92-0069-02\	0.0 GB	0.0 GB	251	1	6.1%	9/25/2009
E:\FRC\FRC0049\A-412-84-0014-01\	0.0 GB	0.0 GB	114	1	5.0%	9/25/2009
E:\FRC\FRC0049\A-412-90-0054-01\	0.0 GB	0.0 GB	125	1	4.2%	9/25/2009
E:\FRC\FRC0049\A-412-91-0065-03\	0.0 GB	0.0 GB	141	1	4.1%	9/25/2009
E:\FRC\FRC0049\A-AFC-02-LC08-01\	0.0 GB	0.0 GB	86	1	3.3%	9/25/2009
E:\FRC\FRC0049\A-412-79-0001-09\	0.0 GB	0.0 GB	95	1	2.8%	9/25/2009
E:\FRC\FRC0049\A-AFC-02-LC05-01\	0.0 GB	0.0 GB	73	1	2.2%	9/25/2009
E:\FRC\FRC0049\A-412-91-0066-02\	0.0 GB	0.0 GB	54	1	1.7%	9/25/2009
E:\FRC\FRC0049\A-AFC-98-0118-02\	0.0 GB	0.0 GB	43	1	1.6%	9/25/2009
E:\FRC\FRC0049\A-412-80-0055-02\	0.0 GB	0.0 GB	55	1	1.3%	9/25/2009
E:\FRC\FRC0049\A-AFC-02-LC44-01\	0.0 GB	0.0 GB	31	1	1.1%	9/25/2009
E:\FRC\FRC0049\A-412-90-0054-02\	0.0 GB	0.0 GB	30	1	1.0%	9/25/2009
E:\FRC\FRC0049\A-412-90-0057-04\	0.0 GB	0.0 GB	29	1	1.0%	9/25/2009
E:\FRC\FRC0049\A-412-78-0002-01\	0.0 GB	0.0 GB	33	1	0.9%	9/25/2009
E:\FRC\FRC0049\A-412-77-0045-02\	0.0 GB	0.0 GB	35	1	0.9%	9/25/2009
E:\FRC\FRC0049\A-AFC-02-LC07-01\	0.0 GB	0.0 GB	33	1	0.8%	9/25/2009
E:\FRC\FRC0049\A-412-77-0045-01\	0.0 GB	0.0 GB	22	1	0.8%	9/25/2009
E:\FRC\FRC0049\A-412-88-0012-04\	0.0 GB	0.0 GB	8	1	0.5%	9/25/2009
E:\FRC\FRC0049\A-412-78-0002-02\	0.0 GB	0.0 GB	9	1	0.4%	9/25/2009
E:\FRC\FRC0049\A-412-85-0066-01\	0.0 GB	0.0 GB	9	1	0.3%	9/25/2009
E:\FRC\FRC0049\A-AFC-02-LC10-01\	0.0 GB	0.0 GB	10	1	0.2%	9/25/2009
E:\FRC\FRC0049\A-412-79-0001-04\	0.0 GB	0.0 GB	3	1	0.2%	9/25/2009
E:\FRC*.*	0.1 GB	0.1 GB	2	0	0.2%	11/13/2009
E:\FRC\FRC0051\	0.1 GB	0.1 GB	2296	2	0.2%	9/25/2009
E:\FRC\FRC0051\W-412-95-0723-13\	0.1 GB	0.1 GB	2296	1	100.0%	9/25/2009
E:\FRC\FRC0113\	0.1 GB	0.1 GB	2174	2	0.1%	9/25/2009
E:\FRC\FRC0113\K-412-98-0095-01\	0.1 GB	0.1 GB	2174	1	100.0%	9/25/2009
E:\FRC\FRC0103\	0.1 GB	0.1 GB	2191	6	0.1%	9/25/2009
E:\FRC\FRC0103\B-412-94-0001-04\	0.0 GB	0.0 GB	1316	1	58.5%	9/25/2009
E:\FRC\FRC0103\B-412-98-0050-05\	0.0 GB	0.0 GB	871	1	41.2%	9/25/2009
E:\FRC\FRC0103\B-412-98-0007-01\	0.0 GB	0.0 GB	4	1	0.3%	9/25/2009

E:\FRC\FRC0117\	0.1 GB	0.1 GB	1774	10	0.1%	9/25/2009
E:\FRC\FRC0117\A-412-95-0027-03\	0.0 GB	0.0 GB	1120	1	59.8%	9/25/2009
E:\FRC\FRC0117\A-412-01-0259-04\	0.0 GB	0.0 GB	422	1	25.6%	9/25/2009
E:\FRC\FRC0117\A-412-91-0028-02\	0.0 GB	0.0 GB	191	1	12.4%	9/25/2009
E:\FRC\FRC0117\A-412-95-0027-01\	0.0 GB	0.0 GB	33	1	1.6%	9/25/2009
E:\FRC\FRC0117\A-412-90-0055-01\	0.0 GB	0.0 GB	8	1	0.5%	9/25/2009
E:\FRC\frc0134\	0.1 GB	0.1 GB	1368	46	0.1%	9/25/2009
E:\FRC\frc0134\Chicago\	0.1 GB	0.1 GB	1231	26	90.5%	9/25/2009
E:\FRC\frc0134\SEATTLE\	0.0 GB	0.0 GB	79	2	5.3%	9/25/2009
E:\FRC\frc0134\WASHDC\	0.0 GB	0.0 GB	39	6	2.8%	9/25/2009
E:\FRC\frc0134\PHILADEL\	0.0 GB	0.0 GB	16	2	1.1%	9/25/2009
E:\FRC\frc0134\DALLAS\	0.0 GB	0.0 GB	2	2	0.2%	9/25/2009
E:\FRC\frc0134\Atlanta\	0.0 GB	0.0 GB	1	2	0.1%	3/7/2002
E:\FRC\FRC0109\	0.1 GB	0.1 GB	1697	10	0.1%	9/25/2009
E:\FRC\FRC0109\S-412-93-0030-05\	0.0 GB	0.0 GB	1302	1	72.7%	9/25/2009
E:\FRC\FRC0109\S-412-98-0068-03\	0.0 GB	0.0 GB	290	1	20.1%	9/25/2009
E:\FRC\FRC0109\S-412-93-0030-18\	0.0 GB	0.0 GB	88	1	6.2%	9/25/2009
E:\FRC\FRC0109\S-412-93-0030-09\	0.0 GB	0.0 GB	14	1	0.8%	9/25/2009
E:\FRC\FRC0109\S-412-92-0001-02\	0.0 GB	0.0 GB	3	1	0.2%	9/25/2009
E:\FRC\FRC0116\	0.1 GB	0.1 GB	1358	16	0.1%	9/25/2009
E:\FRC\FRC0116\W-412-82-0089-03\	0.0 GB	0.0 GB	766	1	55.3%	9/25/2009
E:\FRC\FRC0116\W-412-81-0118-13\	0.0 GB	0.0 GB	238	1	16.3%	9/25/2009
E:\FRC\FRC0116\W-412-81-0136-10\	0.0 GB	0.0 GB	158	1	12.0%	9/25/2009
E:\FRC\FRC0116\W-412-77-0057-04\	0.0 GB	0.0 GB	84	1	9.3%	9/25/2009
E:\FRC\FRC0116\W-412-80-0084-04\	0.0 GB	0.0 GB	48	1	3.4%	9/25/2009
E:\FRC\FRC0116\W-412-80-0084-08\	0.0 GB	0.0 GB	45	1	2.3%	9/25/2009
E:\FRC\FRC0116\W-412-90-0085-26\	0.0 GB	0.0 GB	14	1	1.0%	9/25/2009
E:\FRC\FRC0116\W-412-80-0084-14\	0.0 GB	0.0 GB	5	1	0.3%	9/25/2009
E:\FRC\FRC0114\	0.0 GB	0.0 GB	1000	2	0.1%	9/25/2009
E:\FRC\FRC0114\P-412-94-0116-01\	0.0 GB	0.0 GB	1000	1	100.0%	9/25/2009
E:\FRC\FRC0112\	0.0 GB	0.0 GB	474	2	0.0%	9/25/2009
E:\FRC\FRC0112\C-412-91-0004-01\	0.0 GB	0.0 GB	474	1	100.0%	9/25/2009
E:\EPA\	56.7 GB	58.9 GB	1162022	2880	22.3%	11/13/2009
E:\EPA\SECONDPRODUCTION\	36.3 GB	37.9 GB	850480	2072	64.4%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION05\	19.2 GB	20.0 GB	445379	805	52.8%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION04\	6.2 GB	6.5 GB	156521	415	17.2%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION08\	3.5 GB	3.6 GB	80047	227	9.5%	9/25/2009

E:\EPA\SECONDPRODUCTION\REGION03\	1.9 GB	2.0 GB	35833	173	5.2%	9/25/2009
E:\EPA\SECONDPRODUCTION\HEADQUARTERS\	1.5 GB	1.5 GB	31723	93	4.1%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION10\	1.3 GB	1.4 GB	32244	88	3.6%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION01\	1.3 GB	1.4 GB	31608	123	3.6%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION07\	0.6 GB	0.6 GB	14830	53	1.6%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION09\	0.4 GB	0.4 GB	9231	37	1.0%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION06\	0.3 GB	0.3 GB	6835	32	0.8%	9/25/2009
E:\EPA\SECONDPRODUCTION\REGION02\	0.2 GB	0.2 GB	6229	15	0.7%	9/25/2009
E:\EPA\FIRSTPRODUCTION\	20.2 GB	20.8 GB	308463	716	35.3%	9/29/2009
E:\EPA\FIRSTPRODUCTION\REGION05\	9.8 GB	9.9 GB	61873	194	47.6%	9/29/2009
E:\EPA\FIRSTPRODUCTION\HEADQUARTERS\	4.5 GB	4.7 GB	106189	355	22.7%	9/25/2009
E:\EPA\FIRSTPRODUCTION\REGION04\	3.0 GB	3.1 GB	72123	79	15.1%	9/25/2009
E:\EPA\FIRSTPRODUCTION\REGION03\	2.9 GB	3.0 GB	68278	84	14.6%	9/25/2009
E:\EPA*.*	0.1 GB	0.1 GB	2	0	0.2%	11/13/2009
E:\EPA\THIRDPRODUCTION\	0.1 GB	0.1 GB	1729	70	0.1%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGION05\	0.0 GB	0.0 GB	585	6	33.5%	9/25/2009
E:\EPA\THIRDPRODUCTION\HEADQUARTERS\	0.0 GB	0.0 GB	409	8	23.2%	9/24/2009
E:\EPA\THIRDPRODUCTION\RTP\	0.0 GB	0.0 GB	213	8	11.4%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGION03\	0.0 GB	0.0 GB	206	4	11.1%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGION01\	0.0 GB	0.0 GB	105	2	7.6%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGION06\	0.0 GB	0.0 GB	72	6	4.3%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGION04\	0.0 GB	0.0 GB	69	5	4.1%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGION09\	0.0 GB	0.0 GB	31	2	2.1%	9/25/2009
E:\EPA\THIRDPRODUCTION\Region08\	0.0 GB	0.0 GB	18	2	1.5%	3/10/2003
E:\EPA\THIRDPRODUCTION\REGION02\	0.0 GB	0.0 GB	16	2	1.0%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGION10\	0.0 GB	0.0 GB	3	2	0.2%	3/10/2003
E:\EPA\THIRDPRODUCTION\REGION07\	0.0 GB	0.0 GB	2	2	0.1%	9/25/2009
E:\EPA\THIRDPRODUCTION\REGIONHQ\	0.0 GB	0.0 GB	0	8	0.0%	
E:\EPA\SUPPLEMENTAL\	0.0 GB	0.0 GB	919	3	0.1%	9/24/2009
E:\EPA\SUPPLEMENTAL\REGION05\	0.0 GB	0.0 GB	919	2	100.0%	9/24/2009
E:\EPA\PRIV MATERIAL RELEASED\	0.0 GB	0.0 GB	429	14	0.0%	9/24/2009
E:\EPA\PRIV MATERIAL RELEASED\P2RM001\	0.0 GB	0.0 GB	364	6	91.7%	9/24/2009
E:\EPA\PRIV MATERIAL RELEASED\EPAR5CIN11\	0.0 GB	0.0 GB	44	1	5.7%	4/21/2004
E:\EPA\PRIV MATERIAL RELEASED\E05PV101\	0.0 GB	0.0 GB	20	2	2.5%	9/24/2009
E:\EPA\PRIV MATERIAL RELEASED\EPAR5CIN13\	0.0 GB	0.0 GB	1	1	0.1%	4/21/2004
E:\APC2\	48.6 GB	49.8 GB	647509	479	18.9%	3/7/2011
E:\APC2\EPAAPC218\	15.6 GB	16.2 GB	280355	151	32.4%	9/24/2009

E:\APC2\EPAAPC218\IMAGES\	15.6 GB	16.2 GB	280355	150	100.0%	9/24/2009
E:\APC2\EPAAPC224\	5.9 GB	5.9 GB	37653	14	11.9%	9/23/2009
E:\APC2\EPAAPC224\IMAGES\	5.9 GB	5.9 GB	37653	13	100.0%	9/23/2009
E:\APC2\EPAAPC213\	5.7 GB	5.8 GB	59675	35	11.7%	9/23/2009
E:\APC2\EPAAPC213\IMAGES\	5.7 GB	5.8 GB	59675	34	100.0%	9/23/2009
E:\APC2\EPAAPC202\	5.1 GB	5.2 GB	57360	31	10.5%	9/24/2009
E:\APC2\EPAAPC202\IMAGES\	5.1 GB	5.2 GB	57360	30	100.0%	9/24/2009
E:\APC2\EPAAPC201_MF\	4.1 GB	4.2 GB	60080	62	8.4%	9/23/2009
E:\APC2\EPAAPC201_MF\26718_827 CONTRACT\	0.4 GB	0.4 GB	2322	1	8.5%	9/23/2009
E:\APC2\EPAAPC201_MF\26186_813 CONTRACT\	0.2 GB	0.2 GB	2300	1	4.2%	9/23/2009
E:\APC2\EPAAPC201_MF\26185_812 CONTRACT\	0.2 GB	0.2 GB	2285	1	4.2%	9/23/2009
E:\APC2\EPAAPC201_MF\26189_816 CONTRACT\	0.2 GB	0.2 GB	2281	1	4.1%	9/23/2009
E:\APC2\EPAAPC201_MF\26188_815 CONTRACT\	0.2 GB	0.2 GB	2337	1	4.1%	9/23/2009
E:\APC2\EPAAPC201_MF\26187_814 CONTRACT\	0.2 GB	0.2 GB	2299	1	4.0%	9/23/2009
E:\APC2\EPAAPC201_MF\26715_824 CONTRACT\	0.2 GB	0.2 GB	2383	1	4.0%	9/23/2009
E:\APC2\EPAAPC201_MF\26179_806 CONTRACT\	0.2 GB	0.2 GB	2241	1	4.0%	9/23/2009
E:\APC2\EPAAPC201_MF\26178_805 CONTRACT\	0.2 GB	0.2 GB	2283	1	4.0%	9/23/2009
E:\APC2\EPAAPC201_MF\26720_829 CONTRACT\	0.2 GB	0.2 GB	2265	1	3.9%	9/23/2009
E:\APC2\EPAAPC201_MF\26177_804 CONTRACT\	0.2 GB	0.2 GB	2333	1	3.8%	9/23/2009
E:\APC2\EPAAPC201_MF\26719_828 CONTRACT\	0.2 GB	0.2 GB	1915	1	3.8%	9/23/2009
E:\APC2\EPAAPC201_MF\26190_817 CONTRACT\	0.1 GB	0.2 GB	2249	1	3.6%	9/23/2009
E:\APC2\EPAAPC201_MF\26183_810 CONTRACT\	0.1 GB	0.1 GB	2281	1	3.6%	9/23/2009
E:\APC2\EPAAPC201_MF\26716_825 CONTRACT\	0.1 GB	0.1 GB	2283	1	3.5%	9/23/2009
E:\APC2\EPAAPC201_MF\26184_811 CONTRACT\	0.1 GB	0.1 GB	2278	1	3.5%	9/23/2009
E:\APC2\EPAAPC201_MF\26223_822 CONTRACT\	0.1 GB	0.1 GB	2231	1	3.4%	9/23/2009
E:\APC2\EPAAPC201_MF\26191_818 CONTRACT\	0.1 GB	0.1 GB	2283	1	3.4%	9/23/2009
E:\APC2\EPAAPC201_MF\23797_208 FIELD SERVICE\	0.1 GB	0.1 GB	2313	1	3.3%	9/23/2009
E:\APC2\EPAAPC201_MF\26182_809 CONTRACT\	0.1 GB	0.1 GB	2274	1	3.1%	9/23/2009
E:\APC2\EPAAPC201_MF\26181_808 CONTRACT\	0.1 GB	0.1 GB	1730	1	2.9%	9/23/2009
E:\APC2\EPAAPC201_MF\26717_826 CONTRACT\	0.1 GB	0.1 GB	1310	1	2.7%	9/23/2009
E:\APC2\EPAAPC201_MF\26222_821 CONTRACT\	0.1 GB	0.1 GB	2326	1	2.6%	9/23/2009
E:\APC2\EPAAPC201_MF\26220_819 CONTRACT\	0.1 GB	0.1 GB	2268	1	2.6%	9/23/2009
E:\APC2\EPAAPC201_MF\26221_820 CONTRACT\	0.1 GB	0.1 GB	2304	1	2.5%	9/23/2009
E:\APC2\EPAAPC201_MF\26176_803 CONTRACT\	0.1 GB	0.1 GB	1645	1	2.4%	9/23/2009
E:\APC2\EPAAPC201_MF\26180_807 CONTRACT\	0.1 GB	0.1 GB	1090	1	1.3%	9/23/2009
E:\APC2\EPAAPC201_MF\23798_209 FIELD SERVICE\	0.0 GB	0.0 GB	886	1	1.1%	9/23/2009
E:\APC2\EPAAPC201_MF\23796_207 FIELD SERVICE\	0.0 GB	0.0 GB	521	1	1.0%	9/23/2009

E:\APC2\EPAAPC201_MF\26224_823 CONTRACT\	0.0 GB	0.0 GB	418	1	0.6%	9/23/2009
E:\APC2\EPAAPC201_MF\26721_830 CONTRACT\	0.0 GB	0.0 GB	146	1	0.2%	9/23/2009
E:\APC2\EPAAPC216\	2.1 GB	2.2 GB	36680	22	4.4%	9/23/2009
E:\APC2\EPAAPC216\IMAGES\	2.1 GB	2.2 GB	36680	21	100.0%	9/23/2009
E:\APC2\EPAAPC206\	1.9 GB	1.9 GB	11938	7	3.8%	9/23/2009
E:\APC2\EPAAPC206\IMAGES\	1.9 GB	1.9 GB	11938	6	100.0%	9/23/2009
E:\APC2\EPAAPC212\	1.5 GB	1.5 GB	22134	25	3.0%	9/23/2009
E:\APC2\EPAAPC212\IMAGES\	1.5 GB	1.5 GB	22134	24	100.0%	9/23/2009
E:\APC2\EPAAPC223\	1.2 GB	1.2 GB	11557	13	2.5%	9/24/2009
E:\APC2\EPAAPC223\IMAGES\	1.2 GB	1.2 GB	11557	12	100.0%	9/24/2009
E:\APC2\EPAAPC222\	1.1 GB	1.1 GB	16109	18	2.3%	9/24/2009
E:\APC2\EPAAPC222\IMAGES\	1.1 GB	1.1 GB	16109	17	100.0%	9/24/2009
E:\APC2\EPAAPC203\	1.0 GB	1.0 GB	7184	4	2.0%	9/23/2009
E:\APC2\EPAAPC203\IMAGES\	1.0 GB	1.0 GB	7184	3	100.0%	9/23/2009
E:\APC2\EPAAPC225\	0.7 GB	0.7 GB	2120	3	1.4%	9/23/2009
E:\APC2\EPAAPC225\IMAGES\	0.7 GB	0.7 GB	2120	2	100.0%	9/23/2009
E:\APC2\EPAAPC220\	0.6 GB	0.6 GB	11381	13	1.2%	9/23/2009
E:\APC2\EPAAPC220\IMAGES\	0.6 GB	0.6 GB	11381	12	100.0%	9/23/2009
E:\APC2\EPAAPC210\	0.4 GB	0.4 GB	7013	9	0.8%	9/23/2009
E:\APC2\EPAAPC210\IMAGES\	0.4 GB	0.4 GB	7013	8	100.0%	9/23/2009
E:\APC2\EPAAPC221\	0.3 GB	0.4 GB	7468	9	0.7%	9/23/2009
E:\APC2\EPAAPC221\IMAGES\	0.3 GB	0.4 GB	7468	8	100.0%	9/23/2009
E:\APC2\EPAAPC214\	0.3 GB	0.3 GB	4162	6	0.6%	9/24/2009
E:\APC2\EPAAPC214\IMAGES\	0.3 GB	0.3 GB	4162	5	100.0%	9/24/2009
E:\APC2\EPAAPC205\	0.2 GB	0.2 GB	3580	5	0.4%	9/23/2009
E:\APC2\EPAAPC205\IMAGES\	0.2 GB	0.2 GB	3580	4	100.0%	9/23/2009
E:\APC2\EPAAPC209\	0.2 GB	0.2 GB	3334	5	0.4%	9/23/2009
E:\APC2\EPAAPC209\IMAGES\	0.2 GB	0.2 GB	3334	4	100.0%	9/23/2009
E:\APC2\EPAAPC217\	0.2 GB	0.2 GB	550	2	0.3%	9/24/2009
E:\APC2\EPAAPC217\IMAGES\	0.2 GB	0.2 GB	550	1	100.0%	9/24/2009
E:\APC2\EPAAPC204\	0.2 GB	0.2 GB	2150	3	0.3%	9/23/2009
E:\APC2\EPAAPC204\IMAGES\	0.2 GB	0.2 GB	2150	2	100.0%	9/23/2009
E:\APC2\EPAAPC208\	0.1 GB	0.1 GB	229	2	0.2%	9/23/2009
E:\APC2\EPAAPC208\IMAGES\	0.1 GB	0.1 GB	229	1	100.0%	9/23/2009
E:\APC2\EPAAPC211\	0.1 GB	0.1 GB	2382	2	0.2%	9/23/2009
E:\APC2\EPAAPC211\IMAGES\	0.1 GB	0.1 GB	2382	1	100.0%	9/23/2009
E:\APC2\EPAAPC207\	0.1 GB	0.1 GB	2117	4	0.2%	9/23/2009

E:\APC2\EPAAPC207\IMAGES\	0.1 GB	0.1 GB	2117	3	100.0%	9/23/2009
E:\APC2*.*	0.1 GB	0.1 GB	2	0	0.1%	3/7/2011
E:\APC2\EPAAPC219\	0.0 GB	0.0 GB	80	2	0.0%	9/24/2009
E:\APC2\EPAAPC219\IMAGES\	0.0 GB	0.0 GB	80	1	100.0%	9/24/2009
E:\APC2\EPAAPC201\	0.0 GB	0.0 GB	194	2	0.0%	9/23/2009
E:\APC2\EPAAPC201\IMAGES\	0.0 GB	0.0 GB	194	1	100.0%	9/23/2009
E:\APC2\EPAAPC215\	0.0 GB	0.0 GB	19	2	0.0%	9/23/2009
E:\APC2\EPAAPC215\IMAGES\	0.0 GB	0.0 GB	19	1	100.0%	9/23/2009
E:\APC2\EPAAPC227A\	0.0 GB	0.0 GB	3	1	0.0%	1/20/2010
E:\APC2\EPAAPC227A\001\	0.0 GB	0.0 GB	3	0	100.0%	1/20/2010
E:\CIN-ELP\	38.2 GB	39.2 GB	505007	849	14.8%	11/13/2009
E:\CIN-ELP\INDIV\	33.8 GB	34.7 GB	448569	802	88.5%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP120-R\	2.4 GB	2.5 GB	51790	24	7.1%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP113-R\	1.9 GB	1.9 GB	27273	23	5.5%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP48\	1.2 GB	1.2 GB	6603	20	3.5%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP50\	1.0 GB	1.0 GB	3409	12	3.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP118-R\	0.8 GB	0.8 GB	9160	13	2.3%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP52\	0.7 GB	0.7 GB	5199	3	1.9%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP115-R\	0.6 GB	0.7 GB	15051	20	1.9%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP81\	0.7 GB	0.7 GB	3686	7	1.9%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP96\	0.7 GB	0.7 GB	5016	2	1.9%	11/2/2004
E:\CIN-ELP\INDIV\EPAELP95\	0.6 GB	0.7 GB	2775	2	1.9%	11/2/2004
E:\CIN-ELP\INDIV\EPAELP108-R\	0.6 GB	0.7 GB	14236	2	1.9%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP119-R\	0.6 GB	0.6 GB	9856	4	1.8%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP55\	0.6 GB	0.6 GB	8169	16	1.8%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP122-R\	0.6 GB	0.6 GB	13513	11	1.8%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP59\	0.6 GB	0.6 GB	3788	3	1.8%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP124-R\	0.6 GB	0.6 GB	11031	16	1.8%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP62\	0.6 GB	0.6 GB	16458	3	1.8%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP111\	0.6 GB	0.6 GB	3249	2	1.8%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP123-R\	0.6 GB	0.6 GB	10190	9	1.8%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP85\	0.6 GB	0.6 GB	820	3	1.8%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP61\	0.6 GB	0.6 GB	1722	2	1.8%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP66\	0.6 GB	0.6 GB	2263	2	1.7%	11/3/2004
E:\CIN-ELP\INDIV\EPAELP63\	0.6 GB	0.6 GB	20284	2	1.7%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP89\	0.6 GB	0.6 GB	2709	3	1.7%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP60\	0.6 GB	0.6 GB	4904	2	1.6%	9/24/2009

E:\CIN-ELP\INDIV\EPAELP102-R\	0.5 GB	0.6 GB	6946	37	1.6%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP92\	0.5 GB	0.6 GB	3461	2	1.6%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP14\	0.5 GB	0.5 GB	5063	11	1.6%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP125-R\	0.5 GB	0.5 GB	9946	9	1.5%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP20\	0.5 GB	0.5 GB	7392	2	1.5%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP15\	0.5 GB	0.5 GB	17121	5	1.5%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP46\	0.5 GB	0.5 GB	3493	10	1.5%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP39\	0.5 GB	0.5 GB	9991	7	1.4%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP90\	0.5 GB	0.5 GB	3150	2	1.3%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP37\	0.4 GB	0.5 GB	11179	7	1.3%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP67\	0.4 GB	0.5 GB	8856	2	1.3%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP22\	0.4 GB	0.5 GB	4393	4	1.3%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP101-R\	0.4 GB	0.5 GB	11533	17	1.3%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP74\	0.4 GB	0.4 GB	3241	24	1.2%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP88\	0.4 GB	0.4 GB	814	2	1.1%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP91\	0.4 GB	0.4 GB	3075	2	1.1%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP19\	0.4 GB	0.4 GB	5889	2	1.1%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP87\	0.4 GB	0.4 GB	3074	4	1.1%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP45\	0.4 GB	0.4 GB	3730	7	1.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP97\	0.4 GB	0.4 GB	2669	2	1.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP13\	0.3 GB	0.4 GB	1811	9	1.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP69\	0.3 GB	0.3 GB	3594	7	0.9%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP78\	0.3 GB	0.3 GB	1461	2	0.8%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP117-R\	0.3 GB	0.3 GB	2949	12	0.8%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP44\	0.3 GB	0.3 GB	4370	2	0.8%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP93\	0.2 GB	0.2 GB	2080	6	0.7%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP54\	0.2 GB	0.2 GB	4128	8	0.7%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP86\	0.2 GB	0.2 GB	913	9	0.7%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP65\	0.2 GB	0.2 GB	2476	5	0.6%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP23\	0.2 GB	0.2 GB	4214	2	0.6%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP98\	0.2 GB	0.2 GB	1583	2	0.6%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP110\	0.2 GB	0.2 GB	3270	2	0.6%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP36\	0.2 GB	0.2 GB	2670	15	0.5%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP43\	0.2 GB	0.2 GB	4676	6	0.5%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP57\	0.2 GB	0.2 GB	895	7	0.4%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP58\	0.1 GB	0.1 GB	885	6	0.4%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP76\	0.1 GB	0.1 GB	1358	3	0.3%	9/24/2009

E:\CIN-ELP\INDIV\EPAELP21\	0.1 GB	0.1 GB	2271	9	0.3%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP84\	0.1 GB	0.1 GB	1738	6	0.3%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP109-R\	0.1 GB	0.1 GB	3517	3	0.3%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP80\	0.1 GB	0.1 GB	907	2	0.3%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP104-R\	0.1 GB	0.1 GB	1259	16	0.3%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP64\	0.1 GB	0.1 GB	2744	2	0.2%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP77\	0.1 GB	0.1 GB	1780	5	0.2%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP103-R\	0.1 GB	0.1 GB	1783	17	0.2%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP68\	0.1 GB	0.1 GB	759	7	0.2%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP73\	0.1 GB	0.1 GB	277	2	0.2%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP70\	0.1 GB	0.1 GB	109	2	0.2%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP53\	0.1 GB	0.1 GB	390	10	0.2%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP09\	0.1 GB	0.1 GB	1177	6	0.2%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP72\	0.1 GB	0.1 GB	1011	4	0.2%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP116-R\	0.0 GB	0.1 GB	994	7	0.1%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP100\	0.0 GB	0.0 GB	569	4	0.1%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP11\	0.0 GB	0.0 GB	359	6	0.1%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP38\	0.0 GB	0.0 GB	771	7	0.1%	9/24/2009
E:\CIN-ELP\INDIV*.*	0.0 GB	0.0 GB	2	0	0.1%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP82\	0.0 GB	0.0 GB	476	2	0.1%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP18\	0.0 GB	0.0 GB	440	3	0.1%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP94\	0.0 GB	0.0 GB	357	7	0.1%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP126\	0.0 GB	0.0 GB	249	1	0.1%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP128-R\	0.0 GB	0.0 GB	359	24	0.1%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP105\	0.0 GB	0.0 GB	256	5	0.1%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP40\	0.0 GB	0.0 GB	303	3	0.1%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP112\	0.0 GB	0.0 GB	166	2	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP12\	0.0 GB	0.0 GB	285	3	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP16\	0.0 GB	0.0 GB	401	3	0.0%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP75\	0.0 GB	0.0 GB	232	2	0.0%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP49\	0.0 GB	0.0 GB	86	1	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP10\	0.0 GB	0.0 GB	258	6	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP56\	0.0 GB	0.0 GB	158	3	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP83\	0.0 GB	0.0 GB	86	2	0.0%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP26\	0.0 GB	0.0 GB	156	2	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP71\	0.0 GB	0.0 GB	92	1	0.0%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP127-R\	0.0 GB	0.0 GB	44	10	0.0%	9/23/2009

E:\CIN-ELP\INDIV\EPAELP066-R\	0.0 GB	0.0 GB	63	2	0.0%	1/10/2005
E:\CIN-ELP\INDIV\EPAELP106\	0.0 GB	0.0 GB	34	4	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP079-R\	0.0 GB	0.0 GB	31	2	0.0%	1/14/2005
E:\CIN-ELP\INDIV\EPAELP129-R\	0.0 GB	0.0 GB	29	5	0.0%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP47\	0.0 GB	0.0 GB	31	3	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP25\	0.0 GB	0.0 GB	16	2	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP51\	0.0 GB	0.0 GB	18	1	0.0%	9/25/2009
E:\CIN-ELP\INDIV\EPAELP41\	0.0 GB	0.0 GB	13	2	0.0%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP130-R\	0.0 GB	0.0 GB	6	6	0.0%	9/23/2009
E:\CIN-ELP\INDIV\EPAELP24\	0.0 GB	0.0 GB	2	2	0.0%	9/24/2009
E:\CIN-ELP\INDIV\EPAELP107\	0.0 GB	0.0 GB	2	2	0.0%	9/25/2009
E:\CIN-ELP\SHARED\	4.4 GB	4.5 GB	56438	45	11.5%	11/13/2009
E:\CIN-ELP\SHARED\EPAELP02\	0.6 GB	0.6 GB	1993	3	12.6%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP27\	0.5 GB	0.5 GB	9368	1	12.0%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP33\	0.4 GB	0.5 GB	11622	1	10.4%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP32\	0.4 GB	0.4 GB	2730	1	9.6%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP04\	0.4 GB	0.4 GB	7292	2	9.4%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP01\	0.4 GB	0.4 GB	2992	4	9.3%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP31\	0.4 GB	0.4 GB	2430	1	8.1%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP34\	0.3 GB	0.4 GB	7513	1	7.9%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP03\	0.3 GB	0.3 GB	4322	6	7.7%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP42\	0.2 GB	0.2 GB	360	1	3.7%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP35\	0.1 GB	0.1 GB	2825	1	3.1%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP06\	0.1 GB	0.1 GB	1484	2	2.5%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP05\	0.1 GB	0.1 GB	194	2	1.9%	9/23/2009
E:\CIN-ELP\SHARED\EPAELP07\	0.1 GB	0.1 GB	1304	2	1.8%	9/23/2009
E:\CIN-ELP\SHARED*.*	0.0 GB	0.0 GB	2	0	0.1%	11/13/2009
E:\CIN-ELP\SHARED\EPAELP08\	0.0 GB	0.0 GB	7	2	0.0%	9/23/2009
E:\EPA114\	23.6 GB	24.8 GB	604802	1332	9.4%	3/4/2011
E:\EPA114\REGION4\	5.8 GB	6.0 GB	133226	284	24.3%	9/24/2009
E:\EPA114\REGION4\EPA411405\	0.6 GB	0.7 GB	13768	28	11.1%	9/24/2009
E:\EPA114\REGION4\EPA411408\	0.6 GB	0.6 GB	11707	24	10.6%	9/24/2009
E:\EPA114\REGION4\EPA411407\	0.6 GB	0.6 GB	13873	28	10.1%	9/24/2009
E:\EPA114\REGION4\EPA411406\	0.6 GB	0.6 GB	14865	30	10.1%	9/24/2009
E:\EPA114\REGION4\EPA411403\	0.6 GB	0.6 GB	17461	35	9.7%	9/24/2009
E:\EPA114\REGION4\EPA411402\	0.6 GB	0.6 GB	13175	27	9.7%	9/24/2009
E:\EPA114\REGION4\EPA411410\	0.6 GB	0.6 GB	7538	16	9.6%	9/24/2009

E:\EPA114\REGION4\EPA411401\	0.5 GB	0.5 GB	8091	17	9.1%	9/24/2009
E:\EPA114\REGION4\EPA411411\	0.4 GB	0.5 GB	13530	28	7.9%	9/24/2009
E:\EPA114\REGION4\EPA411404\	0.4 GB	0.4 GB	10690	22	6.6%	9/24/2009
E:\EPA114\REGION4\EPA411409\	0.3 GB	0.3 GB	8528	18	5.3%	9/24/2009
E:\EPA114\REGION8\	5.5 GB	5.8 GB	158120	323	23.6%	9/25/2009
E:\EPA114\REGION8\EPA811409\	0.6 GB	0.6 GB	15462	31	10.4%	9/25/2009
E:\EPA114\REGION8\EPA811408\	0.6 GB	0.6 GB	12937	26	10.3%	9/25/2009
E:\EPA114\REGION8\EPA811405\	0.6 GB	0.6 GB	15809	32	10.1%	9/25/2009
E:\EPA114\REGION8\EPA811411\	0.5 GB	0.6 GB	16551	34	9.9%	9/25/2009
E:\EPA114\REGION8\EPA811407\	0.5 GB	0.6 GB	14473	29	9.8%	9/25/2009
E:\EPA114\REGION8\EPA811402\	0.5 GB	0.6 GB	14471	29	9.5%	9/25/2009
E:\EPA114\REGION8\EPA811404\	0.5 GB	0.5 GB	15809	32	9.1%	9/25/2009
E:\EPA114\REGION8\EPA811406\	0.5 GB	0.5 GB	13398	27	8.6%	9/25/2009
E:\EPA114\REGION8\EPA811403\	0.5 GB	0.5 GB	15275	31	8.6%	9/25/2009
E:\EPA114\REGION8\EPA811410\	0.5 GB	0.5 GB	14669	30	8.4%	9/25/2009
E:\EPA114\REGION8\EPA811401\	0.3 GB	0.3 GB	9266	11	5.5%	9/25/2009
E:\EPA114\REGION2\	5.0 GB	5.2 GB	129205	354	21.1%	9/25/2009
E:\EPA114\REGION2\EPA211404\	0.7 GB	0.7 GB	15402	31	13.0%	9/24/2009
E:\EPA114\REGION2\EPA211406\	0.6 GB	0.6 GB	16701	49	12.3%	9/24/2009
E:\EPA114\REGION2\EPA211402\	0.6 GB	0.6 GB	12928	36	12.2%	9/24/2009
E:\EPA114\REGION2\EPA211403\	0.6 GB	0.6 GB	15478	31	12.0%	9/24/2009
E:\EPA114\REGION2\EPA211405\	0.6 GB	0.6 GB	13530	32	11.4%	9/25/2009
E:\EPA114\REGION2\EPA211409\	0.6 GB	0.6 GB	15860	51	11.2%	9/24/2009
E:\EPA114\REGION2\EPA211401\	0.5 GB	0.6 GB	16089	46	10.8%	9/24/2009
E:\EPA114\REGION2\EPA211407\	0.5 GB	0.5 GB	14199	43	10.3%	9/24/2009
E:\EPA114\REGION2\EPA211408\	0.3 GB	0.4 GB	9018	26	6.7%	9/24/2009
E:\EPA114\REGION5\	2.6 GB	2.8 GB	66946	144	11.1%	9/24/2009
E:\EPA114\REGION5\EPA511404\	0.7 GB	0.7 GB	16256	33	24.8%	9/24/2009
E:\EPA114\REGION5\EPA511405\	0.6 GB	0.6 GB	13894	28	22.7%	9/24/2009
E:\EPA114\REGION5\EPA511401\	0.6 GB	0.6 GB	16165	33	22.4%	9/24/2009
E:\EPA114\REGION5\EPA511402\	0.5 GB	0.5 GB	12067	25	17.8%	9/24/2009
E:\EPA114\REGION5\EPA511403\	0.3 GB	0.3 GB	7880	16	11.2%	9/24/2009
E:\EPA114\REGION5\EPA511406\	0.0 GB	0.0 GB	684	3	1.0%	9/24/2009
E:\EPA114\REGION9\	1.5 GB	1.6 GB	43679	97	6.3%	9/25/2009
E:\EPA114\REGION9\EPA911403\	0.6 GB	0.7 GB	16740	39	43.6%	9/25/2009
E:\EPA114\REGION9\EPA911401\	0.4 GB	0.5 GB	12717	25	29.2%	9/25/2009
E:\EPA114\REGION9\EPA911402\	0.4 GB	0.4 GB	14222	30	27.2%	9/25/2009

E:\EPA114\REGION7\	1.1 GB	1.1 GB	27120	22	4.6%	9/25/2009
E:\EPA114\REGION7\EPA711403\	0.5 GB	0.5 GB	11276	4	44.9%	9/25/2009
E:\EPA114\REGION7\EPA711404\	0.3 GB	0.3 GB	7679	3	29.7%	9/25/2009
E:\EPA114\REGION7\EPA711401\	0.1 GB	0.1 GB	4584	9	13.1%	9/25/2009
E:\EPA114\REGION7\EPA711402\	0.1 GB	0.1 GB	3581	2	12.3%	9/25/2009
E:\EPA114\REGION3\	0.9 GB	0.9 GB	19188	41	3.8%	9/24/2009
E:\EPA114\REGION3\EPA311402\	0.6 GB	0.7 GB	12972	26	69.8%	9/24/2009
E:\EPA114\REGION3\EPA311401\	0.3 GB	0.3 GB	6216	13	30.2%	9/24/2009
E:\EPA114\REGION6\	0.6 GB	0.6 GB	12121	26	2.5%	9/25/2009
E:\EPA114\REGION6\EPA611401\	0.6 GB	0.6 GB	12121	25	100.0%	9/25/2009
E:\EPA114\REGION1\	0.6 GB	0.6 GB	15142	30	2.4%	9/25/2009
E:\EPA114\REGION1\EPAI11401\	0.4 GB	0.4 GB	8992	16	64.6%	9/25/2009
E:\EPA114\REGION1\EPAI11402\	0.2 GB	0.2 GB	6150	12	35.4%	9/24/2009
E:\EPA114*.*	0.0 GB	0.0 GB	2	0	0.2%	3/4/2011
E:\EPA114\CINEPA2\	0.0 GB	0.0 GB	53	1	0.0%	6/8/2004
E:\EPA114\CINEPA2\001\	0.0 GB	0.0 GB	53	0	100.0%	6/8/2004
E:\EPAGEN\	12.3 GB	12.4 GB	74840	427	4.7%	10/5/2009
E:\EPAGEN\EPA5EB020304\	3.4 GB	3.4 GB	1	0	27.5%	9/29/2009
E:\EPAGEN\EPA5EB020305\	3.3 GB	3.3 GB	1	0	26.7%	9/28/2009
E:\EPAGEN\Native\	2.5 GB	2.5 GB	4103	189	20.5%	9/29/2009
E:\EPAGEN\Native\CIN30b6_INS000005\	0.5 GB	0.5 GB	1751	10	20.9%	9/25/2009
E:\EPAGEN\Native\CIN_AFS000001\	0.4 GB	0.4 GB	12	0	16.1%	9/28/2009
E:\EPAGEN\Native\CIN30b6_INS009674\	0.3 GB	0.3 GB	184	17	12.7%	8/15/2003
E:\EPAGEN\Native\CIN30b6_INS000001\	0.3 GB	0.3 GB	166	12	12.7%	8/15/2003
E:\EPAGEN\Native\CIN30b6_INS009673\	0.3 GB	0.3 GB	66	6	12.3%	9/25/2009
E:\EPAGEN\Native\CIN30b6_INS000002\	0.2 GB	0.2 GB	141	8	7.0%	9/25/2009
E:\EPAGEN\Native\CIN30b6_INS000004\	0.1 GB	0.1 GB	94	24	4.9%	4/29/2003
E:\EPAGEN\Native\CIN30b6_INS009672\	0.1 GB	0.1 GB	343	43	2.6%	9/25/2009
E:\EPAGEN\Native\CIN30b6_INS009671\	0.1 GB	0.1 GB	64	3	2.3%	9/25/2009
E:\EPAGEN\Native\CIN30b6_INS009677\	0.1 GB	0.1 GB	173	16	2.1%	9/25/2009
E:\EPAGEN\Native\CIN30b6_INS009675\	0.1 GB	0.1 GB	21	2	2.1%	9/25/2009
E:\EPAGEN\Native\CIN30b6_INS009676\	0.0 GB	0.0 GB	31	3	1.9%	9/25/2009
E:\EPAGEN\Native\EPA30B6_NSR001946\	0.0 GB	0.0 GB	918	22	0.9%	9/28/2009
E:\EPAGEN\Native\CIN30b6_INS000003\	0.0 GB	0.0 GB	9	1	0.8%	4/29/2003
E:\EPAGEN\Native\CIN30b6_INS009670\	0.0 GB	0.0 GB	72	5	0.7%	9/25/2009
E:\EPAGEN\Native\EPA30B6INS22\	0.0 GB	0.0 GB	58	1	0.1%	9/29/2009
E:\EPAGEN\WES-EPAGEN09\	0.5 GB	0.6 GB	14622	9	4.5%	4/1/2004

E:\EPAGEN\WES-EPAGEN09\001\	0.5 GB	0.5 GB	13697	0	93.8%	8/27/2003
E:\EPAGEN\WES-EPAGEN09\004\	0.0 GB	0.0 GB	683	0	4.5%	8/20/2003
E:\EPAGEN\WES-EPAGEN09\009\	0.0 GB	0.0 GB	141	0	1.1%	3/11/2004
E:\EPAGEN\WES-EPAGEN09\007\	0.0 GB	0.0 GB	38	0	0.3%	8/20/2003
E:\EPAGEN\WES-EPAGEN09\005\	0.0 GB	0.0 GB	23	0	0.1%	8/20/2003
E:\EPAGEN\WES-EPAGEN09\006\	0.0 GB	0.0 GB	17	0	0.1%	8/20/2003
E:\EPAGEN\WES-EPAGEN09\002\	0.0 GB	0.0 GB	14	0	0.1%	4/1/2004
E:\EPAGEN\WES-EPAGEN09\003\	0.0 GB	0.0 GB	3	0	0.0%	8/19/2003
E:\EPAGEN\WES-EPAGEN09\008\	0.0 GB	0.0 GB	6	0	0.0%	3/11/2004
E:\EPAGEN\WES-EPAGEN05\	0.5 GB	0.5 GB	9011	36	4.4%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\036\	0.2 GB	0.2 GB	35	0	36.2%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\029\	0.0 GB	0.0 GB	526	0	4.1%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\011\	0.0 GB	0.0 GB	365	0	3.6%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\026\	0.0 GB	0.0 GB	383	0	3.6%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\002\	0.0 GB	0.0 GB	474	0	3.4%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\035\	0.0 GB	0.0 GB	70	0	3.2%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\027\	0.0 GB	0.0 GB	523	0	3.0%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\001\	0.0 GB	0.0 GB	373	0	2.8%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\016\	0.0 GB	0.0 GB	337	0	2.6%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\018\	0.0 GB	0.0 GB	527	0	2.6%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\019\	0.0 GB	0.0 GB	395	0	2.5%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\028\	0.0 GB	0.0 GB	362	0	2.5%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\032\	0.0 GB	0.0 GB	403	0	2.3%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\003\	0.0 GB	0.0 GB	302	0	2.3%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\023\	0.0 GB	0.0 GB	344	0	2.1%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\013\	0.0 GB	0.0 GB	351	0	2.0%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\020\	0.0 GB	0.0 GB	294	0	1.9%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\024\	0.0 GB	0.0 GB	335	0	1.9%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\017\	0.0 GB	0.0 GB	200	0	1.8%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\033\	0.0 GB	0.0 GB	280	0	1.7%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\010\	0.0 GB	0.0 GB	244	0	1.7%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\004\	0.0 GB	0.0 GB	253	0	1.5%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\031\	0.0 GB	0.0 GB	237	0	1.4%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\015\	0.0 GB	0.0 GB	166	0	1.3%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\021\	0.0 GB	0.0 GB	168	0	1.2%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\022\	0.0 GB	0.0 GB	205	0	1.1%	3/19/2004
E:\EPAGEN\WES-EPAGEN05\012\	0.0 GB	0.0 GB	70	0	1.1%	3/18/2004

E:\EPAGEN\WES-EPAGEN05\025\	0.0 GB	0.0 GB	180	0	1.1%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\030\	0.0 GB	0.0 GB	210	0	1.1%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\034\	0.0 GB	0.0 GB	143	0	0.9%	3/23/2004
E:\EPAGEN\WES-EPAGEN05\009\	0.0 GB	0.0 GB	126	0	0.7%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\005\	0.0 GB	0.0 GB	48	0	0.4%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\014\	0.0 GB	0.0 GB	42	0	0.2%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\008\	0.0 GB	0.0 GB	21	0	0.1%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\006\	0.0 GB	0.0 GB	13	0	0.1%	3/18/2004
E:\EPAGEN\WES-EPAGEN05\007\	0.0 GB	0.0 GB	6	0	0.0%	3/18/2004
E:\EPAGEN\WES-EPAGEN03\	0.5 GB	0.5 GB	12066	38	4.2%	1/15/2002
E:\EPAGEN\WES-EPAGEN03\038\	0.1 GB	0.1 GB	1249	0	11.4%	1/9/2002
E:\EPAGEN\WES-EPAGEN03\037\	0.0 GB	0.0 GB	551	0	9.3%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\004\	0.0 GB	0.0 GB	567	0	5.0%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\028\	0.0 GB	0.0 GB	477	0	4.5%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\031\	0.0 GB	0.0 GB	518	0	4.0%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\032\	0.0 GB	0.0 GB	635	0	3.9%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\002\	0.0 GB	0.0 GB	376	0	3.5%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\030\	0.0 GB	0.0 GB	398	0	3.3%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\035\	0.0 GB	0.0 GB	418	0	3.2%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\007\	0.0 GB	0.0 GB	305	0	3.1%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\015\	0.0 GB	0.0 GB	370	0	3.1%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\036\	0.0 GB	0.0 GB	365	0	2.9%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\024\	0.0 GB	0.0 GB	292	0	2.7%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\026\	0.0 GB	0.0 GB	365	0	2.7%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\020\	0.0 GB	0.0 GB	355	0	2.6%	1/15/2002
E:\EPAGEN\WES-EPAGEN03\016\	0.0 GB	0.0 GB	303	0	2.5%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\009\	0.0 GB	0.0 GB	286	0	2.3%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\019\	0.0 GB	0.0 GB	298	0	2.3%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\021\	0.0 GB	0.0 GB	243	0	2.2%	1/8/2002
E:\EPAGEN\WES-EPAGEN03\022\	0.0 GB	0.0 GB	298	0	2.1%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\011\	0.0 GB	0.0 GB	235	0	2.1%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\006\	0.0 GB	0.0 GB	498	0	2.1%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\033\	0.0 GB	0.0 GB	378	0	1.9%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\014\	0.0 GB	0.0 GB	210	0	1.9%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\010\	0.0 GB	0.0 GB	222	0	1.8%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\027\	0.0 GB	0.0 GB	212	0	1.7%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\018\	0.0 GB	0.0 GB	254	0	1.7%	1/7/2002

E:\EPAGEN\WES-EPAGEN03\013\	0.0 GB	0.0 GB	208	0	1.7%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\034\	0.0 GB	0.0 GB	198	0	1.4%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\023\	0.0 GB	0.0 GB	145	0	1.1%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\012\	0.0 GB	0.0 GB	112	0	1.1%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\005\	0.0 GB	0.0 GB	187	0	1.1%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\008\	0.0 GB	0.0 GB	134	0	1.1%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\017\	0.0 GB	0.0 GB	108	0	0.9%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\001\	0.0 GB	0.0 GB	106	0	0.8%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\025\	0.0 GB	0.0 GB	64	0	0.6%	1/7/2002
E:\EPAGEN\WES-EPAGEN03\003\	0.0 GB	0.0 GB	93	0	0.5%	1/4/2002
E:\EPAGEN\WES-EPAGEN03\029\	0.0 GB	0.0 GB	33	0	0.2%	1/7/2002
E:\EPAGEN\WES-EPAGEN06\	0.5 GB	0.5 GB	12020	35	4.0%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\022\	0.0 GB	0.0 GB	846	0	7.8%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\021\	0.0 GB	0.0 GB	632	0	5.7%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\010\	0.0 GB	0.0 GB	707	0	5.2%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\027\	0.0 GB	0.0 GB	521	0	4.9%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\019\	0.0 GB	0.0 GB	531	0	4.8%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\035\	0.0 GB	0.0 GB	659	0	4.7%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\024\	0.0 GB	0.0 GB	435	0	4.7%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\029\	0.0 GB	0.0 GB	576	0	4.7%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\025\	0.0 GB	0.0 GB	290	0	4.6%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\020\	0.0 GB	0.0 GB	541	0	4.4%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\002\	0.0 GB	0.0 GB	503	0	3.9%	3/23/2004
E:\EPAGEN\WES-EPAGEN06\033\	0.0 GB	0.0 GB	388	0	3.1%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\030\	0.0 GB	0.0 GB	438	0	3.1%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\008\	0.0 GB	0.0 GB	460	0	3.0%	3/23/2004
E:\EPAGEN\WES-EPAGEN06\032\	0.0 GB	0.0 GB	453	0	2.9%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\003\	0.0 GB	0.0 GB	198	0	2.8%	3/23/2004
E:\EPAGEN\WES-EPAGEN06\001\	0.0 GB	0.0 GB	181	0	2.7%	3/23/2004
E:\EPAGEN\WES-EPAGEN06\034\	0.0 GB	0.0 GB	357	0	2.7%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\005\	0.0 GB	0.0 GB	386	0	2.4%	3/23/2004
E:\EPAGEN\WES-EPAGEN06\009\	0.0 GB	0.0 GB	229	0	2.2%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\023\	0.0 GB	0.0 GB	261	0	2.2%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\004\	0.0 GB	0.0 GB	359	0	2.2%	3/23/2004
E:\EPAGEN\WES-EPAGEN06\012\	0.0 GB	0.0 GB	279	0	2.2%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\026\	0.0 GB	0.0 GB	180	0	2.1%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\006\	0.0 GB	0.0 GB	303	0	1.9%	3/23/2004

E:\EPAGEN\WES-EPAGEN06\007\	0.0 GB	0.0 GB	374	0	1.8%	3/23/2004
E:\EPAGEN\WES-EPAGEN06\016\	0.0 GB	0.0 GB	177	0	1.6%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\015\	0.0 GB	0.0 GB	103	0	1.0%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\018\	0.0 GB	0.0 GB	137	0	0.9%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\013\	0.0 GB	0.0 GB	117	0	0.8%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\031\	0.0 GB	0.0 GB	125	0	0.7%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\017\	0.0 GB	0.0 GB	98	0	0.7%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\028\	0.0 GB	0.0 GB	66	0	0.5%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\014\	0.0 GB	0.0 GB	58	0	0.5%	3/24/2004
E:\EPAGEN\WES-EPAGEN06\011\	0.0 GB	0.0 GB	52	0	0.4%	3/24/2004
E:\EPAGEN\WES-EPAGEN02\	0.5 GB	0.5 GB	10169	50	3.9%	12/31/2002
E:\EPAGEN\WES-EPAGEN02\035\	0.1 GB	0.1 GB	311	0	13.1%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\032\	0.0 GB	0.0 GB	836	0	7.0%	1/4/2002
E:\EPAGEN\WES-EPAGEN02\021\	0.0 GB	0.0 GB	629	0	5.8%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\022\	0.0 GB	0.0 GB	549	0	5.3%	1/4/2002
E:\EPAGEN\WES-EPAGEN02\005\	0.0 GB	0.0 GB	455	0	4.7%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\020\	0.0 GB	0.0 GB	496	0	4.3%	12/31/2002
E:\EPAGEN\WES-EPAGEN02\018\	0.0 GB	0.0 GB	439	0	4.1%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\045\	0.0 GB	0.0 GB	285	0	3.7%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\002\	0.0 GB	0.0 GB	405	0	3.5%	12/28/2002
E:\EPAGEN\WES-EPAGEN02\006\	0.0 GB	0.0 GB	356	0	3.4%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\027\	0.0 GB	0.0 GB	400	0	3.1%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\003\	0.0 GB	0.0 GB	426	0	2.9%	12/28/2002
E:\EPAGEN\WES-EPAGEN02\047\	0.0 GB	0.0 GB	259	0	2.5%	1/4/2002
E:\EPAGEN\WES-EPAGEN02\024\	0.0 GB	0.0 GB	312	0	2.2%	1/4/2002
E:\EPAGEN\WES-EPAGEN02\039\	0.0 GB	0.0 GB	205	0	2.0%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\048\	0.0 GB	0.0 GB	235	0	1.7%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\040\	0.0 GB	0.0 GB	168	0	1.7%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\011\	0.0 GB	0.0 GB	142	0	1.6%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\008\	0.0 GB	0.0 GB	137	0	1.5%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\007\	0.0 GB	0.0 GB	153	0	1.5%	12/28/2002
E:\EPAGEN\WES-EPAGEN02\025\	0.0 GB	0.0 GB	174	0	1.3%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\026\	0.0 GB	0.0 GB	197	0	1.3%	12/31/2001
E:\EPAGEN\WES-EPAGEN02\012\	0.0 GB	0.0 GB	111	0	1.3%	12/28/2001
E:\EPAGEN\WES-EPAGEN02\010\	0.0 GB	0.0 GB	189	0	1.2%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\046\	0.0 GB	0.0 GB	146	0	1.2%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\015\	0.0 GB	0.0 GB	115	0	1.1%	12/31/2002

E:\EPAGEN\WES-EPAGEN02\050\	0.0 GB	0.0 GB	102	0	1.1%	1/4/2002
E:\EPAGEN\WES-EPAGEN02\009\	0.0 GB	0.0 GB	97	0	1.1%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\044\	0.0 GB	0.0 GB	153	0	1.0%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\001\	0.0 GB	0.0 GB	141	0	1.0%	12/31/2001
E:\EPAGEN\WES-EPAGEN02\014\	0.0 GB	0.0 GB	83	0	1.0%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\037\	0.0 GB	0.0 GB	96	0	1.0%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\041\	0.0 GB	0.0 GB	129	0	1.0%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\029\	0.0 GB	0.0 GB	94	0	0.9%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\013\	0.0 GB	0.0 GB	106	0	0.9%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\016\	0.0 GB	0.0 GB	106	0	0.9%	12/31/2002
E:\EPAGEN\WES-EPAGEN02\019\	0.0 GB	0.0 GB	117	0	0.9%	12/31/2001
E:\EPAGEN\WES-EPAGEN02\042\	0.0 GB	0.0 GB	101	0	0.8%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\031\	0.0 GB	0.0 GB	69	0	0.7%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\030\	0.0 GB	0.0 GB	78	0	0.7%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\043\	0.0 GB	0.0 GB	92	0	0.7%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\049\	0.0 GB	0.0 GB	78	0	0.6%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\023\	0.0 GB	0.0 GB	54	0	0.6%	12/31/2001
E:\EPAGEN\WES-EPAGEN02\038\	0.0 GB	0.0 GB	76	0	0.5%	1/3/2002
E:\EPAGEN\WES-EPAGEN02\028\	0.0 GB	0.0 GB	112	0	0.4%	12/31/2001
E:\EPAGEN\WES-EPAGEN02\036\	0.0 GB	0.0 GB	32	0	0.3%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\004\	0.0 GB	0.0 GB	42	0	0.3%	12/31/2001
E:\EPAGEN\WES-EPAGEN02\034\	0.0 GB	0.0 GB	25	0	0.3%	1/2/2002
E:\EPAGEN\WES-EPAGEN02\017\	0.0 GB	0.0 GB	31	0	0.2%	12/31/2001
E:\EPAGEN\WES-EPAGEN02\033\	0.0 GB	0.0 GB	25	0	0.1%	1/2/2002
E:\EPAGEN\WES-EPAGEN04\	0.3 GB	0.3 GB	7784	27	2.7%	1/11/2005
E:\EPAGEN\WES-EPAGEN04\014\	0.0 GB	0.0 GB	491	0	8.5%	11/29/2004
E:\EPAGEN\WES-EPAGEN04\026\	0.0 GB	0.0 GB	515	0	6.5%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\018\	0.0 GB	0.0 GB	515	0	6.4%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\009\	0.0 GB	0.0 GB	472	0	5.9%	11/19/2004
E:\EPAGEN\WES-EPAGEN04\010\	0.0 GB	0.0 GB	261	0	5.8%	11/19/2004
E:\EPAGEN\WES-EPAGEN04\019\	0.0 GB	0.0 GB	421	0	5.6%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\023\	0.0 GB	0.0 GB	368	0	5.2%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\015\	0.0 GB	0.0 GB	540	0	5.0%	12/16/2004
E:\EPAGEN\WES-EPAGEN04\022\	0.0 GB	0.0 GB	399	0	4.7%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\002\	0.0 GB	0.0 GB	196	0	4.6%	11/4/2004
E:\EPAGEN\WES-EPAGEN04\024\	0.0 GB	0.0 GB	339	0	4.4%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\021\	0.0 GB	0.0 GB	383	0	4.2%	1/10/2005

E:\EPAGEN\WES-EPAGEN04\016\	0.0 GB	0.0 GB	388	0	4.1%	12/16/2004
E:\EPAGEN\WES-EPAGEN04\012\	0.0 GB	0.0 GB	270	0	3.9%	11/29/2004
E:\EPAGEN\WES-EPAGEN04\025\	0.0 GB	0.0 GB	275	0	3.6%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\007\	0.0 GB	0.0 GB	328	0	3.5%	11/3/2004
E:\EPAGEN\WES-EPAGEN04\011\	0.0 GB	0.0 GB	250	0	3.0%	11/19/2004
E:\EPAGEN\WES-EPAGEN04\003\	0.0 GB	0.0 GB	219	0	2.9%	11/3/2004
E:\EPAGEN\WES-EPAGEN04\020\	0.0 GB	0.0 GB	243	0	2.9%	1/10/2005
E:\EPAGEN\WES-EPAGEN04\004\	0.0 GB	0.0 GB	195	0	2.3%	11/3/2004
E:\EPAGEN\WES-EPAGEN04\006\	0.0 GB	0.0 GB	174	0	2.2%	11/3/2004
E:\EPAGEN\WES-EPAGEN04\017\	0.0 GB	0.0 GB	277	0	1.8%	12/16/2004
E:\EPAGEN\WES-EPAGEN04\013\	0.0 GB	0.0 GB	147	0	1.7%	11/29/2004
E:\EPAGEN\WES-EPAGEN04\005\	0.0 GB	0.0 GB	97	0	1.1%	11/3/2004
E:\EPAGEN\WES-EPAGEN04\008\	0.0 GB	0.0 GB	10	0	0.2%	11/16/2004
E:\EPAGEN\WES-EPAGEN04\027\	0.0 GB	0.0 GB	8	0	0.1%	1/11/2005
E:\EPAGEN\WES-EPAGEN04\001\	0.0 GB	0.0 GB	3	0	0.0%	11/1/2004
E:\EPAGEN\WES-EPAGEN08\	0.1 GB	0.1 GB	1945	11	0.6%	1/27/2005
E:\EPAGEN\WES-EPAGEN08\009\	0.0 GB	0.0 GB	233	0	14.2%	1/27/2005
E:\EPAGEN\WES-EPAGEN08\001\	0.0 GB	0.0 GB	270	0	12.6%	12/21/2004
E:\EPAGEN\WES-EPAGEN08\003\	0.0 GB	0.0 GB	224	0	12.0%	12/21/2004
E:\EPAGEN\WES-EPAGEN08\010\	0.0 GB	0.0 GB	188	0	10.8%	1/14/2005
E:\EPAGEN\WES-EPAGEN08\008\	0.0 GB	0.0 GB	191	0	10.0%	1/14/2005
E:\EPAGEN\WES-EPAGEN08\007\	0.0 GB	0.0 GB	188	0	9.4%	1/14/2005
E:\EPAGEN\WES-EPAGEN08\011\	0.0 GB	0.0 GB	158	0	9.2%	1/14/2005
E:\EPAGEN\WES-EPAGEN08\005\	0.0 GB	0.0 GB	156	0	6.3%	12/28/2004
E:\EPAGEN\WES-EPAGEN08\002\	0.0 GB	0.0 GB	183	0	5.9%	12/21/2004
E:\EPAGEN\WES-EPAGEN08\004\	0.0 GB	0.0 GB	82	0	5.5%	12/28/2004
E:\EPAGEN\WES-EPAGEN08\006\	0.0 GB	0.0 GB	72	0	4.0%	12/28/2004
E:\EPAGEN\WES-EPAGEN01\	0.0 GB	0.0 GB	1218	6	0.4%	9/30/2004
E:\EPAGEN\WES-EPAGEN01\002\	0.0 GB	0.0 GB	526	0	36.9%	5/11/2004
E:\EPAGEN\WES-EPAGEN01\001\	0.0 GB	0.0 GB	393	0	29.8%	5/11/2004
E:\EPAGEN\WES-EPAGEN01\003\	0.0 GB	0.0 GB	205	0	23.6%	8/12/2004
E:\EPAGEN\WES-EPAGEN01\005\	0.0 GB	0.0 GB	33	0	6.7%	9/30/2004
E:\EPAGEN\WES-EPAGEN01\004\	0.0 GB	0.0 GB	55	0	2.6%	9/1/2004
E:\EPAGEN\WES-EPAGEN01\000\	0.0 GB	0.0 GB	6	0	0.4%	5/13/2004
E:\EPAGEN\WES-EPAGEN10\	0.0 GB	0.0 GB	936	1	0.3%	11/19/2001
E:\EPAGEN\WES-EPAGEN10\001\	0.0 GB	0.0 GB	936	0	100.0%	11/19/2001
E:\EPAGEN\WES-EPAGEN07\	0.0 GB	0.0 GB	593	2	0.2%	1/19/2005

E:\EPAGEN\WES-EPAGEN07\001\	0.0 GB	0.0 GB	282	0	50.1%	1/19/2005
E:\EPAGEN\WES-EPAGEN07\002\	0.0 GB	0.0 GB	311	0	49.9%	1/19/2005
E:\EPAGEN*.*	0.0 GB	0.0 GB	3	0	0.1%	10/5/2009
E:\EPAGEN\WES-EPAGEN11\	0.0 GB	0.0 GB	207	1	0.1%	2/2/2005
E:\EPAGEN\WES-EPAGEN11\001\	0.0 GB	0.0 GB	207	0	100.0%	2/2/2005
E:\EPAGEN\WES-EPAGEN13\	0.0 GB	0.0 GB	96	5	0.0%	2/4/2005
E:\EPAGEN\WES-EPAGEN13\005\	0.0 GB	0.0 GB	44	0	50.6%	2/2/2005
E:\EPAGEN\WES-EPAGEN13\002\	0.0 GB	0.0 GB	24	0	31.1%	2/2/2005
E:\EPAGEN\WES-EPAGEN13\004\	0.0 GB	0.0 GB	11	0	8.8%	2/2/2005
E:\EPAGEN\WES-EPAGEN13\003\	0.0 GB	0.0 GB	15	0	8.4%	2/2/2005
E:\EPAGEN\WES-EPAGEN13\001\	0.0 GB	0.0 GB	2	0	1.2%	2/4/2005
E:\EPAGEN\WES-EPAGEN12\	0.0 GB	0.0 GB	65	1	0.0%	2/1/2005
E:\EPAGEN\WES-EPAGEN12\001\	0.0 GB	0.0 GB	65	0	100.0%	2/1/2005
E:\OCR\	10.4 GB	12.0 GB	675206	10	4.5%	3/7/2011
E:\OCR\EPA\	3.7 GB	4.2 GB	237412	0	35.1%	3/4/2011
E:\OCR\FRC\	2.5 GB	2.5 GB	18987	0	21.0%	2/24/2011
E:\OCR\CIN-ELP\	1.7 GB	1.8 GB	39557	2	15.1%	3/2/2011
E:\OCR\CIN-ELP\INDIV\	1.6 GB	1.6 GB	35845	0	90.3%	3/2/2011
E:\OCR\CIN-ELP\SHARED\	0.2 GB	0.2 GB	3712	0	9.7%	3/2/2011
E:\OCR\EPA114\	1.3 GB	1.8 GB	209495	0	14.7%	3/7/2011
E:\OCR\APC2\	0.9 GB	1.3 GB	140185	0	10.7%	3/5/2011
E:\OCR\APC\	0.2 GB	0.3 GB	22492	0	2.2%	3/4/2011
E:\OCR\IL-EPA\	0.1 GB	0.1 GB	6999	0	1.2%	3/2/2011
E:\OCR\Settlement\	0.0 GB	0.0 GB	79	0	0.0%	3/7/2011
E:\APC\	3.0 GB	3.1 GB	70734	235	1.2%	3/5/2011
E:\APC\EPAAPC09\	0.5 GB	0.6 GB	14622	9	17.7%	4/1/2004
E:\APC\EPAAPC09\001\	0.5 GB	0.5 GB	13697	0	93.8%	8/27/2003
E:\APC\EPAAPC09\004\	0.0 GB	0.0 GB	683	0	4.5%	8/20/2003
E:\APC\EPAAPC09\009\	0.0 GB	0.0 GB	141	0	1.1%	3/11/2004
E:\APC\EPAAPC09\007\	0.0 GB	0.0 GB	38	0	0.3%	8/20/2003
E:\APC\EPAAPC09\005\	0.0 GB	0.0 GB	23	0	0.1%	8/20/2003
E:\APC\EPAAPC09\006\	0.0 GB	0.0 GB	17	0	0.1%	8/20/2003
E:\APC\EPAAPC09\002\	0.0 GB	0.0 GB	14	0	0.1%	4/1/2004
E:\APC\EPAAPC09\003\	0.0 GB	0.0 GB	3	0	0.0%	8/19/2003
E:\APC\EPAAPC09\008\	0.0 GB	0.0 GB	6	0	0.0%	3/11/2004
E:\APC\EPAAPC05\	0.5 GB	0.5 GB	9011	36	17.4%	3/23/2004
E:\APC\EPAAPC05\036\	0.2 GB	0.2 GB	35	0	36.2%	3/23/2004

E:\APC\EPAAPC05\029\	0.0 GB	0.0 GB	526	0	4.1%	3/23/2004
E:\APC\EPAAPC05\011\	0.0 GB	0.0 GB	365	0	3.6%	3/18/2004
E:\APC\EPAAPC05\026\	0.0 GB	0.0 GB	383	0	3.6%	3/23/2004
E:\APC\EPAAPC05\002\	0.0 GB	0.0 GB	474	0	3.4%	3/18/2004
E:\APC\EPAAPC05\035\	0.0 GB	0.0 GB	70	0	3.2%	3/23/2004
E:\APC\EPAAPC05\027\	0.0 GB	0.0 GB	523	0	3.0%	3/23/2004
E:\APC\EPAAPC05\001\	0.0 GB	0.0 GB	373	0	2.8%	3/18/2004
E:\APC\EPAAPC05\016\	0.0 GB	0.0 GB	337	0	2.6%	3/19/2004
E:\APC\EPAAPC05\018\	0.0 GB	0.0 GB	527	0	2.6%	3/19/2004
E:\APC\EPAAPC05\019\	0.0 GB	0.0 GB	395	0	2.5%	3/19/2004
E:\APC\EPAAPC05\028\	0.0 GB	0.0 GB	362	0	2.5%	3/23/2004
E:\APC\EPAAPC05\032\	0.0 GB	0.0 GB	403	0	2.3%	3/23/2004
E:\APC\EPAAPC05\003\	0.0 GB	0.0 GB	302	0	2.3%	3/18/2004
E:\APC\EPAAPC05\023\	0.0 GB	0.0 GB	344	0	2.1%	3/19/2004
E:\APC\EPAAPC05\013\	0.0 GB	0.0 GB	351	0	2.0%	3/18/2004
E:\APC\EPAAPC05\020\	0.0 GB	0.0 GB	294	0	1.9%	3/19/2004
E:\APC\EPAAPC05\024\	0.0 GB	0.0 GB	335	0	1.9%	3/23/2004
E:\APC\EPAAPC05\017\	0.0 GB	0.0 GB	200	0	1.8%	3/19/2004
E:\APC\EPAAPC05\033\	0.0 GB	0.0 GB	280	0	1.7%	3/23/2004
E:\APC\EPAAPC05\010\	0.0 GB	0.0 GB	244	0	1.7%	3/18/2004
E:\APC\EPAAPC05\004\	0.0 GB	0.0 GB	253	0	1.5%	3/18/2004
E:\APC\EPAAPC05\031\	0.0 GB	0.0 GB	237	0	1.4%	3/23/2004
E:\APC\EPAAPC05\015\	0.0 GB	0.0 GB	166	0	1.3%	3/19/2004
E:\APC\EPAAPC05\021\	0.0 GB	0.0 GB	168	0	1.2%	3/19/2004
E:\APC\EPAAPC05\022\	0.0 GB	0.0 GB	205	0	1.1%	3/19/2004
E:\APC\EPAAPC05\012\	0.0 GB	0.0 GB	70	0	1.1%	3/18/2004
E:\APC\EPAAPC05\025\	0.0 GB	0.0 GB	180	0	1.1%	3/23/2004
E:\APC\EPAAPC05\030\	0.0 GB	0.0 GB	210	0	1.1%	3/23/2004
E:\APC\EPAAPC05\034\	0.0 GB	0.0 GB	143	0	0.9%	3/23/2004
E:\APC\EPAAPC05\009\	0.0 GB	0.0 GB	126	0	0.7%	3/18/2004
E:\APC\EPAAPC05\005\	0.0 GB	0.0 GB	48	0	0.4%	3/18/2004
E:\APC\EPAAPC05\014\	0.0 GB	0.0 GB	42	0	0.2%	3/18/2004
E:\APC\EPAAPC05\008\	0.0 GB	0.0 GB	21	0	0.1%	3/18/2004
E:\APC\EPAAPC05\006\	0.0 GB	0.0 GB	13	0	0.1%	3/18/2004
E:\APC\EPAAPC05\007\	0.0 GB	0.0 GB	6	0	0.0%	3/18/2004
E:\APC\EPAAPC03\	0.5 GB	0.5 GB	12066	38	16.7%	1/15/2002
E:\APC\EPAAPC03\038\	0.1 GB	0.1 GB	1249	0	11.4%	1/9/2002

E:\APC\EPAAPC03\037\	0.0 GB	0.0 GB	551	0	9.3%	1/8/2002
E:\APC\EPAAPC03\004\	0.0 GB	0.0 GB	567	0	5.0%	1/7/2002
E:\APC\EPAAPC03\028\	0.0 GB	0.0 GB	477	0	4.5%	1/8/2002
E:\APC\EPAAPC03\031\	0.0 GB	0.0 GB	518	0	4.0%	1/7/2002
E:\APC\EPAAPC03\032\	0.0 GB	0.0 GB	635	0	3.9%	1/8/2002
E:\APC\EPAAPC03\002\	0.0 GB	0.0 GB	376	0	3.5%	1/4/2002
E:\APC\EPAAPC03\030\	0.0 GB	0.0 GB	398	0	3.3%	1/8/2002
E:\APC\EPAAPC03\035\	0.0 GB	0.0 GB	418	0	3.2%	1/8/2002
E:\APC\EPAAPC03\007\	0.0 GB	0.0 GB	305	0	3.1%	1/4/2002
E:\APC\EPAAPC03\015\	0.0 GB	0.0 GB	370	0	3.1%	1/4/2002
E:\APC\EPAAPC03\036\	0.0 GB	0.0 GB	365	0	2.9%	1/8/2002
E:\APC\EPAAPC03\024\	0.0 GB	0.0 GB	292	0	2.7%	1/7/2002
E:\APC\EPAAPC03\026\	0.0 GB	0.0 GB	365	0	2.7%	1/8/2002
E:\APC\EPAAPC03\020\	0.0 GB	0.0 GB	355	0	2.6%	1/15/2002
E:\APC\EPAAPC03\016\	0.0 GB	0.0 GB	303	0	2.5%	1/7/2002
E:\APC\EPAAPC03\009\	0.0 GB	0.0 GB	286	0	2.3%	1/4/2002
E:\APC\EPAAPC03\019\	0.0 GB	0.0 GB	298	0	2.3%	1/7/2002
E:\APC\EPAAPC03\021\	0.0 GB	0.0 GB	243	0	2.2%	1/8/2002
E:\APC\EPAAPC03\022\	0.0 GB	0.0 GB	298	0	2.1%	1/8/2002
E:\APC\EPAAPC03\011\	0.0 GB	0.0 GB	235	0	2.1%	1/7/2002
E:\APC\EPAAPC03\006\	0.0 GB	0.0 GB	498	0	2.1%	1/7/2002
E:\APC\EPAAPC03\033\	0.0 GB	0.0 GB	378	0	1.9%	1/7/2002
E:\APC\EPAAPC03\014\	0.0 GB	0.0 GB	210	0	1.9%	1/7/2002
E:\APC\EPAAPC03\010\	0.0 GB	0.0 GB	222	0	1.8%	1/7/2002
E:\APC\EPAAPC03\027\	0.0 GB	0.0 GB	212	0	1.7%	1/7/2002
E:\APC\EPAAPC03\018\	0.0 GB	0.0 GB	254	0	1.7%	1/7/2002
E:\APC\EPAAPC03\013\	0.0 GB	0.0 GB	208	0	1.7%	1/4/2002
E:\APC\EPAAPC03\034\	0.0 GB	0.0 GB	198	0	1.4%	1/7/2002
E:\APC\EPAAPC03\023\	0.0 GB	0.0 GB	145	0	1.1%	1/7/2002
E:\APC\EPAAPC03\012\	0.0 GB	0.0 GB	112	0	1.1%	1/7/2002
E:\APC\EPAAPC03\005\	0.0 GB	0.0 GB	187	0	1.1%	1/4/2002
E:\APC\EPAAPC03\008\	0.0 GB	0.0 GB	134	0	1.1%	1/7/2002
E:\APC\EPAAPC03\017\	0.0 GB	0.0 GB	108	0	0.9%	1/7/2002
E:\APC\EPAAPC03\001\	0.0 GB	0.0 GB	106	0	0.8%	1/4/2002
E:\APC\EPAAPC03\025\	0.0 GB	0.0 GB	64	0	0.6%	1/7/2002
E:\APC\EPAAPC03\003\	0.0 GB	0.0 GB	93	0	0.5%	1/4/2002
E:\APC\EPAAPC03\029\	0.0 GB	0.0 GB	33	0	0.2%	1/7/2002

E:\APC\EPAAPC06\	0.5 GB	0.5 GB	12020	35	15.7%	3/24/2004
E:\APC\EPAAPC06\022\	0.0 GB	0.0 GB	846	0	7.8%	3/24/2004
E:\APC\EPAAPC06\021\	0.0 GB	0.0 GB	632	0	5.7%	3/24/2004
E:\APC\EPAAPC06\010\	0.0 GB	0.0 GB	707	0	5.2%	3/24/2004
E:\APC\EPAAPC06\027\	0.0 GB	0.0 GB	521	0	4.9%	3/24/2004
E:\APC\EPAAPC06\019\	0.0 GB	0.0 GB	531	0	4.8%	3/24/2004
E:\APC\EPAAPC06\035\	0.0 GB	0.0 GB	659	0	4.7%	3/24/2004
E:\APC\EPAAPC06\024\	0.0 GB	0.0 GB	435	0	4.7%	3/24/2004
E:\APC\EPAAPC06\029\	0.0 GB	0.0 GB	576	0	4.7%	3/24/2004
E:\APC\EPAAPC06\025\	0.0 GB	0.0 GB	290	0	4.6%	3/24/2004
E:\APC\EPAAPC06\020\	0.0 GB	0.0 GB	541	0	4.4%	3/24/2004
E:\APC\EPAAPC06\002\	0.0 GB	0.0 GB	503	0	3.9%	3/23/2004
E:\APC\EPAAPC06\033\	0.0 GB	0.0 GB	388	0	3.1%	3/24/2004
E:\APC\EPAAPC06\030\	0.0 GB	0.0 GB	438	0	3.1%	3/24/2004
E:\APC\EPAAPC06\008\	0.0 GB	0.0 GB	460	0	3.0%	3/23/2004
E:\APC\EPAAPC06\032\	0.0 GB	0.0 GB	453	0	2.9%	3/24/2004
E:\APC\EPAAPC06\003\	0.0 GB	0.0 GB	198	0	2.8%	3/23/2004
E:\APC\EPAAPC06\001\	0.0 GB	0.0 GB	181	0	2.7%	3/23/2004
E:\APC\EPAAPC06\034\	0.0 GB	0.0 GB	357	0	2.7%	3/24/2004
E:\APC\EPAAPC06\005\	0.0 GB	0.0 GB	386	0	2.4%	3/23/2004
E:\APC\EPAAPC06\009\	0.0 GB	0.0 GB	229	0	2.2%	3/24/2004
E:\APC\EPAAPC06\023\	0.0 GB	0.0 GB	261	0	2.2%	3/24/2004
E:\APC\EPAAPC06\004\	0.0 GB	0.0 GB	359	0	2.2%	3/23/2004
E:\APC\EPAAPC06\012\	0.0 GB	0.0 GB	279	0	2.2%	3/24/2004
E:\APC\EPAAPC06\026\	0.0 GB	0.0 GB	180	0	2.1%	3/24/2004
E:\APC\EPAAPC06\006\	0.0 GB	0.0 GB	303	0	1.9%	3/23/2004
E:\APC\EPAAPC06\007\	0.0 GB	0.0 GB	374	0	1.8%	3/23/2004
E:\APC\EPAAPC06\016\	0.0 GB	0.0 GB	177	0	1.6%	3/24/2004
E:\APC\EPAAPC06\015\	0.0 GB	0.0 GB	103	0	1.0%	3/24/2004
E:\APC\EPAAPC06\018\	0.0 GB	0.0 GB	137	0	0.9%	3/24/2004
E:\APC\EPAAPC06\013\	0.0 GB	0.0 GB	117	0	0.8%	3/24/2004
E:\APC\EPAAPC06\031\	0.0 GB	0.0 GB	125	0	0.7%	3/24/2004
E:\APC\EPAAPC06\017\	0.0 GB	0.0 GB	98	0	0.7%	3/24/2004
E:\APC\EPAAPC06\028\	0.0 GB	0.0 GB	66	0	0.5%	3/24/2004
E:\APC\EPAAPC06\014\	0.0 GB	0.0 GB	58	0	0.5%	3/24/2004
E:\APC\EPAAPC06\011\	0.0 GB	0.0 GB	52	0	0.4%	3/24/2004
E:\APC\EPAAPC02\	0.5 GB	0.5 GB	10169	50	15.5%	12/31/2002

E:\APC\EPAAPC02\035\	0.1 GB	0.1 GB	311	0	13.1%	1/2/2002
E:\APC\EPAAPC02\032\	0.0 GB	0.0 GB	836	0	7.0%	1/4/2002
E:\APC\EPAAPC02\021\	0.0 GB	0.0 GB	629	0	5.8%	1/2/2002
E:\APC\EPAAPC02\022\	0.0 GB	0.0 GB	549	0	5.3%	1/4/2002
E:\APC\EPAAPC02\005\	0.0 GB	0.0 GB	455	0	4.7%	1/2/2002
E:\APC\EPAAPC02\020\	0.0 GB	0.0 GB	496	0	4.3%	12/31/2002
E:\APC\EPAAPC02\018\	0.0 GB	0.0 GB	439	0	4.1%	1/2/2002
E:\APC\EPAAPC02\045\	0.0 GB	0.0 GB	285	0	3.7%	1/3/2002
E:\APC\EPAAPC02\002\	0.0 GB	0.0 GB	405	0	3.5%	12/28/2002
E:\APC\EPAAPC02\006\	0.0 GB	0.0 GB	356	0	3.4%	1/2/2002
E:\APC\EPAAPC02\027\	0.0 GB	0.0 GB	400	0	3.1%	1/2/2002
E:\APC\EPAAPC02\003\	0.0 GB	0.0 GB	426	0	2.9%	12/28/2002
E:\APC\EPAAPC02\047\	0.0 GB	0.0 GB	259	0	2.5%	1/4/2002
E:\APC\EPAAPC02\024\	0.0 GB	0.0 GB	312	0	2.2%	1/4/2002
E:\APC\EPAAPC02\039\	0.0 GB	0.0 GB	205	0	2.0%	1/3/2002
E:\APC\EPAAPC02\048\	0.0 GB	0.0 GB	235	0	1.7%	1/3/2002
E:\APC\EPAAPC02\040\	0.0 GB	0.0 GB	168	0	1.7%	1/3/2002
E:\APC\EPAAPC02\011\	0.0 GB	0.0 GB	142	0	1.6%	1/2/2002
E:\APC\EPAAPC02\008\	0.0 GB	0.0 GB	137	0	1.5%	1/2/2002
E:\APC\EPAAPC02\007\	0.0 GB	0.0 GB	153	0	1.5%	12/28/2002
E:\APC\EPAAPC02\025\	0.0 GB	0.0 GB	174	0	1.3%	1/2/2002
E:\APC\EPAAPC02\026\	0.0 GB	0.0 GB	197	0	1.3%	12/31/2001
E:\APC\EPAAPC02\012\	0.0 GB	0.0 GB	111	0	1.3%	12/28/2001
E:\APC\EPAAPC02\010\	0.0 GB	0.0 GB	189	0	1.2%	1/2/2002
E:\APC\EPAAPC02\046\	0.0 GB	0.0 GB	146	0	1.2%	1/3/2002
E:\APC\EPAAPC02\015\	0.0 GB	0.0 GB	115	0	1.1%	12/31/2002
E:\APC\EPAAPC02\050\	0.0 GB	0.0 GB	102	0	1.1%	1/4/2002
E:\APC\EPAAPC02\009\	0.0 GB	0.0 GB	97	0	1.1%	1/2/2002
E:\APC\EPAAPC02\044\	0.0 GB	0.0 GB	153	0	1.0%	1/3/2002
E:\APC\EPAAPC02\001\	0.0 GB	0.0 GB	141	0	1.0%	12/31/2001
E:\APC\EPAAPC02\014\	0.0 GB	0.0 GB	83	0	1.0%	1/2/2002
E:\APC\EPAAPC02\037\	0.0 GB	0.0 GB	96	0	1.0%	1/2/2002
E:\APC\EPAAPC02\041\	0.0 GB	0.0 GB	129	0	1.0%	1/3/2002
E:\APC\EPAAPC02\029\	0.0 GB	0.0 GB	94	0	0.9%	1/2/2002
E:\APC\EPAAPC02\013\	0.0 GB	0.0 GB	106	0	0.9%	1/2/2002
E:\APC\EPAAPC02\016\	0.0 GB	0.0 GB	106	0	0.9%	12/31/2002
E:\APC\EPAAPC02\019\	0.0 GB	0.0 GB	117	0	0.9%	12/31/2001

E:\APC\EPAAPC02\042\	0.0 GB	0.0 GB	101	0	0.8%	1/3/2002
E:\APC\EPAAPC02\031\	0.0 GB	0.0 GB	69	0	0.7%	1/2/2002
E:\APC\EPAAPC02\030\	0.0 GB	0.0 GB	78	0	0.7%	1/2/2002
E:\APC\EPAAPC02\043\	0.0 GB	0.0 GB	92	0	0.7%	1/3/2002
E:\APC\EPAAPC02\049\	0.0 GB	0.0 GB	78	0	0.6%	1/3/2002
E:\APC\EPAAPC02\023\	0.0 GB	0.0 GB	54	0	0.6%	12/31/2001
E:\APC\EPAAPC02\038\	0.0 GB	0.0 GB	76	0	0.5%	1/3/2002
E:\APC\EPAAPC02\028\	0.0 GB	0.0 GB	112	0	0.4%	12/31/2001
E:\APC\EPAAPC02\036\	0.0 GB	0.0 GB	32	0	0.3%	1/2/2002
E:\APC\EPAAPC02\004\	0.0 GB	0.0 GB	42	0	0.3%	12/31/2001
E:\APC\EPAAPC02\034\	0.0 GB	0.0 GB	25	0	0.3%	1/2/2002
E:\APC\EPAAPC02\017\	0.0 GB	0.0 GB	31	0	0.2%	12/31/2001
E:\APC\EPAAPC02\033\	0.0 GB	0.0 GB	25	0	0.1%	1/2/2002
E:\APC\EPAAPC04\	0.3 GB	0.3 GB	7784	27	10.5%	1/11/2005
E:\APC\EPAAPC04\014\	0.0 GB	0.0 GB	491	0	8.5%	11/29/2004
E:\APC\EPAAPC04\026\	0.0 GB	0.0 GB	515	0	6.5%	1/10/2005
E:\APC\EPAAPC04\018\	0.0 GB	0.0 GB	515	0	6.4%	1/10/2005
E:\APC\EPAAPC04\009\	0.0 GB	0.0 GB	472	0	5.9%	11/19/2004
E:\APC\EPAAPC04\010\	0.0 GB	0.0 GB	261	0	5.8%	11/19/2004
E:\APC\EPAAPC04\019\	0.0 GB	0.0 GB	421	0	5.6%	1/10/2005
E:\APC\EPAAPC04\023\	0.0 GB	0.0 GB	368	0	5.2%	1/10/2005
E:\APC\EPAAPC04\015\	0.0 GB	0.0 GB	540	0	5.0%	12/16/2004
E:\APC\EPAAPC04\022\	0.0 GB	0.0 GB	399	0	4.7%	1/10/2005
E:\APC\EPAAPC04\002\	0.0 GB	0.0 GB	196	0	4.6%	11/4/2004
E:\APC\EPAAPC04\024\	0.0 GB	0.0 GB	339	0	4.4%	1/10/2005
E:\APC\EPAAPC04\021\	0.0 GB	0.0 GB	383	0	4.2%	1/10/2005
E:\APC\EPAAPC04\016\	0.0 GB	0.0 GB	388	0	4.1%	12/16/2004
E:\APC\EPAAPC04\012\	0.0 GB	0.0 GB	270	0	3.9%	11/29/2004
E:\APC\EPAAPC04\025\	0.0 GB	0.0 GB	275	0	3.6%	1/10/2005
E:\APC\EPAAPC04\007\	0.0 GB	0.0 GB	328	0	3.5%	11/3/2004
E:\APC\EPAAPC04\011\	0.0 GB	0.0 GB	250	0	3.0%	11/19/2004
E:\APC\EPAAPC04\003\	0.0 GB	0.0 GB	219	0	2.9%	11/3/2004
E:\APC\EPAAPC04\020\	0.0 GB	0.0 GB	243	0	2.9%	1/10/2005
E:\APC\EPAAPC04\004\	0.0 GB	0.0 GB	195	0	2.3%	11/3/2004
E:\APC\EPAAPC04\006\	0.0 GB	0.0 GB	174	0	2.2%	11/3/2004
E:\APC\EPAAPC04\017\	0.0 GB	0.0 GB	277	0	1.8%	12/16/2004
E:\APC\EPAAPC04\013\	0.0 GB	0.0 GB	147	0	1.7%	11/29/2004

E:\APC\EPAAPC04\005\	0.0 GB	0.0 GB	97	0	1.1%	11/3/2004
E:\APC\EPAAPC04\008\	0.0 GB	0.0 GB	10	0	0.2%	11/16/2004
E:\APC\EPAAPC04\027\	0.0 GB	0.0 GB	8	0	0.1%	1/11/2005
E:\APC\EPAAPC04\001\	0.0 GB	0.0 GB	3	0	0.0%	11/1/2004
E:\APC\EPAAPC08\	0.1 GB	0.1 GB	1945	11	2.4%	1/27/2005
E:\APC\EPAAPC08\009\	0.0 GB	0.0 GB	233	0	14.2%	1/27/2005
E:\APC\EPAAPC08\001\	0.0 GB	0.0 GB	270	0	12.6%	12/21/2004
E:\APC\EPAAPC08\003\	0.0 GB	0.0 GB	224	0	12.0%	12/21/2004
E:\APC\EPAAPC08\010\	0.0 GB	0.0 GB	188	0	10.8%	1/14/2005
E:\APC\EPAAPC08\008\	0.0 GB	0.0 GB	191	0	10.0%	1/14/2005
E:\APC\EPAAPC08\007\	0.0 GB	0.0 GB	188	0	9.4%	1/14/2005
E:\APC\EPAAPC08\011\	0.0 GB	0.0 GB	158	0	9.2%	1/14/2005
E:\APC\EPAAPC08\005\	0.0 GB	0.0 GB	156	0	6.3%	12/28/2004
E:\APC\EPAAPC08\002\	0.0 GB	0.0 GB	183	0	5.9%	12/21/2004
E:\APC\EPAAPC08\004\	0.0 GB	0.0 GB	82	0	5.5%	12/28/2004
E:\APC\EPAAPC08\006\	0.0 GB	0.0 GB	72	0	4.0%	12/28/2004
E:\APC\EPAAPC01\	0.0 GB	0.0 GB	1218	6	1.6%	9/30/2004
E:\APC\EPAAPC01\002\	0.0 GB	0.0 GB	526	0	36.9%	5/11/2004
E:\APC\EPAAPC01\001\	0.0 GB	0.0 GB	393	0	29.8%	5/11/2004
E:\APC\EPAAPC01\003\	0.0 GB	0.0 GB	205	0	23.6%	8/12/2004
E:\APC\EPAAPC01\005\	0.0 GB	0.0 GB	33	0	6.7%	9/30/2004
E:\APC\EPAAPC01\004\	0.0 GB	0.0 GB	55	0	2.6%	9/1/2004
E:\APC\EPAAPC01\000\	0.0 GB	0.0 GB	6	0	0.4%	5/13/2004
E:\APC\EPAAPC10\	0.0 GB	0.0 GB	936	1	1.1%	11/19/2001
E:\APC\EPAAPC10\001\	0.0 GB	0.0 GB	936	0	100.0%	11/19/2001
E:\APC\EPAAPC07\	0.0 GB	0.0 GB	593	2	0.9%	1/19/2005
E:\APC\EPAAPC07\001\	0.0 GB	0.0 GB	282	0	50.1%	1/19/2005
E:\APC\EPAAPC07\002\	0.0 GB	0.0 GB	311	0	49.9%	1/19/2005
E:\APC\EPAAPC11\	0.0 GB	0.0 GB	207	1	0.2%	2/2/2005
E:\APC\EPAAPC11\001\	0.0 GB	0.0 GB	207	0	100.0%	2/2/2005
E:\APC*.*	0.0 GB	0.0 GB	2	0	0.2%	3/5/2011
E:\APC\EPAAPC13\	0.0 GB	0.0 GB	96	5	0.1%	2/4/2005
E:\APC\EPAAPC13\005\	0.0 GB	0.0 GB	44	0	50.6%	2/2/2005
E:\APC\EPAAPC13\002\	0.0 GB	0.0 GB	24	0	31.1%	2/2/2005
E:\APC\EPAAPC13\004\	0.0 GB	0.0 GB	11	0	8.8%	2/2/2005
E:\APC\EPAAPC13\003\	0.0 GB	0.0 GB	15	0	8.4%	2/2/2005
E:\APC\EPAAPC13\001\	0.0 GB	0.0 GB	2	0	1.2%	2/4/2005

E:\APC\EPAAPC12\	0.0 GB	0.0 GB	65	1	0.1%	2/1/2005
E:\APC\EPAAPC12\001\	0.0 GB	0.0 GB	65	0	100.0%	2/1/2005
E:\IL-EPA\	0.9 GB	0.9 GB	23906	26	0.3%	11/12/2009
E:\IL-EPA\ILRES002\	0.4 GB	0.4 GB	10929	4	45.3%	9/23/2009
E:\IL-EPA\ILRES002\003\	0.1 GB	0.1 GB	3348	0	29.6%	9/23/2009
E:\IL-EPA\ILRES002\004\	0.1 GB	0.1 GB	2706	0	23.9%	9/23/2009
E:\IL-EPA\ILRES002\001\	0.1 GB	0.1 GB	2588	0	23.5%	9/23/2009
E:\IL-EPA\ILRES002\002\	0.1 GB	0.1 GB	2287	0	23.0%	9/23/2009
E:\IL-EPA\ILRES003\	0.4 GB	0.4 GB	10133	6	42.0%	9/23/2009
E:\IL-EPA\ILRES003\006\	0.1 GB	0.1 GB	3049	0	32.3%	9/23/2009
E:\IL-EPA\ILRES003\001\	0.1 GB	0.1 GB	3013	0	30.5%	9/23/2009
E:\IL-EPA\ILRES003\002\	0.1 GB	0.1 GB	1961	0	18.4%	9/23/2009
E:\IL-EPA\ILRES003\005\	0.0 GB	0.0 GB	1398	0	12.0%	9/23/2009
E:\IL-EPA\ILRES003\004\	0.0 GB	0.0 GB	311	0	3.5%	9/23/2009
E:\IL-EPA\ILRES003\003\	0.0 GB	0.0 GB	401	0	3.4%	9/23/2009
E:\IL-EPA\EPACIN04\	0.1 GB	0.1 GB	1769	11	7.3%	9/23/2009
E:\IL-EPA\EPACIN04\002\	0.0 GB	0.0 GB	676	0	37.0%	9/23/2009
E:\IL-EPA\EPACIN04\007\	0.0 GB	0.0 GB	324	0	19.3%	9/23/2009
E:\IL-EPA\EPACIN04\006\	0.0 GB	0.0 GB	297	0	18.1%	9/23/2009
E:\IL-EPA\EPACIN04\008\	0.0 GB	0.0 GB	190	0	10.7%	9/23/2009
E:\IL-EPA\EPACIN04\010\	0.0 GB	0.0 GB	137	0	7.1%	9/23/2009
E:\IL-EPA\EPACIN04\009\	0.0 GB	0.0 GB	42	0	2.3%	9/23/2009
E:\IL-EPA\EPACIN04\005\	0.0 GB	0.0 GB	36	0	2.0%	9/23/2009
E:\IL-EPA\EPACIN04\011\	0.0 GB	0.0 GB	24	0	1.2%	9/23/2009
E:\IL-EPA\EPACIN04\003\	0.0 GB	0.0 GB	23	0	1.1%	9/23/2009
E:\IL-EPA\EPACIN04\004\	0.0 GB	0.0 GB	17	0	1.0%	9/23/2009
E:\IL-EPA\EPACIN04\001\	0.0 GB	0.0 GB	3	0	0.2%	9/23/2009
E:\IL-EPA\ILRES001\	0.0 GB	0.0 GB	1073	1	5.2%	9/23/2009
E:\IL-EPA\ILRES001\001\	0.0 GB	0.0 GB	1073	0	100.0%	9/23/2009
E:\IL-EPA*.*	0.0 GB	0.0 GB	2	0	0.2%	11/12/2009
E:\Settlement\	0.1 GB	0.1 GB	1888	2	0.0%	9/25/2009
E:\Settlement\Images\	0.1 GB	0.1 GB	1886	1	99.8%	8/20/2009
E:\Settlement\Images\001\	0.1 GB	0.1 GB	1886	0	100.0%	8/20/2009
E:\Settlement*.*	0.0 GB	0.0 GB	2	0	0.2%	9/25/2009

EXHIBIT J
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

Date	Disc	Folders	Subfolders	Bates Prefix	# Documents	# Images / Pages
3/7/2011	DTE-EPA01	001		EPAHQ_DTERFP	391	4,334
3/7/2011	DTE-EPA02	Images	0 through 41	USEXP_DTERFP	831	43,460
		Native		EPA5_DTE1ROG		
3/7/2011	DTE-EPA03	Images	0 through 28	EPA5_DTE1RFP	4,062	37,621
		Native		EPA5_DTE1RFP		
3/14/2011	DTE-EPA04	Images	R5	EPA5_DTE1RFP	3,470	46,703
			Rog	EPA5_DTE1ROG		
		Native		EPA5_DTE1RFP		
3/14/2011	DTE-EPA05	Images	HQ	EPAHQ_DTE1RFP	704	8,457
		Native		EPAHQ_DTE1RFP		

EXHIBIT K
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-09949

Environmental Enforcement Section
601 D Street NW, Room 8235
Washington, DC 20004

Telephone (202) 514-2306
Facsimile (202) 514-8395

March 14, 2011

Via Overnight Delivery

Jennifer Smith, Esq.
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
(804) 787-8073

Re: *United States v. DTE Energy Co.*, CA No. 2:10-cv-13101-BAF-RSW

Dear Ms. Smith:

Enclosed please find two DVDs (DTE-EPA04-05) containing additional documents responsive to Defendants' First Request for Production of Documents to Plaintiff United States. In addition, the DVD labeled "DTE-EPA04" contains production format copies of those documents responsive to Interrogatory No. 11 to DTE's First Set of Interrogatories that were e-mailed to counsel of record by Tom Benson on March 8, 2011.

As discussed by the parties, additional documents will be produced by the United States on a rolling basis as collection and review are completed.

If you have any questions regarding the enclosed documents, please do not hesitate to contact Kristin Furrie at (202) 616-6515.

Sincerely,

Beth Walinskas
Supervisory Paralegal Specialist

Enclosure

EXHIBIT L
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

HUNTON & WILLIAMS LLP
BANK OF AMERICA PLAZA
SUITE 3500
101 SOUTH TRYON STREET
CHARLOTTE, NORTH CAROLINA
28280

TEL 704 • 378 • 4700
FAX 704 • 378 • 4890

BRENT A. ROSSER
PARTNER
DIRECT DIAL: 704-378-4753
EMAIL: brosser@hunton.com

FILE NO: 55788.42

March 18, 2011

Via Electronic Mail

Thomas A. Benson
U.S. Department of Justice
Environment and Natural Resources Division
Washington, DC 20044-7611

Re: *United States v. DTE Energy Co., et al., No. 10-13101*

Dear Tom:

This letter addresses deficiencies contained in Plaintiff's responses to Detroit Edison's First Set of Interrogatories and Requests for Production of Documents.[1] We suggest the parties set a time to meet and confer on these deficiencies once EPA has an opportunity to consider and review them.

- **EPA's Document Dump.** EPA's production of 4.5 million pages of documents in response to Detroit Edison's requests does not comply with Rule 34. Rather, it appears that EPA merely copied a hard drive containing documents related to other NSR cases without conducting any review to determine whether the documents were responsive to Detroit Edison's requests. EPA also failed to indicate which documents are responsive to which numbered document requests. Courts have rejected similar document dumps by EPA in NSR cases, and the agency provides no justification of why it is appropriate here. *United States v. Duke Energy Corp.*, No. 1:00CV01262, at 6 n.1 (M.D.N.C. Feb. 5, 2002) ("This Court's order [granting EPA a five-month extension of discovery] was designed to allow [EPA] to produce documents in an ordered manner without engaging in a 'document dump.'"); *United States v. Illinois Power Co.*, No. 99-833, at 3 (S.D. Ill. Oct. 23, 2001) ("That [there are a large number of documents] is an inescapable characteristic of this type of litigation, which fact was surely known to the United States before suit was filed. This United States is certainly

[1] This letter reflects Detroit Edison's preliminary analysis of Plaintiff's responses to its First Set of written discovery. Detroit Edison reserves the right to identify additional deficiencies in Plaintiff's responses upon further review, and as EPA's document production continues.

more familiar with its documents than Defendants are, and can more readily locate responsive documents stored in its archives."). Given the expedited trial schedule in this case, the need for EPA to comply with Rule 34 is especially important. *S.E.C. v. Collins & Aikman Corp.*, 256 F.R.D. 403, 410 (S.D.N.Y. 2009) (Rule 34 "prohibits simply dumping large quantities of unrequested materials onto the discovering party along with the items actually sought.").

- **EPA's Reference to "Publically Available EPA Documents" and Databases.** In response to Request Nos. 6, 12, 13, 14, 15, 16, 17, 18, 20, 30 and 31, EPA refers Detroit Edison to eleven EPA websites and indicates that it "will identify publicly available databases maintained by EPA that may contain documents responsive to Defendants' requests." Again, this does not comply with Rule 34. *See, e.g.*, *Collins & Aikman Corp.*, 256 F.R.D. at 414 (rejecting agency's blanket production of 1.7 million documents maintained on various databases as non-compliant with Rule 34). Moreover, many of the websites contain information having nothing to do with the Clean Air Act, let alone the New Source Review provisions of the Clean Air Act, and instead pertaining to completely unrelated statutes that are irrelevant to this case, including the Endangered Species Act, the Federal Insecticide, Fungicide and Rodenticide Act, and California's Oil Spill Prevention and Response Act, among others. Rather than bury relevant documents among a slew of irrelevant materials, EPA is required to produce the responsive documents from these sources and organize them to correspond to each request.

- **EPA's Objection Based Upon Proprietary/Confidentiality Restrictions.** EPA objects to the extent the Detroit Edison's requests seek information that is confidential and/or governed by proprietary restrictions. Given the protective order that has been entered in this case, such restrictions should not bar production of these materials. Doc. No. 39 at 9 ("This Protective Order is designed to facilitate the disclosure of documents in this Action that a Party or non-Party considers to be 'Confidential Information.'").

- **EPA's Refusal to Produce Documents Containing the Views of EPA Employees.** Citing *United States v. Farley*, 11 F.3d 1385 (7th Cir. 1993), EPA contends that Detroit Edison is not entitled to information related to the views of EPA employees regarding the interpretation and implementation of NSR. *Farley* conflicts with *State of Ohio Dep't of Human Services v. US Dep't of Health and Human Services*, 862 F.2d 1228, 1235 (6th Cir. 1988) (interpretations of the applicable regulations even by low-ranking agency officials "highly relevant and material evidence"). Consistent with Sixth Circuit precedent, EPA must search the files of, and produce documents from, individual EPA employees in response to Detroit Edison's requests. *See, e.g.*, *United States v. Am. Elec. Power Serv. Corp.*, 2001 U.S. Dist. LEXIS 18723, *17 (S.D. Ohio June 19, 2001) ("[T]o the extent that there is some conflict between Ohio

Department of Human Services and *Farley*, this Court is required to follow the former decision because it is the law in this circuit."). Please confirm that EPA will do so.

- **EPA's Refusal to Search All EPA Regions for Responsive Documents.** EPA's unilateral refusal to search all EPA regions for responsive documents is not sufficient. *United States v. Illinois Power Co.*, No. 99-833-MJR (S.D. Ill. Jan. 10, 2001) ("[T]his [c]ourt believes that defendant is entitled to production of responsive documents from all ten Regions of EPA, insofar as these offices are involved in the enforcement of the Clean Air Act."). Please confirm that EPA will search all EPA Regions for responsive documents.

- **EPA's Refusal to Produce Documents Related to NSPS.** Because EPA considers the term "routine" to mean substantially—if not exactly—the same under the PSD and NSPS programs, Detroit Edison is entitled to documents related to EPA's consideration of "routine" under NSPS. *See,* Deposition of Walter Stevenson (EPA 30(b)(6) designee) taken on April 10, 2002, in *U.S. v. Duke Energy Corporation*, No. 1:00-cv-1262. Please confirm that EPA will search for and provide such documents.

- **EPA's Specific Responses to Requests for Production.**

  - **Response to No. 2.** EPA objects to producing surveys, studies, databases or other compilations created, possessed or maintained by EPA that identify or track projects undertaken by electric utilities on relevance grounds; however, in other NSR cases, EPA has claimed that it "has long considered industry practice ... under the interpretation of ... routine maintenance ...," *United States v. Alabama Power*, No. 1-152-VEH, EPA Reply Regarding the Correct Legal Tests (October 28, 2004) at 55. Detroit Edison is entitled to know what information EPA has maintained, if any, to track such "industry practice." Moreover, it is Detroit Edison's position that industry practice is centrally relevant to, indeed *the* standard for, what activities are routine maintenance, repair, and replacement under NSR—a position that has been adopted by the majority of courts that have considered this issue. *See, e.g.,* Doc. No. 46 at 11-13. Accordingly, the information requested is clearly relevant and must be produced.

  - **Response to No. 3.** EPA states that it has "volunteered to work with Defendants to produce confidential documents to the extent Defendants can obtain permission from the company asserting the claim of confidentiality." EPA offered to prepare a list of companies targeted by EPA, which Detroit Edison accepted on February 23, 2011. Please let us know when we can expect that list, which should include the companies recently targeted by EPA under Section 114 (*e.g.*, Foster Wheeler) for information regarding future projects.

- **Response to No. 8.** EPA objects to providing "back-up information on preliminary emissions calculations where it is anticipated that any emissions calculations offered on summary judgment or at trial would be developed through expert proof." That is not a legitimate objection, and Detroit Edison requests a full and complete answer to its Request for Production No. 8.

- **Responses to Nos. 12 and 15.** EPA appears to object to producing documents in response to Request Nos. 12 and 15 to the extent they request materials related to "fossil-fuel fired boilers" generally, and not just to the "coal-fired electric utility boilers that are the subject of this suit." Detroit Edison is entitled to production of responsive documents relating to other coal-fired units because the application of the applicable regulations to those units would be relevant to the claims and defenses in the case. Likewise, Detroit Edison is "entitled to production of responsive documents in the possession of EPA relating to industries other than coal-fired steam electricity generators, as the application of the 'major modification rule' under the [CAA] to those industries would be relevant to the defenses raised by" Detroit Edison. *United States v. Illinois Power Co.*, No. 99-833-MJR (S.D. Ill. Jan. 10, 2001).

- **EPA's Specific Responses to Interrogatories.**

  - **Responses to No. 7-13, 16.** These responses cite Rule 33(d) of the Federal Rules of Civil Procedure but fail to specify the records in sufficient detail for Detroit Edison to locate and identify the records from which the answer may be ascertained. Vague references to a mass of records is not sufficient. *See, e.g., See Sungjin Fo-Ma, Inc. v. Chainworks, Inc.*, 2009 WL 2022308 * 4 (E.D. Mich. Jul. 8, 2009) ("[D]irecting the opposing party to an undifferentiated mass of records is not a suitable response to a legitimate request for discovery."). To the extent EPA has provided or will provide documents pursuant to Rule 33(d), please identify those documents by bates-label.

  - **Response to No. 9.** In response to EPA's objection to this Interrogatory as overbroad, Detroit Edison is willing to narrow it to NSR and NSPS but request that EPA provide a full and complete response based on those programs.

- **Response to No. 10.** In response to EPA's objection to this Interrogatory as overbroad, Detroit Edison is willing to narrow this request to tube component replacement projects exceeding $500,000 in cost.[2]

- **Response to No. 11.** EPA provides no justification for refusing to produce inspection reports after January 1997. Clean Air Act compliance inspections conducted after that date are relevant as well, and Detroit Edison requests that those be identified and produced. Moreover, to the extent EPA has already provided or will provide inspection reports before January 1997, please identify those documents by bates-label. Again, vague references to a mass of records is not sufficient for purposes of Rule 33(d).

Sincerely yours,

/s/ Brent A. Rosser

cc: Counsel of Record for Defendants
Counsel of Record for Plaintiff

[2] Given the nature of the "routine" inquiry, Detroit Edison's request that EPA identify projects involving the replacement of tube components is not burdensome, especially when EPA has typically requested under Section 114 information regarding projects that cost more than $250,000, and even $100,000 in some cases. Nevertheless, as indicated, Detroit Edison is willing to limit this interrogatory to projects costing more than $500,000.

EXHIBIT M
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-09949

Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

Telephone (202) 514-5261
Facsimile (202) 616-6584
Thomas.Benson@usdoj.gov

March 24, 2011

By Email

Brent A. Rosser, Esq.
Hunton & Williams LLP
101 S. Tryon Street
Charlotte, NC
brosser@hunton.com

Re: *United States v. DTE Energy Co., et al., No. 10-13101 (E.D. Michigan)*

Dear Brent:

This responds to your letter of March 18, 2011 concerning Plaintiff's responses to Defendants' First Interrogatories and Document Requests ("Requests"). I respond to each of the issues you raise below.

As an initial matter, we note that Defendants served incredibly broad requests in this case. For instance, document request 20 calls for, "All documents discussing, describing, referring to or relating in any way to EPA's interpretation of the terms relevant to the NSR Programs. . ."[1] In addition, most questions call for a production unlimited in time.

Nonetheless, we have been working diligently to respond as quickly and comprehensively as we can to Defendants' Requests. As part of that effort, we reached out to Defendants the week after service of the Requests to begin a good faith dialogue on how we could most efficiently meet your needs for discovery. Specifically:

- Defendants Requests were served February 1.
- On February 10, we sent a letter outlining our initial concerns with the breadth of Defendants' discovery and identifying several ways in which we intended to limit the scope of our responses while getting Defendants the information they need for the case. K. Furrie February 10, 2011 Letter to M. Bierbower ("Furrie Letter").

[1] The request goes on to list 15 example terms and 10 examples of broad categories of responsive types of documents.

- On February 11, we discussed the letter and other topics with Mark Bierbower. Mr. Bierbower stated that he would delegate another attorney to spearhead discovery efforts and did not object to our proposals, saying instead that he would confer.

- On February 14, we asked again who we should coordinate with regarding discovery, noting that, "we are currently diligently searching for responsive documents (as I'm sure your folks are as well)." T. Benson Email to M. Bierbower.

- Per Mr. Bierbower's instruction, we revisited the discussion of our responses with Jennifer Smith of your office in a telephone call scheduled for February 23. Ms. Smith sent a letter that day taking issue with certain of our proposed efforts to narrow the scope of our production. That was the first response we had heard to any of the concerns we had raised at the outset of our search process.

When we first reached out to counsel on Defendants' requests six weeks ago, we made very clear the nature and scope of the production that we are now making. By the time Defendants' provided a substantive response, many of the individuals with responsive documents had already finished searching their files and provided responsive documents. At this point, we have largely completed the search for responsive documents and are performing privilege review. Indeed, we have already produced 140,000 pages (in addition to the 4.5 million pages of responsive documents previously collected and produced that Defendants complain of) from the search effort that is currently concluding, with many more documents undergoing privilege review. For Defendants to complain as our production winds down about the scope of our response would unfairly force Plaintiff to start the document search all over again. This is particularly unfair where Plaintiff told Defendants at the outset of our search process what documents we would look for and Defendants failed to articulate any concerns until the search was winding down. Finally, we note that the production we are providing to Detroit Edison is similar in scope to those provided in other recent power plants enforcement cases – despite the fact that we are working on a much more limited timetable.

As a final prefatory note, we have committed to work in good faith with Defendants' counsel in order to resolve discovery disputes. We discussed on the phone yesterday that I would respond to your letter shortly and we could then discuss the matters further. Thus I was surprised – to say the least – to see the same issues raised in your letter cited a brief before the Court before I had a chance to respond. Doc. 81 at p. 8 n.2.

Nationwide NSR Production

Defendants complain both that Plaintiff has "dump[ed]" 4.5 million pages on Defendants and that we have not searched every EPA region for responsive documents. These complaints are contradictory and unfounded. First, we told Defendants exactly how we planned to proceed on these issues. *See* Furrie Letter. We further discussed the details with Defendants on a phone call on February 23, 2011. Defendants did not complain about this approach until our production was winding down. Second, your assertion that the 4.5 million pages produced is not responsive is unfounded. The United States has produced these documents expressly because they *are* responsive to Defendants' incredibly broad requests. These requests generally mirror and are encompassed by similar requests for production in related New Source Review enforcement

actions filed against coal-fired utilities. The documents produced are thus much more than merely "related to other NSR cases." They are responsive to the requests that Defendants have served here, which closely track or are identical to the prior requests served in these related cases, including cases in which counsel of record for DTE appeared. Defendants also seem to assume that just because there are many pages, some documents must not be responsive. Given the extraordinary breadth of Defendants' requests, and the fact that this production was previously collected in response to similar document requests, these documents are responsive to Defendants' requests. In addition, because they have been produced electronically, we have provided Defendants have the ability to search the documents in a manner that exceeds our obligations under the Rules. The search capabilities make it possible to search, for example, for all documents which contain a proposed deponents' name, key words, or other topics of interest to Defendants. There is no harm to Defendants simply because the scope of their requests necessitates a large production of responsive documents. Moreover, there is no doubt that these documents have been produced in a manner which allows Defendants to make reasonable use of them. The Rules do not require production of documents in "neat little packages." *Liddle v. Board of Education of the City of St. Louis*, 771 F. Supp. 1496, 1499 (E.D. Mo. 1991). Third, your assertion that we have not searched all ten EPA regions for responsive documents is incorrect. The 4.5 million documents produced come from all EPA regions, as Defendants have requested. However, as we have repeatedly stated, to reprise the search of *all* EPA offices would be incredibly burdensome and the marginal value of getting whatever additional documents have been created since the last nationwide search does not warrant the time and resources that would be spent. DTE itself confirms that a search of all the regional offices would be of limited use at best by complaining that the nationwide production we already made is too much.[2]

Publically Available Documents

In response to Defendants' requests, we identified a suite of publically available EPA databases that have responsive information. With one exception,[3] each website is a searchable database or related exclusively to New Source Review, and so will allow Defendants to hone in on the documents that are most useful to them, without the need for Plaintiffs to bear the burden and expense of finding publically available documents responsive to Defendants broad requests. Moreover, these documents are kept in these databases as EPA's "usual course of business" and so comply with Rule 34(b)(2)(E)(i). In addition, to the extent that responsive, non-privileged documents are located in individuals' files and other locations searched for responsive documents, they will be produced, even if they are also available in a public database.

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[2] In response to the complaint that EPA failed to identify which documents are relevant to which of Defendants' requests, the documents have been produced as they were kept in the normal course of business, which is sufficient under Rule 34(b)(2)(E)(i).

[3] The one exception is the website for the Office of Enforcement and Compliance Assurance Cases and Settlements. However, even that website can be sorted to limit the responses to the Clean Air Act. Importantly, Defendants explicitly asked for settlement documents notwithstanding their questionable relevance to issues of liability in this case.

Confidentiality

As you know, EPA is prohibited by law from releasing information marked as CBI without either making a determination that the CBI designation is unwarranted or getting permitting from the entity asserting confidentiality. We made this clear to Defendants six weeks ago. *See* Furrie Letter. Surely if the situation was reversed, as it was in the *Alabama Power* case, DTE would not want EPA to disclose its confidential information without consent. We are simply stating that if DTE wants to obtain material marked as confidential, it must go through the same process that any other litigant would, just as Alabama Power did to DTE's benefit in the *Alabama Power* litigation.

EPA Employee Opinions

Consistent with *Farley* and other decisions, the United States contends that the views of EPA employees regarding the statute and regulations at issue are not relevant. Without waiving the objection, however, the United States has and will produce responsive, non-privileged documents from individual EPA employees.

NSPS Documents

As we raised on February 10, because there are no NSPS claims in this case, documents related to NSPS are simply not relevant to the claims at issue here. Defendants did not respond until February 23, after we were three weeks into our document production process and many individuals had completed searching their files. Without waiving our objections, we are producing NSPS documents to the extent located during searches for other responsive documents, but did not specifically look for NSPS materials. However, the EPA databases previously identified will have EPA guidance and rulemaking materials related to NSPS.

Specific Document Requests

Number 2: As we stated in our responses, without waiving our objections, we are producing responsive, non-privileged documents.

Number 3: The list is attached.

Number 8: As we stated in our responses, without waiving our objections, we are producing responsive, non-privileged documents.

Number 12 and 15: As we described six weeks ago, these requests are ridiculously overbroad in seeking documents related to any inspection of any fossil-fuel fired boiler over 40 years. Without waiving our objections, we are producing responsive, non-privileged documents.

Specific Interrogatories

Numbers 7-13, 16: In each case, EPA provided a complete response to the interrogatory *and* noted the production of relevant documents that may provide additional, supplementary information as a courtesy. Responding further to interrogatory number 11, without waiving our objections, attached is a list of bates numbers for inspection reports that were produced in prior cases. Inspection reports after January 1997 will be produced as they are located.

Numbers 9 and 10: EPA has provided the fullest response it can based on the time and information available. We will supplement these responses if additional information becomes available.

***

I am happy to further discuss Plaintiff's response with you at your convenience.

Sincerely,

s/Thomas A. Benson
Thomas A. Benson
Trial Attorney

cc: Counsel of Record
Jennifer Smith

EXHIBIT N
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-09949

Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

Telephone (202) 616-6515
Facsimile (202) 616-6584
Kristin.Furrie@usdoj.gov

February 28, 2011

via e-mail

Jennifer Smith, Esq.
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
SmithJL@hunton.com

Re: *United States v. DTE Energy Co., et al., No. 10-13101 (E.D. Michigan)*

Dear Jenn,

Thank you for taking the time to talk to me and Tom Benson on February 23, 2011 regarding our letter of February 10, 2011, which raised concerns about the scope and breadth of Detroit Edison's First Request for Production of Documents. In advance of our formal response on March 7, 2011, we wanted to follow up to a few points.

Due to the limited time that we have before Plaintiff's experts reports are likely to be due (which is unknown at this precise time but Detroit Edison has proposed April 1, 2011), it is important that each party produce responsive documents as quickly as possible. Both parties are in agreement that a rolling production is appropriate. The United States has committed to produce documents on the date their response is due. During the call, you agreed to update us on your ability to produce documents in our response to the Plaintiff's First Set of Document Requests during the week of February 26th. We thank you in advance for any information that you can provide.

The parties have exchanged correspondence about the need for discovery related to the New Source Performance Standards ("NSPS"). While we appreciate Detroit Edison's agreement to reduce the scope of the requests to NSPS documents that are relevant to "routine maintenance, repair and replacement," we asked Detroit Edison to provide a rationale for how this request is relevant, when NSPS is not at issue in this case. We will continue to explore the burden of this request.

Finally, we wanted to explain further that we will be producing documents that are a result of a nationwide search of documents that are generally related to New Source Review,

Prevention of Significant Deterioration, routine maintenance, repair, and replacement, emission increases, etc. These documents were collected and produced in prior litigation. Consistent with our practice in other utility cases, we are only conducting updated searches for documents in the EPA Headquarters and EPA Region 5 offices that are responsible for the implementation and enforcement of the Clean Air Act. These documents will be produced on an external hard drive and, in order to provide version with OCR text, we will provide the hard drive on or about March 7, 2011.

During the call, we raised the issue of the Parties' obligation to produce privilege logs. In Paragraph 9 of our Agreement Regarding Preservation, Review and Production of Certain Electronically Stored Information and Privileged Materials, we agreed that neither party had to log privileged or work-product documents created on or before August 5, 2010, the date of the filing of the complaint. We proposed changing that date to July 23, 2009, the date of the original Notice of Violation. We appreciate the opportunity to discuss this issue as well as other related privilege logging issues at your earliest convenience.

Sincerely,

s/Kristin M. Furrie
Kristin M. Furrie
Trial Attorney

EXHIBIT O
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

HUNTON& WILLIAMS

HUNTON & WILLIAMS LLP
BANK OF AMERICA PLAZA
SUITE 3500
101 SOUTH TRYON STREET
CHARLOTTE, NORTH CAROLINA
28280

TEL 704 • 378 • 4700
FAX 704 • 378 • 4890

BRENT A. ROSSER
PARTNER
DIRECT DIAL: 704-378-4707
EMAIL: brosser@hunton.com

FILE NO: 55788.42

March 31, 2011

Via Electronic Mail

Thomas A. Benson
U.S. Department of Justice
Environment and Natural Resources Division
Washington, DC 20044-7611

Re: *United States v. DTE Energy Co., et al., No. 10-13101*

Dear Tom:

Thank you for your March 24 response to Detroit Edison's March 18 letter addressing deficiencies contained in EPA's responses to Detroit Edison's First Set of Interrogatories and Requests for Production of Documents. Unfortunately the response does not adequately address Detroit Edison's concerns nor provide any assurances that EPA intends to comply with the Federal Rules of Civil Procedure.[1]

EPA's Document Dumps

Detroit Edison reiterates that EPA's document dump of 4.5 million pages of documents followed by another dump of 140,000 pages does not comply with Rule 34, and the agency fails to address— much less distinguish—any of the NSR or other cases Detroit Edison cited in its March 18 letter. Moreover, EPA seems to suggest that Detroit Edison somehow agreed or acquiesced to EPA's non-compliance. It did not and will not, especially when EPA sought and obtained an expedited trial schedule. EPA complains about having to redo its production, but Detroit Edison believes that is what EPA should be required to do.

EPA's Refusal to Search for and Collect Documents from all EPA Regions

EPA's willingness to conduct a "nationwide" search and produce documents from of all ten EPA regions is illusory. That "nationwide" production only involves documents as of 2005, and EPA is refusing to search for documents from all ten regions after 2005 without

[1] Detroit Edison is still in the process of reviewing EPA's responses to Detroit Edison's First Set of Interrogatories and Requests for Production, and reserves the right to raise additional deficiencies as its review continues and as EPA continues to respond.

even addressing the *Illinois Power* case holding that it must. Detroit Edison repeats its request that EPA conduct a search of all ten EPA regions.

EPA's Reference to "Publically Available EPA Documents" and Databases

Detroit Edison continues to believe that EPA's blanket references to agency websites and publicly available databases do not comply with the Federal Rules. Based on EPA's response, Detroit Edison understands that EPA is unwilling to identify any responsive documents from these sources. Please let us know if we are mistaken. In any event, EPA stated in its responses that it "will identify publicly available databases maintained by EPA that may contain documents responsive to Defendants' request." It does not appear that such databases have been identified. Without waiving our right to challenge this form or manner of production, please let us know when EPA expects to do so.

EPA Employee Opinions

EPA's statement that it "has and will produce responsive, non-privileged documents from individual employees" is not sufficient. Consistent with *State of Ohio Dep't of Human Services v. US Dep't of Health and Human Services*, 862 F.2d 1228, 1235 (6th Cir. 1988), *United States v. Am. Elec. Power Serv. Corp.*, 2001 U.S. Dist. LEXIS 18723, *17 (S.D. Ohio June 19, 2001), and the Federal Rules of Civil Procedure, EPA must *search for* those documents as well. Please confirm that EPA will do so.[2]

NSPS Documents

EPA does not dispute that the agency considers the term "routine" to mean substantially—if not exactly—the same under the PSD and NSPS programs. Nevertheless, EPA contends that it "did not specifically look for NSPS materials." This is not sufficient. Detroit Edison again requests that EPA search for and produce NSPS materials related to the issue of "routine."

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[2] EPA's letter is generally unclear as to whether EPA has conducted any search for certain categories of documents requested by Detroit Edison, stating instead that the agency has produced or will "produce responsive, non-privileged documents." For this reason, please confirm that EPA has searched or is searching for and will produce and/or identify responsive documents under the Federal Rules rather than relying on its earlier, non-compliant document dumps. *See, e.g., Ultratech, Inc. v. Tamarach Scientific Co.*, No. C 03-3235, 2005 WL 40074 (N.D. Cal. 2005) ("The representations that the document were produced 'already,' is not sufficiently specific.").

Other Issues

As we understand EPA's March 24 letter, EPA has agreed to search for and produce documents and otherwise provide complete responses to Request Nos. 2, 8, 12 and 15. Likewise, Detroit Edison understands that EPA will provide full and complete responses to Interrogatories Nos. 9 and 10. With respect to Interrogatory No. 10, Detroit Edison's interprets EPA's silence in response to Detroit Edison's proposal as reflecting its willingness to identify projects involving the replacement of tube components costing more than $500,000. Please let us know if we are mistaken.

* * * * * * * * * * * * * * *

Detroit Edison shares EPA's commitment to work in good faith to resolve discovery disputes in effort to avoid the need for the Court's intervention. To date, however, EPA's responses to Detroit Edison's discovery have not been sufficient, and the schedule is quickly becoming more and more unworkable as EPA's non-compliance continues. Despite EPA's expansive requests and statements to the Court regarding the scope of its intended discovery, Detroit Edison is searching for documents and producing them as required under the Federal Rules.[3] Detroit Edison requests that EPA do the same, and be held to the same standards that it demanded of Detroit Edison in responding to EPA's discovery requests.

I suggest that the parties schedule a meet and confer session later this week or early next week to address these issues. Please let me know your availability.

Sincerely yours,

Brent A. Rosser

cc: Counsel of Record for Plaintiff
Counsel of Record for Defendants

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[3] Nevertheless, as noted in its objections to Plaintiff's First Set of Interrogatories and Requests for Production, Detroit Edison reserves the right to seek appropriate relief with the Court regarding EPA's overbroad requests based on EPA's prior representations to the Court and to Detroit Edison regarding the intended scope of its discovery in this matter.

EXHIBIT P
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-09949

Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

Telephone (202) 616-6515
Facsimile (202) 616-6584
Kristin.Furrie@usdoj.gov

April 4, 2011

Via e-mail

Brent A. Rosser, Esq.
Hunton & Williams LLP
Bank of America Plaza
Suite 3500
101 S. Tryon Street
Charlotte, NC 28280
brosser@hunton.com

Re: *United States v. DTE Energy Co., et al., No. 10-13101 (E.D. Michigan)*

Dear Brent,

Thank you for your letter of March 31, which follows our March 24th reply to your letter of March 18th.

At the outset, we note the contradiction in Detroit Edison's complaint that the United States has produced too many documents and yet not produced enough. As detailed in our March 24 reply, Detroit Edison served extremely broad requests and Plaintiff responded within a week to discuss ways to narrow our response to ensure a production that worked for both sides. On February 10, 2011, nine days after Defendants' served their requests, we proposed several ways in which we would narrow our production. We did not hear any response from Detroit Edison until almost two weeks later, and did not get a definitive objection to our proposals until your March 18 letter, long after EPA's search process had concluded. Notwithstanding the extraordinary breadth of Defendants' requests and Defendants' inability to confer on our reasonable proposals to narrow those requests in a timely manner, EPA undertook an exhaustive search for responsive documents in headquarters offices with nationwide responsibility for implementing and enforcing the Clean Air Act, as well as EPA Region 5, the region in which the violations at issue in this case occurred. Defendants propounded extraordinary broad discovery requests, the agency has reasonably interpreted and searched for documents pursuant to those requests, and Defendants have received or are receiving those documents. Defendants' latest objections, coming two months after we first sought to meet and confer, appear to do nothing more than seek delay for delay's sake.

Detroit Edison's Complaints About the Volume of Documents Produced

Detroit Edison frequently characterizes the United States' production as "document dumps." This is a mischaracterization of the efforts to which we have gone to search for and produce responsive documents. The United States has produced a large volume of documents, but Detroit Edison's requests were so broad that it could only expect to receive a large volume of documents in response. *See Burt Hill, Inc. v. Hassan*, No. Civ.A. 09-1285, 2010 WL 419433 at n. 10 (W.D. Pa. Jan. 29, 2010) ("Although Defendants characterize Plaintiff's production of over 14,000 responsive documents as a 'document dump,' ... this is exactly what their overbroad discovery request contemplates"). For example, Detroit Edison specifically sought more than 40 years worth of documents "discussing, describing, referring to or *relating in any way*" to a list of fifteen terms. *See* Defendants' First Request for Production of Documents, No. 20 (emphasis added). In its correspondence of March 31st, Detroit Edison reiterated its position that it expected documents responsive to this request, as well as all of its other requests, from every individual in EPA. *See* Rosser Letter to Benson, dated Mar. 31, 2011 (arguing that EPA must search for documents from individual employees). Due to the breadth of the requests from each EPA employee, Detroit Edison should have expected to receive a large volume of documents, and the volume does not demonstrate that the United States has failed to comply with the Federal Rules of Civil Procedure. Similarly, Detroit Edison has sought more than 40 years of communication between EPA and Michigan "relating in any way to the administration, implementation, or enforcement of ... the Clean Air Act." It is inconceivable that Detroit Edison would expect anything other than a large volume of documents to be produced in response to such a broad request.

If Detroit Edison had actually sought to receive a smaller volume of documents, it should have narrowed its initial requests or in response to the United States' initial objections to the broad nature of its requests on February 10, 2011, just nine days after Detroit Edison served discovery on the United States. Instead, Detroit Edison continues to complain about the volume of documents that it has received while paradoxically arguing that the United States should expand its search, which will undoubtedly lead to more documents.

The United States Has Complied With Rule 34(b)(2)(e)(i)

The United States' production complies with the Federal Rules of Civil Procedure. As we indicated in our letter of March 24, 2011, the United States has produced documents as they are kept in the ordinary course of business and the Rules require no more. *See* Fed. R. Civ. P. 34(b)(2)(e)(i). Moreover, courts have made clear that "[i]f the producing party produces documents in the manner in which they are kept in the ordinary course of business, the Rule 34 imposes no further duty to organize and label the documents to correlate to the particular request to which they are responsive." *Consolidated Rail Corp. v. Grand Trunk Western R.R. Co.*, No. 09-cv-10179, 2009 WL 5151745, 3 (E.D. Mich. Dec. 18, 2009) (citing *Valeo Elec. Sys., Inc. v. Cleveland Die & Mfg Co.*, No. 08-cv-12486, 2009 WL 1803216, at *3 (E.D. Mich. June 17, 2009)).

Plaintiff need not distinguish the cases cited by Detroit Edison because it has clearly complied with the plain language of the Rules, and, in any event, the cases relied on by Detroit

Edison are not persuasive. In *United States v. Illinois Power*, the court held that the United States must first determine what files are responsive rather than simply having defendants search 157,000 boxes of hard copy documents located in its archives. *United States v. Illinois Power Co.*, Civ. No. 99-833 (S.D. Ill. Oct. 30, 2001). Here, the United States has already searched for responsive documents.[1] In regards to the documents produced on the hard drive, the United States has produced documents that have already undergone a responsiveness review in other related litigation to strikingly similar requests, and produced those documents in a searchable format. Accordingly, Detroit Edison has a simple means to locate documents that are of particular interest to it. In regards to the other 140,000 pages, those documents have undergone a responsiveness review in response to Detroit Edison's specific requests and have been produced consistent with the requirements of Rule 34.

Detroit Edison's Request for a Nationwide Production

Without demonstrating why nationwide discovery is appropriate in this case, Detroit Edison repeatedly argues that EPA should be required to search all ten EPA regions for documents for responsive documents. However, the request for nationwide discovery is unduly burdensome in light of the extensive production that the United States has already compiled and produced to Detroit Edison. For example, a prior nationwide production in a New Source Review case with document requests similar to Detroit Edison's required more than one thousand one hundred (1100) federal employees and contractors nationwide to spend in excess of 112,000 hours–more than 54 work years–examining more than 19,000 linear feet of material. Your assertion that we have failed to provide nationwide discovery is belied by our production of these documents from all ten EPA regions, which were produced to DTE after having been gathered in response to substantively similar or identical documents requests as those propounded by DTE. In addition, it is belied by the fact that, in addition to this nationwide production, EPA has also searched headquarters offices with nationwide responsibility for implementing and enforcing the NSR regulations in response to DTE's specific requests.

The burden of additional nationwide discovery is not justified. Detroit Edison demanded documents for an unlimited time and has now received a nationwide production for the first 34 years of EPA's existence as an agency. In addition to that expansive production, Detroit Edison has discovery from EPA Region 5 and EPA Headquarters for the remaining years to the present covered by Detroit Edison's request. Region 5 and EPA headquarters are the relevant offices for this case because Region 5 is the office responsible for Michigan and five other states (Illinois, Indiana, Minnesota, Ohio, and Wisconsin). EPA Headquarters oversees all significant

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[1] Detroit Edison references a footnote in the *United States v. Duke Energy Corp.*, case that says that previously the United States had dumped documents but that the United States was curing its productions. *See United States v. Duke Energy Corp.*, No. 00-cv-1262 (M.D.N.C. Feb. 5, 2001). Nothing in that footnote demonstrates that the United States has dumped documents during this production or even what a document dump would consist of. Further, the court seems to be referring to the *Illinois Power* decision which, as discussed above, is not analogous to the circumstances in this case.

rulemaking, policy, implementation, and enforcement issues in Michigan and across the country, so the Headquarters production will include numerous NSR from the rest of the nation. Finally, EPA guidance from all regions is available on the New Source Review Policy and Guidance database, which Plaintiff has provided. Because Detroit Edison is already receiving nationwide discovery for the vast majority of the requested timeframe and discovery from Region 5 and Headquarters for the remaining timeframe, Detroit Edison is in a very different situation that the court faced in *Illinois Power*. Here, the burden and expense of a nationwide discovery is not justified in light of the discovery that Detroit Edison is receiving. It would be unduly burdensome to require the United States to search all ten EPA regions *again* in light of Detroit Edison's overly broad requests, the extensive production the United States has already provided, the minimal relevance of any remaining documents not yet produced, and the great expense required for nationwide discovery.

Publically Available Documents

Detroit Edison's complaints about EPA's reference to publically available databases are unwarranted. The United States is producing documents from the publically available databases to the extent that they exist in EPA employee's files. Further, the documents in the database are how they are kept in the usual course of business for EPA. While the United States could perform searches and produce documents, Detroit Edison is equally capable of performing these searches. However, Detroit Edison has the ability to identify documents that it believes are helpful without forcing the United States to produce thousands of pages of responsive document that are of no interest to Detroit Edison, particularly in light of Detroit Edison's complaints about the volume of documents that are responsive to its overly broad requests. *See In re Google AdWords Litigation*, No. C08-03369, 2010 WL 4942516 at *3 (N.D. Cal. Nov. 12, 2010) ("Here, the Court believes that would be more convenient, less burdensome, and less expensive for Google to search for these publicly-available documents on any of the available electronic databases than to require Plaintiffs to comb through their entire collection of past case files (RFP No. 34 is not limited to any particular jurisdiction or defined time period, after all) for documents of doubtful relevance.").

Miscellaneous Detroit Edison Concerns

Contrary to Detroit Edison's insinuation, the United States has not refused to produce statements of individual employees' opinions. To the extent there is a semantic question of whether the United States has "search[ed]" for documents in response to Detroit Edison's requests, we have indeed done so, as our production will confirm.

The United States continues to believe it is unduly burdensome to require it to undertake a general search for NSPS documents. NSPS is not at issue in this case, Nonetheless, we are investigating the extent to which NSPS documents relevant to routine maintenance have been and will be produced based on EPA's document search thus far in order to see if this dispute is more than academic. We will report back shortly and propose any additional steps that we think are appropriate.

With regard to interrogatories 9 and 10, as previously stated, we have provided a complete response based on the available information. We will supplement to the extent additional, relevant information is located. Responding specifically to DTE's offer to limit interrogatory 10 to projects costing more than $500,000, the offer does not ease EPA's burden in responding because records are not kept by cost of the replacement project.

***

The United States has responded quickly to discovery, including producing a large volume of documents within 30 days of Detroit Edison's requests, while Detroit Edison appears to have waited approximately three weeks to even begin its own search for electronic documents that were responsive to the United States' request. Detroit Edison's overly broad request resulted in a large volume of responsive documents and, therefore, Detroit Edison's concern about the ability to comply with the court's deadlines due to the volume of documents are not the fault of the United States.

We look forward to discussing these disputes with you later today, in hopes that we can resolve these issues without the need for court intervention.

Sincerely,

s/Kristin M. Furrie
Kristin M. Furrie
Trial Attorney

cc: Counsel of Record

EXHIBIT Q
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

ENTERED ON DOCKET
R. 79 (a)

DEC 13 2001

BY: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FILED
DEC 13 2001
IN THIS OFFICE
Clerk U. S. District Court
Greensboro, N. C.
By _____

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
and	)	
ENVIRONMENTAL DEFENSE, et al.,	)	
Plaintiff-Intervenors,	)	
v.	)	1:00CV1262
DUKE ENERGY CORPORATION,	)	
Defendant.	)	

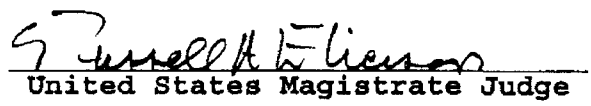
ORDER

The parties have requested a 5-month extension of the discovery schedule because in another, but related, litigation, the United States has been ordered to segregate relevant documents itself, as opposed to merely doing a document dump wherein other parties have to go through the documents. Other parties have consented to the unopposed motion.

While the Court will grant the motion, the parties are advised that no further extensions of time will be granted. The Court further notes that the parties have been in the habit of getting extensions of time with respect to briefing. They are advised that if the Court grants such extensions of time, this may not be later used to grant an extension of the discovery time period. Finally, it should be noted that the date set in the parties' proposed order granting an extension of time, which the Court will sign, sets a trial on liability to occur on September 1, 2003. As before, the

parties must use this date for preparing all pretrial pleadings, but the Court is not setting trial on that date and the final pretrial conference and trial date on liability are suggested times only.

IT IS THEREFORE ORDERED that this Court's order filed this date granting the parties' motion for an extension of the discovery deadlines is hereby subject to the additional terms of this order.



United States Magistrate Judge

December 17, 2001

EXHIBIT R
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

ENTERED ON DOCKET

FEB 5 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA, Plaintiff,	)	
v.	)	1:00CV01262
DUKE ENERGY CORPORATION, Defendant.	)	

ORDER

This motion comes before the Court on defendant's motion to compel. Defendant seeks to have plaintiff comply with a notice of deposition made pursuant to Fed. R. Civ. P. 30(b)(6) and four requests for production of documents made pursuant to Fed. R. Civ. P. 30(b)(5).

Facts

Plaintiff brought this case as an environmental enforcement action alleging that defendant modified eight coal-fired power plants in North and South Carolina. It claims that defendant did so without seeking the proper permits and without using the "best available control technology (BACT)" to prevent air pollution. Accordingly, plaintiff now claims that these plants have illegally emitted hundreds of thousands of tons of air pollution.

Defendant apparently does not deny that it did engage in a number of projects at the relevant sites. However, it contends that these projects were "routine maintenance, repair or replacement" projects which would not be subject to the rules

erning modifications and so did not require permits or BACT pliance.

Although much discovery has been conducted in this case without serious difficulty, the parties now disagree over portions of a notice for deposition given by defendant under Fed. R. Civ. P. 30(b)(6) and four document requests associated with that notice under Fed. R. Civ. P. 30(b)(5). The deposition notice set out five categories of requests for testimony. The first two were testified to and are not at issue. The third topic asks for testimony concerning the Environmental Protection Agency's (EPA) conclusion that the projects described in the complaint were not routine replacement under the applicable rules. The fourth and fifth topics appear to be identical to the third, except that they address repair and maintenance. As for the requests for production of documents, the first one asks for all documents related to each project listed in the complaint that relate to an alleged modification and that describe facts, decisional criteria, and the analysis made by or on behalf of the EPA regarding whether the project was routine maintenance, repair or replacement. The three remaining requests seek "[a]ll documents discussing, describing, referring to or relating to whether the Projects constituted routine" maintenance, repair, or replacement. For several reasons, plaintiff refused to provide the requested testimony or provide the requested documents and opposes defendant's motion to compel.

Discussion

Turning first to the notice of deposition, plaintiff's initial reason for failing to comply is that it believes any testimony on the routineness of defendant's projects would be duplicative of information already contained in defendant's own records, information that has been provided by plaintiff in documents produced during discovery in this litigation, and information provided in plaintiff's responses to certain interrogatories. This argument cannot prevail. As pointed out by defendant, this Court has previously held that depositions are a favored means for obtaining information because they provide a more complete picture than documents and interrogatories. Marker v. Union Fidelity Life Ins. Co., 125 F.R.D. 121 (M.D.N.C. 1989). Therefore, merely pointing out that it has previously produced some documents or answered some interrogatories on a subject is not sufficient for plaintiff to avoid the deposition notice.

Plaintiff's second objection to the deposition notice is that it seeks material protected by the work-product privilege. According to plaintiff, defendant already has all relevant documents and factual information and can, therefore, only be seeking to inquire into the mental processes and strategies of plaintiff. This argument fails for at least three reasons. First, in order to assert this privilege, plaintiff would need to seek a protective order under Fed. R. Civ. P. 26(c). It has not done so. Second, as pointed out by defendant, plaintiff would need to raise specific objections regarding particular materials or questions

and, even then, would have to produce factual discovery on those subjects. Plaintiff has made no such specific objections. Finally, it is not at all obvious that defendant's request seeks privileged information. In fact, the contrary seems true.

Plaintiff admits that the purpose of the work product privilege is to protect the "fruits of an attorney's trial preparations from the discovery attempts of an opponent." Shields v. Sturm, Ruger & Co., 864 F.2d 379, 382 (5th Cir. 1989). On its face, defendant's deposition notice in no way, shape, or form seeks such information. Instead, it asks for testimony concerning how the EPA, a regulatory agency, made the regulatory decision that defendant's projects were not routine maintenance, repair, or replacement. This is no different than asking a business how and why a particular business decision was made. To the extent that the decision was made after consultation with counsel in anticipation of litigation, those specific consultations do not have to be discussed. However, the EPA's initial decision and the factual bases for it, as well as its current position on the issues in question, are not privileged material.

Plaintiff's third and final reason for refusing to respond to the deposition notice is that it believes that further discovery on this topic is the province of experts. Certainly, it appears likely that the "routineness" of defendant's projects will be the subject of expert testimony before this case concludes. However, this testimony will be aimed at proving the correctness of each parties assertions concerning the nature of defendant's projects

under the applicable regulations. This is not what defendant seeks through its deposition notice. Defendant's notice appears only to ask what facts and considerations led to plaintiff's decision, made at some point in the past, that defendant's projects were not routine maintenance, repair, or replacement. While future expert testimony may be relevant to the ultimate correctness of this past decision, it cannot be part of the justification for it at the time it was made. This is all that defendant seeks and it is entitled to discover whether or not plaintiff had any justification for its decision and, if so, what that justification was. Defendant's motion to compel is granted as to its deposition notice given pursuant to Fed. R. Civ. P. 30(b)(6) and plaintiff must comply with that notice within 10 days of the entry of this order unless the parties agree to an extension.

Regarding defendant's requests for the production of documents, plaintiff fares no better. Plaintiff's only argument against the motion to compel the production of the documents is that the production would be duplicative and unnecessary because plaintiff has already produced 3000 documents which are relevant to the requests and, although the government has more relevant documents, those documents came from defendant's files. There are at least two problems with this response. First, plaintiff admits that it has responsive documents which it fails to identify. The fact that copies may already be in defendant's possession is of no value to defendant because it cannot divine plaintiff's decision making processes. Therefore, although its files contain many

documents, it cannot know which of the documents in its files were used by plaintiff to arrive at a decision on the routineness of defendant's projects unless plaintiff discloses this information. Furthermore, defendant responds to plaintiff's argument by stating that plaintiff has actually produced approximately 756,000 pages of documents, over 300,000 of which are not indexed, organized, or labeled to correspond to defendant's discovery requests.[1] Once again, although defendant may have possession of many or even all responsive documents, due to plaintiff's failure to properly label and organize its voluminous production into a useful form, the documents are of no practical use to defendant. Therefore, defendant's motion to compel a response to its request for documents under Fed. R. Civ. P. 30(b)(5) is granted. Once again, plaintiff must comply and produce the requested documents within 10 days of the entry of this order unless a different time is agreed to by the parties.

---

[1]Less than a month after the motion to compel was filed, this Court issued an order granting plaintiff a five-month extension of discovery designed to allow it to comply with an order of production issued by another court in a separate, but similar litigation. This Court's order was designed to allow plaintiff to produce documents in an ordered manner without engaging in a "document dump." Given that plaintiff is now organizing its documents, this will hopefully cure any problems with prior production in this case and avoid them in any future productions

IT IS THEREFORE ORDERED that defendant's motion to compel (docket no. 44) be, and the same hereby is granted and that plaintiff must comply with defendant's discovery requests within 10 days of the entry of this order unless the parties agree otherwise.

Russell E. Simon
United States Magistrate Judge

February 5, 2002

EXHIBIT S
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

Oct-31-01 05:28pm From-DOJ/EES T-964 P.02/05 F-921

FILED
OCT 23 2001
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES,	)	
Plaintiff,	)	
v.	)	Civil No. 99-833-MJR
ILLINOIS POWER COMPANY, and DYNEGY MIDWEST GENERATION, INC.,	)	
Defendants.	)	

RECEIVED
OCT 30 2001
UNITED STATES ATTORNEYS OFFICE
SOUTHERN DISTRICT OF ILLINOIS
FAIRVIEW HEIGHTS, ILLINOIS

ORDER

PROUD, Magistrate Judge:

Before the Court is the United States' Motion for a Protective Order Concerning the Method of Production from Archives. (Doc. 191). The Court has considered the United States' Memorandum in Support (Doc. 199), Defendants' Response (Doc. 212), and the United States' *Reply Brief* (Doc. 217).

According to the United States, the total universe of archived EPA documents consists of in excess of 157,000 boxes of documents. Doc. 191, ¶2. Obviously, not all of these documents are responsive to Defendants' document requests. The United States proposes a method of production of documents from its archives whereby Defendants would review the archive documents before they are reviewed by the United States, in an effort to locate the responsive documents. Defendants would designate the documents that they want, and the United States would then review the documents and assert any objections to producing them. The United States argues that this method of production would be fast, efficient, and would balance the

relative benefit and burdens of production of the documents.

Defendants object to Plaintiff's proposal. Defendants assert that this method of production is not permissible under Fed. R. Civ. P. 34. Defendants argue that this method of production would require them to do Plaintiff's discovery work for it, in that Defendants would be required to sort through all of the archived documents to determine which ones are responsive to their requests Further, Defendants contend that production will not be speeded by this method, as they anticipate that Plaintiff will object to producing many of the documents. Extrapolating from past document production, Defendants estimate that Plaintiff will raise privilege claims with respect to almost one-third of the documents. See, Doc. 212 at p. 2.

As authority for its proposal, Plaintiff points to Fed. R. Civ. P. 34 (b), which allows a party to produce documents as they are kept in the usual course of business, or to organize the documents to correspond to the categories in the request. The Advisory Committee Notes to Rule 34 indicate that the purpose of this provision is to prevent a situation where a party "mix[es] critical documents with others in the hope of obscuring significance."

Rule 34(b) offers production of documents as kept in the usual course of business as an alternative to production of documents organized to correspond to the categories of the request. The Court views these two alternatives as going to the form in which the documents are to be produced, i.e., the manner in which the documents are to be presented to the requesting party.

In the Court's view, it is the responsibility of the party from whom documents are requested to determine in the first instance which of the many documents it possesses are responsive. See the discussion in Wright, Miller, and Marcus, Federal Practice and Procedure, § 2213, wherein the authors observe, "Similarly, the producing party does have a

burden to select and produce the items requested rather than simply dumping large quantities of unrequested materials onto the discovering party along with the items actually sought under Rule 34." Wright, Miller, and Marcus go on to state, "Rule 34 does not permit a responding party to deluge a party in this manner with materials not requested rather than finding the ones that were sought." *Id.*

The Court understands that there are a large number of documents involved in this case. That is an inescapable characteristic of this type of litigation, which fact was surely known to the United States before suit was filed. The United States is certainly more familiar with its documents than Defendants are, and can more readily locate responsive documents stored in its archives.

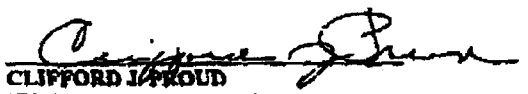
The "authority" offered by the United States for its requested order is an order entered by the United States District Court for the District of Columbia in United States v. Philip Morris Incorporated, *et al.* (Doc. 199, Exhibit 4). That order was entered pursuant to the agreement of the parties. The United States has not cited a case wherein a Court entered a similar order over objection. The Court's research has not turned up such a case.

Now that the discovery and trial dates have been extended, see Doc. 225, there should be ample time for production of the archive documents if the parties work in a cooperative manner toward that goal. The Court directs the parties' attention to Local Rule 26.1(b)(1), which provides "Cooperative discovery arrangements in the interest of reducing delay and expense are mandated."

Upon consideration and for good cause shown, the United States' *Motion for a Protective Order Concerning the Method of Production from Archives* (Doc. 191) is **DENIED.**

IT IS SO ORDERED.

DATE: October 22, 2001.



CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE

EXHIBIT T
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA Plaintiff, and NATURAL RESOURCES DEFENSE COUNCIL, and SIERRA CLUB Plaintiff-Intervenors v. DTE ENERGY COMPANY, and DETROIT EDISON COMPANY Defendants.	)))))))))))))))))	Civil Action No. 2:10-cv-13101-BAF-RSW Judge Bernard A. Friedman Magistrate Judge R. Steven Whalen

PLAINTIFF UNITED STATES' FIRST SET OF INTERROGATORIES TO DEFENDANTS DTE ENERGY AND DETROIT EDISON

Plaintiff United States of America, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, serves the following interrogatories on Defendants DTE Energy Co. and Detroit Edison Co. The Plaintiffs request that Defendants respond to the Interrogatories set forth below within thirty (30) days of receipt, pursuant to the Federal Rules of Civil Procedure.

GENERAL INSTRUCTIONS

1. Scope of Discovery (Location and Custody of Documents and Information).

This First Set of Interrogatories ("Interrogatories") is directed to the above-named Defendants and covers all information in Defendants' possession, custody, and control, including information in the possession of Defendants' officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by Defendants, or anyone else acting on Defendants' behalf or otherwise subject to their control, and any predecessors, successors, parents, subsidiaries, divisions, or affiliates.

2. Supplemental Responses. These Interrogatories impose a continuing obligation; Defendants' responses must therefore be supplemented in accordance with Fed. R. Civ. P. 26(e) if Defendants obtain additional responsive information between the date of response and the termination of any trial on the matters alleged in the Complaint.

3. Estimates. Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known, to call for estimates. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

4. Lack of Information. If you currently lack information to answer any Interrogatory completely, please state or identify:

a. the responsive information currently available;
b. the responsive information currently unavailable;
c. efforts that you intend to make to secure the information currently unavailable; and
d. when you anticipate receiving the information currently unavailable.

5. Incomplete Response. If any Interrogatory cannot be answered fully, provide as full an answer as possible. State the reason for the inability to answer fully, and give any information, knowledge, or belief that you have regarding the unanswered portion.

6. Privilege as Applied to Interrogatory Response. Should you assert that any information requested by any of the following Interrogatories is privileged, please identify such information, state the privilege asserted, and state all facts giving rise to the assertion of such privilege.

7. Singular/Plural. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

8. "And" and "Or". The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

9. Document Production in Lieu of Written Response. Whenever a full and complete answer to any Interrogatory or part of an Interrogatory is contained in a document or documents, the documents, if properly identified as answering a specific numbered Interrogatory or part of an Interrogatory, may be supplied in place of a written answer, provided that the specific sections or pages from the document that are responsive to the Interrogatory are identified.

10. Sources of Information. The source, sources, or derivation of each answer to the Interrogatories should be separately set forth and identified, unless the person signing the answers to these Interrogatories knows from his own personal and direct knowledge the facts or information forming the basis of each answer given.

DEFINITIONS

1. "All" or "any" means "any and all" and shall be all inclusive.

2. "Boiler" or "Boiler Unit" means a boiler system utilized to generate steam that is provided to a turbine-generator for the production of electricity and any component of such system such as the pulverizers, burners, fans, air heaters, boiler feed pumps, economizer, feedwater heaters, reheaters, superheaters, condensers, and waterwalls.

3. "Capacity Factor" means the ratio of unit generation (in megawatt hours, Mwh) to the unit's maximum generating capability (in Mwh) during the period of time which Capacity Factor is evaluated.

4. "Capital Expenditures" means expenditures by Defendants for construction projects from its capital budget.

5. "Communication" means any oral, written, mechanical, electronic, or other transmission of words, symbols, numbers, or depictions to a person, entity, file, or repository as data or information, including (but not limited to) correspondence, memoranda, or telephone conversations, or notes, recordings, transcriptions of meetings, or of telephone conversations, or any other document that recorded or reflected any such communication.

6. "Compensation" means means the following information for each of Your Witnesses, including Your Employee Witnesses: (1) Your employment contract or consulting contract with such witness; (2) Your annual salary, including any bonuses, for such witness; (3) Any payments, or any provision of items of value, to such witness, whether done on a one-time, periodic, or regular basis; (4) the total number of Your shares of stock held by such witness and the value of such shares; (5) the total number of Your stock options held by such witness and the value of such stock options; (6) the total amount of money, on an annual basis, made by such witness by selling Your stock or stock options; and (7) for any of Your current or former supervisors, managers, executive directors, or officers, describe any other compensation not otherwise listed in this definition, including, but not limited to, health care benefits, transportation services, and pension and/or retirement benefits. For current Employee Witnesses only (and *not* expert witnesses, former employees, or any other of Your Witnesses), this definition of "Compensation" is limited to current Employee Witnesses who have made $200,000 or more in total annual compensation in at least one of the last five years.

7. "Component" means a defined portion of the Boiler, turbine, generator, or EGU. For instance, "Boiler Components" would include the following, waterwalls, first or second reheater, first or second superheater, economizer, or steam drum.

8. "Computer Model" means any program or other automated method of analysis used to project or estimate the anticipated future generation and loading of, or demand on, Defendants' generating system, including but not limited to ENPRO, PROMOD, PROSCREEN, PMOS, NUPLEX, FOPLEX, PROVIEW, PROSYM, IEES, POWERPRO, WASP, EGEAS, HYDRO LIFE CYCLE, PREPS, PEEM, CESMS, FUELWORKS, or OVER/UNDER.

9. "Consultant" means any person who has advised Defendants, or who acts or has acted as an agent on behalf of Defendants, whether or not for consideration.

10. "Contractor" or "Subcontractor" means any person who has advised Defendants, or who acts or has acted as an agent for or on behalf of Defendants, whether or not for consideration.

11. "Defendants" means either Defendant DTE Energy Co. or Defendant Detroit Edison Co., or both, and includes, without limitation, each successor, parent, subsidiary, division, and affiliate, past and present officers, employees, agents, servants, representatives, counsel, Consultants, Contractors, Subcontractors, or other Persons directly or indirectly employed by Defendants or anyone else, past or present, acting on behalf of or otherwise subject to Defendants' control.

12. "Describe" means to state each fact and opinion known to you concerning the information requested by the Interrogatory, including, but not limited to: (i) the identity of persons having knowledge of each fact or opinion relating to the information requested; (ii) the identity of each document showing or relating to the answer or any part of the answer given; (iii) all relevant dates and time periods; and (iv) all data, studies, modeling results, or other quantitative and qualitative information considered or relied upon and all calculations relating to any conclusions drawn.

13. "Document" means any and all documents as defined in Rule 34(a) of the Federal Rules of Civil Procedure, including, but not limited to, all tangible things including, without limitation, tape or other forms of audio, visual, or audio/visual recordings, written material, drawings, films, graphs, charts, photographs, phone records, and any retrievable data, whether in computer storage, carded, punched, taped, or coded form, or stored electrostatically, electromagnetically, digitally, or otherwise. Without limiting the generality of the foregoing, "document" specifically includes all contracts, agreements, forms, correspondence, letters, telegrams, telephone messages (written or audio recordings), checks, canceled checks, notices, notes, memoranda, records, reports, diaries, minutes, purchase orders, statements, worksheets, summaries, books, papers, manuals, journals, ledgers, audits, maps, diagrams, drafts, newspapers, appointment books, desk calendars, notes or summaries of personal interviews or conversations, messages (including, but not limited to reports of telephone conversations and conferences), acknowledgments, telexes, facsimiles, all other written or printed matter or communications of any kind, and all other data compilation from which information can be obtained and translated, if necessary. "Document" or "documentation" also refers to texts or treatises referred to or relied upon by Defendants' expert consultants or witnesses. Every draft or non-identical copy of a document is a separate "document" as that word is used herein.

14. "Electricity Generating Unit" or "EGU" means any electricity generating unit that relies, in whole or in part, on coal combustion to generate electricity, including the unit's Boiler and its components, fans, turbines, turbine blades, generators, emission control equipment, and other equipment related to the generation of electricity at the plant.

15. "Elements of the Project" mean individual replacements or other work performed during the Project, *i.e.*, the replacement of the pendant reheater and the generator rotor rewind are each Elements of the Project. Elements of the Project include, but are not limited to, work on each of the following components:

a. Economizer

b. Pendant reheater

c. Static exciter

d. Waterwalls

e. Generator lead box

f. Generator rotor

g. Expansion joints

h. Cables

i. 210 Valve

16. "EPA" means the United States Environmental Protection Agency.

17. "FERC" means the Federal Energy Regulatory Commission.

18. "Generator" means the device that converts the mechanical energy from the turbine into electrical energy.

19. "Identify" or "Identification:"

a. When used with respect to an individual, means to provide such individual's name, address, telephone number, occupation or profession, job title, employer, and the name, address, and telephone number of such individual's employer.

b. When used with respect to an organization (*e.g.*, a corporation, partnership, or association), means to provide the name of the organization, type of such organization, and the address, and telephone number of its principal place of business.

c. When used with respect to a document, means to state the nature of the document (*e.g.*, letter, memorandum, telegram, etc.), the date such document was signed, prepared, sent and/or received, the identities of the sender and recipient(s) or addressee(s), and the present location and custodian of such document. In lieu of such document identification, you may produce a legible copy of the document you are asked to identify, indicating the Interrogatory to which the document is responsive or referring to the bates number or other identifying information in your answer to the Interrogatory.

d. When used with respect to a fact or facts, means, in addition to the recitation of the specific facts or facts: (1) the identification of all documents that substantiate the fact or from which the fact is drawn, and (2) the identification of any oral communication upon which your knowledge of the fact is founded, or which supports the fact, including between whom the oral communication occurred, when, and the substance of the communication.

20. "Life Extension Project" or "Life Optimization" means all activities undertaken to optimize and extend the life of, or increase the availability of, a boiler, boiler component, plant, or Electricity Generating Unit, or any combination of units or portion of a unit. This definition includes, but is not limited to: overhauls of boilers; replacements or upgrades of major boiler components; plant availability programs or projects; plant reliability programs or projects; life optimization programs or projects; life assessment evaluations; plant restoration programs or projects; and plant refurbishment programs or projects.

21. "Life Extension Studies" means all plans, evaluations, reports, and memoranda analyzing, discussing or reflecting construction activities that could be, or have been, undertaken to optimize and extend the life of, or increase the availability of, a plant, boiler, boiler component, or Electricity Generating Unit. This definition includes studies or determinations pertaining to overhauls of boiler units and replacement or upgrades of major boiler components. This definition also includes: "alternative studies;" plant availability studies, determinations, or evaluations; plant reliability studies, determinations, or evaluations; life optimization studies, determinations, or evaluations; plant life cycle analysis studies, determinations, or evaluations; plant restoration studies, determinations, or evaluations; plant modernization studies, determinations, or evaluations; life assessment studies, determinations, or evaluations; plant refurbishment studies, determinations, or evaluations; generating facility evaluations; fossil heat unit evaluation measures; and studies analyzing the need for capital expenditures to extend the useful economic life of a coal-fired boiler, unit, or plant.

22. "New Source Review" or "NSR" means Parts C and D of Title I of the Clean Air Act, 42 U.S.C. §§ 7470-7515, and the implementing federal and state regulations.

23. "Nonattainment NSR" means Part D of Title I of the Clean Air Act, 42 U.S.C. §§ 7501-7515, and its implementing federal and state regulations.

24. "Nonattainment NSR Permit" means any permit or authorization that is required by Part D of Title I of the Clean Air Act, 42 U.S.C. §§ 7501-7515, and/or the implementing federal and state regulations when a major stationary source under the applicable regulations is constructed or at which major modifications (as defined by the regulations) are to be commenced.

25. "Person" means the plural as well as the singular, and shall include without limitation, individuals, associations, partnerships, and corporations, or other form of legal entity.

26. "Pertain to," "pertaining to," "relate to," or "relating to" mean discuss, describe, refer to, reflect, contain, analyze, study, report on, comment on, evidence, comprise, constitute, set forth, consider, recommend, concern, depict, describe, or allude to.

27. "Project" means the work performed during the March to June 2010 outage at Monroe Unit 2. This definition includes, but is not limited to, activities conducted in preparation for the work during the outage, such as activities to gain access to the equipment, to alter the facilities, or prepare other components for the projects. This definition also includes, but is not limited to, follow-up activities, such as site cleanup.

28. "PSD" means Subchapter I, Part C, Prevention of Significant Deterioration of Air Quality of the Clean Air Act, 42 U.S.C. §§ 7470 - 7479, and the implementing federal and state regulations.

29. "PSD Permit" shall refer to any permit or authorization that is required pursuant to Part C, Prevention of Significant Deterioration of Air Quality of the Clean Air Act, 42 U.S.C. §§ 7470 - 7479, and/or the implementing federal and state regulations when a major stationary source under the applicable regulations is constructed or at which major modifications (as defined by the regulations) are to be commenced.

30. "State" means the State of Michigan.

31. "Unit," unless otherwise specified, shall mean Unit 2 at Defendants' Monroe Power Plant.

32 "Utilization Factor" means the ratio of the capacity factor to the equivalent availability factor.

33. "You" (and any form thereof, including "Your") means Defendants and any agent or employee of Defendants, including: (i) experts whom Defendants expect to call as witnesses at trial; (ii) attorneys retained by Defendants; and (iii) persons who have access to the requested information and from whom Defendants can obtain such information.

34. "Your Witnesses" means: (i) employee witnesses; (ii) Your other fact witnesses that may testify at the liability trial, including, but not limited to, such witnesses that You disclose in Defendants' Initial Disclosure of Fact Witnesses and Final Witness List; (iii) Your expert witnesses; and/or (iv) any other witness whatsoever that may testify on Your behalf or at Your request at the liability trial, including third-party witnesses.

INTERROGATORIES

INTERROGATORY NO. 1

Describe the physical and operational characteristics of Monroe Unit 2. In order to focus this Interrogatory, Plaintiff provides examples below of the responsive information:

a. the type of Boiler utilized (*e.g.*, tangential fired, cyclone, etc.);

b. the manufacturer of the Boiler;

c. the year that the EGU first went into operation;

d. the original construction cost of the EGU and the Boiler;

e. the gross, net, and net "maximum dependable" MW capacity ratings of the unit, including any changes over time;

f. the maximum steam flow or steam production capacity of the Boiler, including any changes over time;

g. the maximum continuous rating of the Boiler (including as measured in terms of heat input or steam production), including any changes over time;

h. the expected service life of the EGU and Boiler at the time of installation, and any changes in such expected service lives over time; and

i. all projected or estimated retirement dates, used for any purpose, of the EGU and Boiler, and any changes in such projected or estimated retirement dates over time.

RESPONSE

INTERROGATORY NO. 2

Describe the work performed during the Project. In order to focus this Interrogatory, Plaintiffs provides the following examples of the information sought:

a. The beginning and end dates of the outage and the beginning and end dates for each Element of the Project performed during the outage;

b. the nature and extent of the work, including a description of what work was performed and a description of how the design and materials of added or replaced Components differ from those originally installed at the plant;

c. a step-by-step description of how each Element of the Project was performed, including:

(i) the work that was done in each stage of the Project;

(ii) who did the work;

(iii) the number of people it took to accomplish each task;

(iv) where the work took place; and

(v) any heavy equipment used to complete the projects.

d. whether each Element of the Project required materials or Components from off-site or materials that were on hand at the plant;

e. whether, for each replacement, the entire component was replaced, and if not, which parts of the component were replaced and which parts were not replaced;

f. each Components' physical dimensions (length, width, and depth);

g. if the Component is in the Boiler, the total number of banks, assemblies, or elements; the total number of tubes; the total length of tubes; the total weight of the Component replaced; and the total weight of the new replacement Component;

h. the number of labor hours for the fabrication and installation of each new Component;

g. the service life of each component or retirement unit replaced as part of the Project as required to be utilized under the Federal Energy Regulatory Commission's Uniform System of Accounts; and

h. The total cost of the Project and of each Element of the Project.

RESPONSE

INTERROGATORY NO. 3

Describe the scope of all capitalized waterwall replacements since January 1, 2000 at Monroe Unit 2. Include in your description the date of each replacement, the approximate proportion of the total waterwalls replaced, the location of the waterwalls that were replaced, any difference in the tube materials replaced versus the new tube materials, the purpose of the replacement, the reason for replacement, the cost of the replacement (including the cost of materials and labor), and whether the replacement was part of any larger effort to replace all or a

significant portion the waterwalls at Monroe Unit 2 over multiple outages.

RESPONSE

INTERROGATORY NO. 4

Describe the role each of Defendants' employees and URS played with respect to the planning, approval, or implementation of the Project. For each employee with a substantive role, provide the employee's name, employer, title, and a description of his or her work and responsibilities with respect to the Project. This Interrogatory specifically includes URS and the following employees, but is not limited to them:

RC Larlham	Jerry Brake	Lillian Wooley
Joe Robinson	R. Fenech	Clare Jennings
Randy DeWulf	Chris Essex	Paul Fessler
Leonard Kantoca	William Dugliss	Skiles Boyd
Christopher Hessex	Elaine Harrison	Anthony Early
Franklin Warren	Lauwrence Powers	
Phil Hinz	David Roy	

RESPONSE

INTERROGATORY NO. 5

Describe the purpose(s) of the Project, and Defendants' justifications for undertaking each Element of the Project. In order to focus this Interrogatory, Plaintiffs provides the following examples of the information sought:

a. the purpose(s) of each Element of the Project;
b. the economic and technical justification(s) for each Element of the Project;
c. the generating capacity (*MW*) that was expected to be added, recovered, restored, or otherwise increased as a result of each Element of the Project and/or the Project as a whole;
d. the unit availability that was expected to be added, recovered, restored, or otherwise increased as a result of each Element of the Project and/or the Project as a whole;

e. the electricity generation (*MWhr*) that was expected to be added, recovered, restored, or otherwise increased as a result of each Element of the Project and/or the Project as a whole;

f. the steam production that was expected to be added, recovered, restored, or otherwise increased as a result of each Element of the Project and/or the Project as a whole;

g. the amount by which the maximum actual, potential, or permitted boiler heat input was expected to be increased as a result of each Element of the Project and/or the Project as a whole;

h. the fan (*e.g.*, induced and forced draft fans and all components thereof) capacity that was expected to be added, recovered, restored, or otherwise increased as a result of each Element of the Project and/or the Project as a whole;

i. all deratings, if any, during the five years prior to the Project for reasons related to each Element of the Project;

j. all forced outages, if any, during the five years prior to the Project for reasons related to each Element of the Project;

k. whether any Element of the Project and/or the Project as a whole was intended to extend the life of the EGU, and if so, the projected or estimated number of years that the work performed was anticipated by Defendants to add to the useful life of the subject EGU;

l. whether any Element of the Project and/or the Project as a whole was intended to change, or resulted in a change in, the dispatch order of the EGUs or made the EGUs more economical to run compared to other of Defendants' units;

m. the circumstances under which the EGU would have continued to run if the Project had not been performed, including any operational limitations. For example, would forced outages generally have kept the EGU off-line longer than if the Project had not been not done? Would the EGU have been derated?; and

n. whether the Project was intended to allow the EGU to operate at lower or higher loads, produce more steam for sale or use, improve start-up times, run more efficiently as a peaking, cycling, base-load unit, or cogeneration unit, or otherwise change the operation of the subject EGU in any way.

<u>RESPONSE</u>

INTERROGATORY NO. 6

Describe how Defendants evaluated the success of each Element of the Project and the Project as a whole in terms of the subject EGU's performance and operational characteristics. Include in Your response the Identification of each Document in which the information is found and each person with knowledge of the information.

RESPONSE

INTERROGATORY NO. 7

Describe the Project's effect on dispatch. Include in Your response the following information, and Identify each Document in which the information is found and each person with knowledge of the information:

a. whether the dispatch order of Monroe Unit 2 was changed after the completion of the Project (regardless of whether the change was a result of the Project) and if so, how?; and
b. whether the Project allowed Monroe Unit 2 to operate at lower or higher loads, produce more steam for sale or use, improve start-up times, run more efficiently, or otherwise change the operation of the Unit in any way.

RESPONSE

INTERROGATORY NO. 8

Describe the planning, authorization, and approval process performed for the Project. Include in Your response the following information, and Identify each document in which the information is found and each person with knowledge of the information:

a. a description of the planning and approval process that occurred prior to the Project and through the completion of the Project;
b. the approximate beginning and ending dates of the time period during which the planning and approval took place, and the date that Defendants made the decision to proceed with each Element of the Project;
c. each office, department, or group that was involved in planning, designing, engineering, budgeting, securing approval, managing, or supervising the Elements of the Project. For each such office, describe its role in each Element of the Project;
d. the role, if any, of the Boiler Tube Failure Reduction team in identifying potential Elements of the Project and the nature of the team's analysis and recommendations;
e. the names, titles, employers, and affiliation of each person involved in planning,

approval, and performing the Project, and each such person's role in planning, approval, and performing the Project, including designing, engineering, budgeting, securing approval, managing, or supervising the Project;

f. the name, title, and employer of the person(s) with approval authority for each Element of the Project, and the maximum dollar amount of authority for each such person or office;

g. the procedures for securing authorization or approval for each Element of the Project from Defendants' management, members, and/or board of directors;

h. If Defendants sought credit from any lending institution or raised money by a bond issue relating to the Project, Identify all related Documents, the name, title, and employer of the person(s) who sought such credit, and whether such credit was granted.

RESPONSE

INTERROGATORY NO. 9

Describe any efforts Defendants have taken to avoid triggering NSR for any coal-fired generating unit since January 1, 1980. Potential examples of such efforts include, internal administrative emissions limits, synthetic minor permits, netting out of emissions increases, etc. *See also* Doc. # 46-3 (Declaration of Colin Campbell). Include in your response how any such practices are implemented, any changes in Defendants' approach over time to any potential methods of avoiding NSR, and the individuals responsible for implementing any policies on methods of avoiding NSR and/or the application of those policies to particular situations. This Interrogatory specifically includes, but is not limited to, Defendants' response to and practices for complying with EPA's May 23, 2000 Applicability Determination issued to Detroit Edison.

RESPONSE

INTERROGATORY NO. 10

Identify each prior instance in which Defendants replaced an entire Boiler Component (*i.e.*, economizer, first or second reheater, first or second superheater, or waterwalls) at any coal-fired generating unit. For each instance, provide the unit, the date of the replacement, the Component replaced, the purpose of the replacement, any differences in the materials used in the original and replacement Component, the number of years the Component was in service, and the cost of the replacement.

RESPONSE

INTERROGATORY NO. 11

Describe any information or data gathered prior to the Project relating to how many projects of similar nature and/or projects similar to the Boiler Component replacements in the Project had been performed at any EGU or coal-fired boiler in the electric utility industry *(e.g.*, was any information or data gathered relating to the number of reheaters replaced, etc.). Include in Your response the Identification of each document in which the information is found and each person with knowledge of the information.

RESPONSE

INTERROGATORY NO. 12

Describe any NSR calculations done related to the Project, including any emission calculations done to establish pre-project baseline emissions, any emission calculations done to predict or forecast net representative actual emissions after the Project was to be completed, and any emissions calculations done for the purpose of netting as set forth in 40 C.F.R. § 52.21(b)(3)(i)(*b*) or any analogous state provision. In Your response, Identify each Document in which such calculations are found and each person involved in each such calculation. If any such person is not currently employed by the Defendant, then identify such person's last known address and phone number.

RESPONSE

INTERROGATORY NO. 13

If You contend that (i) the Project did not result in a significant net emissions increase of nitrogen oxides (NO_x) or sulfur dioxide (SO_2), as defined by 40 C.F.R. §§ 52.21(b)(3), (b)(21), and (b)(23) or any analogous state provision; (ii) any emissions increase is unrelated to the project; (iii) part or all of any emissions increase can be excluded pursuant to 40 C.F.R. § 52.21(b)(41)(ii)(c) or any analogous state provision; or (iv) the Project does not otherwise trigger New Source Review due to a lack of a relevant emissions increase under the law, then provide the basis for Your position and all supporting calculations. In Your response, Identify all Documents that support Your position and the name, title, employer, and office of every person involved in each such calculation or assertion. If any such person is not currently employed by the Defendant, then identify such person's last known address and phone number.

RESPONSE

INTERROGATORY NO. 14

If You contend that the Project constituted routine maintenance, repair and replacement within the meaning of PSD or Nonattainment NSR, Describe the reasons for your contention. Include in Your response the date on which any such determination was made, and Identify every Document You relied upon to make any such determination and the name, title, employer, and office of each person involved in making each such determination.

RESPONSE

INTERROGATORY NO. 15

If You contend that the Project was not a "modification" or "major modification" within the meaning of PSD or Nonattainment NSR, Describe the reasons that You contend that the Project did not constitute a "modification" or "major modification" under the Clean Air Act or its implementing regulations. Include in Your response the date on which any such determination was made, and Identify every Document You relied upon to make any such determination and the name, title, employer, and office of each person involved in making each such determination.

RESPONSE

INTERROGATORY NO. 16

If You contend, for any reason not already set forth in Your responses to Interrogatories 13-15, that the Project is not a violation of NSR or that Defendants Detroit Edison Co. and DTE Energy Co. are not liable for such violation, Describe all reasons for your contention. Identify every Document You relied upon to make any such determination and the name, title, employer, and office of each person with knowledge supporting Your contention.

RESPONSE

INTERROGATORY NO. 17

Identify the pre-project baseline period(s) that You contend should be used in calculating any SO_2 or NO_X emissions increase caused by the Project for purposes of determining NSR applicability. Provide the baseline SO_2 and NO_X amount, including how You calculated the SO_2 and NO_X amount, where you obtained the data, and whether the data has been reported to any government or third party entity. For any baseline period you propose, also provide the generation in MWhrs, the capacity factor, the SO_2 and NO_X emissions rate, and the heat input and Describe how You developed each figure.

RESPONSE

INTERROGATORY NO. 18

Describe all evaluations, analyses, assessments, reports, investigations, meetings and Communications (together "Evaluations" for purposes of this Interrogatory) performed prior to the filing of the United States' Complaint in this matter regarding whether the Project triggered or may trigger NSR review. Include in Your response:

a. the identification and contents of all documents associated with such Evaluations;
b. the identification of all individuals participating in such Evaluations and a complete description of their role in the Evaluations;
c. the date and location of any meetings at which discussion of such Evaluations occurred and the Identification of each person present;
d. the results of the Evaluations; and
e. all information considered as part of the Evaluations, including but not limited to information from state or federal regulatory agencies.

RESPONSE

INTERROGATORY NO. 19

Identify each person who has had any responsibility relating to the development of fuel budgets, fuel use estimates, fuel prices, dispatch costs, generation estimates, steam production estimates, and market prices for electricity generated by Defendants' power plants from 2005 to the present. This specifically includes individuals who have such responsibilities relating to the development of inputs to any Computer Model and for use in any filing before the Michigan Public Service Commission. For each person identified, provide: the job title and employer of the person; the specific responsibilities of such person for the activity identified; the time period during which the person had such responsibilities; whether the person is currently employed by Defendants; and the last known home address of any person identified who is not employed by Defendants.

RESPONSE

INTERROGATORY NO. 20

Identify each person who has had any responsibility relating to the projection or estimation of the potential effect on emissions, EGU availability, EGU generating capacity, EGU heat rate, steam production capacity, EGU fuel burning capacity, EGU heat input capacity, opacity, or hourly, monthly or annual generation for Monroe Unit 2 from 2005 to the present. This specifically includes individuals who have such responsibilities relating to the development of inputs to any Computer Model and for use in any filing before the Michigan Public Service Commission. For each person identified, provide: the job title and employer of the person; the

specific responsibilities of such person for the activity identified; the time period during which the person had such responsibilities; whether the person is currently employed by Defendants; and the last known home address of any person identified who is not employed by Defendants.

RESPONSE

INTERROGATORY NO. 21

Identify all computer modeling programs used by Defendants during the period January 1, 2005 through the present for: (a) analyzing the future generation and loading, or demand on, Defendants' coal-fired generating units; (b) resource planning; (c) fuel budgets; (d) preparation of any filing with federal or state regulatory agencies; (e) emissions allowances or emissions rates; and/or (f) projecting the generation, availability, and/or utilization of Defendants' generating units (including dispatch order). These computer modeling programs would include, but not be limited to any Computer Model, as well as all computer modeling programs developed or utilized for the following purposes:

a. forecasting fuel quality, use, and procurement requirements for the EGUs;
b. analyzing the economic or technical operating lives of any of the EGUs;
c. analyzing the economic costs and/or benefits of individual equipment repairs, replacements, or improvement projects at any of the EGUs;
d. analyzing the impact of individual equipment repair, replacement, or improvement projects at any of the EGUs on: (i) the power level; (ii) operating performance; (iii) energy output; (iv) availability and/or utilization; (v) recovery of the investment; or (vi) air emissions; and
e. forecasting the amount of generation and/or air emissions from the EGUs for purposes of planning capital investments in equipment maintenance, repair, or replacement of, or additions to, the EGUs.

RESPONSE

INTERROGATORY NO. 22

For each computer modeling program that You Identified in Interrogatory No. 21, above, identify each analysis or modeling run performed by Defendants or on their behalf, including the following information

a. the date of each run;
b. the purposes of each run;
c. the version of the computer modeling program used;
d. how each computer modeling program was used to evaluate the costs, benefits, and consequences of undertaking, delaying, or not undertaking any construction project. This Interrogatory specifically includes, but is not limited to, life extension analyses and retirement studies, and any other evaluation of proposed

projects using any of the computer modeling programs used by Defendants to determine the appropriateness and value of any addition or change to any EGU;

e. the individuals responsible for running the computer modeling program, including any Consultants or Contractors, and for collecting the data used in each run of the computer modeling program.

f. The inputs and outputs for each run (this Interrogatory seeks the names of the inputs and outputs rather than the numerical values); and

g. the format of all input files and output runs (*e.g.*, are these files stored as text files or digitally).

RESPONSE

INTERROGATORY NO. 23

Identify each factor (*e.g.*, cost of coal) that You contend may affect the amount of generation from Monroe Unit 2.

RESPONSE

INTERROGATORY NO. 24

If You relied upon any Communication from EPA or any state agency to determine whether any of the Projects, respectively, were a "major modification" within the meaning of PSD, identify each and every such Communication, the date on which the Communication occurred, the date on which You first became aware of the content of the Communication, the identity of each document in which this information is found, and the identify of each person with knowledge about the information.

RESPONSE

INTERROGATORY NO. 25

Identify all persons, including but not limited to Defendants' current or former directors, officers, employees, former employees, Consultants, Contractors, Subcontractors or employees of any parent or subsidiary entities of Defendants, who, from January 1, 2000 to the present, were responsible for ensuring that Defendant achieved and maintained compliance with PSD or Nonattainment NSR. For each person identified, Describe their role with respect to NSR compliance.

RESPONSE

INTERROGATORY NO. 26

Identify and Describe all electronic databases maintained by Defendants at any time since 2005 relating to accounting, maintenance, performance, operations, capital projects, generation, SO_2 and NO_X emissions, environmental compliance, or fuel use for Defendants' coal-fired generating units including Monroe Unit 2. Include in Your response:

a. the name(s) of the database(s);
b. a listing of all fields in each database;
c. a description of each field and the data inputted into that field;
d. a description and examples of all standard reports;
e. any changes in the structure of each database over time;
f. the time period covered by the data in each database;
g. the time period during which each database was used by ComEd or Defendant;
h. the purposes for which each database was used by ComEd or Defendant; and

RESPONSE

INTERROGATORY NO. 27

Explain and Describe how expensed and capitalized portions of a project are handled in Defendants' accounting system, including an explanation of:

a. how the current accounting system distinguishes between expensed and capitalized portions of a project and how such distinctions have been made in any accounting system used in the past;
b. whether or not expensed and capitalized portions of a project are assigned the same or different identification numbers;
c. how Defendants distinguish between expensed and capitalized portions of a project; and
d. any further accounting subdivisions to distinguish between various types of construction, capital improvement, repair, and maintenance costs.

RESPONSE

INTERROGATORY NO. 28

From 2005 to the date of this Interrogatory, state the name, present or last known business and residence address, telephone number, job title, employer, and dates of employment with Defendants, of the following current and former employees who performed work at or relating to the Monroe Power Plant

a. plant managers;
b. plant engineering managers;
c. plant maintenance superintendents, managers, and supervisors;
d. plant maintenance engineers;
e. plant maintenance specialists;

f. project managers;
g. construction managers and superintendents;
h. power production managers;
i. environmental affairs managers;
j. any person or office responsible for analyzing, conducting, or evaluating life extension projects or studies or similar programs.

Include in Your response the information requested for all positions similar or equivalent to those listed above.

RESPONSE

INTERROGATORY NO. 29

Describe Your Compensation of each of Your Witnesses, including, but not limited to, identifying any Documents relating to such Compensation. The request is limited to January 1, 2000 forward; however, for current Employee Witnesses, this request is limited to documents from January 1, 2007 forward.

RESPONSE

INTERROGATORY NO. 30

For each of Your Witnesses, state with specificity the subject matter(s) of the witness's anticipated testimony, and the facts, Documents, and Communications that support or relate to the witness's anticipated testimony.

RESPONSE

INTERROGATORY NO. 31

For each Employee Witness that may offer expert opinions within the scope of Federal Rule of Evidence 702, state all opinions the witness will express and the bases and reasons for the opinions, state the data or other information considered by the witness in forming the opinions, detail the witness's qualifications, including a list of all publications authored, and provide a list of all other proceedings in which the witness has testified as an expert, including at a trial, at a hearing of any kind, or by deposition, and state the witnesses' job title(s), employer, and areas of responsibility since the witness began working for Defendants (including identifying any Documents that describe the witnesses' job duties).

RESPONSE

INTERROGATORY NO. 32

For each of Your Witnesses, including Employee Witnesses, that may offer lay opinions within the scope of Federal Rule of Evidence 701, state all opinions the witness will express and the bases and reasons for the opinions, state the data or other information considered by the witness in forming such opinions and facts, identify the Documents and Communications that support or relate to the witnesses' opinions, and state the witnesses' job title(s), employer, and areas of responsibility since the witness began working for the Defendant (including identifying any Documents that describe the witnesses' job duties).

RESPONSE

INTERROGATORY NO. 33

Identify all articles, publications, or presentations ("public statements") that Your Witnesses have authored, co-authored, presented, or co-presented, provided that such public statements concern the subject matter(s) of Your Witnesses' testimony in this matter. For purposes of this Interrogatory, "presentations" mean PowerPoint slides, handouts, and other written materials that Your Witness reviewed, provided to, or showed an audience while lecturing or speaking.

RESPONSE

INTERROGATORY NO. 34

Identify all other Documents that Your Witnesses have authored, co-authored, presented, or co-presented, provided that such Documents concern the subject matter(s) of Your Witnesses' testimony in this matter. For purposes of this request, "presentations" mean PowerPoint slides, handouts, and other written materials that Your Witness reviewed, and/or provided to, or showed, an audience with lecturing or speaking.

RESPONSE

INTERROGATORY NO. 35

Identify the author(s) and the recipient(s) of the following documents:

a. Fossil Generation PAT Review Request Forms and Appropriation Request Summary Sheets for each Element of the Project (examples of these documents are Ex. 2-F to the United States' preliminary injunction motion);

b. Powerpoint presentations related to replacing any Component replaced during the Project (examples are Exs. 13-E and 13-F to the United States' reply brief in support of the preliminary injunction motion);

c. Documents with the title Executive Summary for each Element of the Project (example previously produced by Defendants at EPA 5-24-10 Q9 M0002560)

d. Documents with the title Fos Gen Large Capital Projects for each Element of the Project (example previously produced by Defendants at EPA 5-24-10 Q9 M0002563); and

e. Table 1 to Defendants' March 12, 2010 letter to William Presson, Michigan Department of Environmental Quality (Ex. 2-C to the United States' preliminary injunction motion).

RESPONSE

INTERROGATORY NO. 36

For each year beginning January 1, 2000 through the present, provide the total amount of: (i) Defendants' annual maintenance spending for the coal-fired generating fleet as a whole and and for each individual coal-fired generating unit; and (ii) Defendants' annual capital spending for the coal-fired generating fleet as a whole and each individual coal-fired generating unit.

RESPONSE

Respectfully Submitted,

Dated: January 28, 2011

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

/s/ Thomas A. Benson
JUSTIN A. SAVAGE
Senior Counsel
THOMAS A. BENSON (MA Bar # 660308)
KRISTIN M. FURRIE
Trial Attorneys
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 616-6515
kristin.furrie@usdoj.gov

BARBARA McQUADE
United States Attorney
Eastern District of Michigan

ELLEN CHRISTENSEN
Assistant United States Attorney
211 W. Fort St., Suite 2001
Detroit, MI 482266

OF COUNSEL:
SABRINA ARGENTIERI
MARK PALERMO
SUSAN PROUT
Associate Regional Counsel
U.S. EPA Region 5
Chicago, IL
177 W. Jackson Blvd.

APPLE CHAPMAN
Attorney Advisor
U.S. EPA
1200 Pennsylvania Ave. NW
Washington D.C. 20460

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2011, the foregoing discovery requests were were served via email on counsel of record.

s/ Thomas A. Benson
Counsel for the United States

EXHIBIT U
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

From: Furrie, Kristin (ENRD) [Kristin.Furrie@usdoj.gov]
Sent: Wednesday, April 06, 2011 3:49 PM
To: Rosser, Brent; Johnson, Pete; Smith, Jennifer L.
Cc: Benson, Thomas (ENRD); ENRD-Detroit Edison Case Emails
Subject: DTE - Update to our discussion on Monday

Brent, Pete, and Jenn,

We wanted to add an addition information to the response that we provided you on Monday regarding your objection to the United States' production. In particular, we wanted to provide further information that demonstrates that we are producing documents in the normal course of business as required by Rule34(b)(2)(e)(i). Accordingly, as soon as we can, we will provide custodian information for the documents that we have produced to you other than the documents produced to you on the hard drive. For the documents on the hard drive, we will produce a description of the location of document according the bates number of the documents. The location will be the office or region where the documents originated.

Please let me know if you have any additional questions.

Thanks
Kristin

Kristin M. Furrie
Trial Attorney
U.S. Department of Justice, ENRD
Environmental Enforcement Section
Regular Mail: P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611
Express Mail: ENRD Mailroom, Room 2121, 601 D St., NW, Washington, DC 20004
Phone: (202) 616-6515
Email: kristin.furrie@usdoj.gov

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EXHIBIT V
TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES,	)	
Plaintiff,	)	
V.	)	Civil No. **99-833-MJR**
ILLINOIS POWER COMPANY,	)	
Defendant.	)	

FILED
JAN 10 2000
CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

ORDER

PROUD, Magistrate Judge:

A hearing was held by this Court on all pending motions on December 19, 2000. The hearing was attended on behalf of plaintiff by attorneys Catherine McCabe, Nicole Veilleux, William E. Coonan, and Pamela R. Lee. The hearing was attended on behalf of defendant by attorneys Stephen J. Bonebrake, Sheldon A. Zabel, and Paul E. Guterman.

The matters before the Court are grouped together as follows:

A. Illinois Power's Motion to Compel **(Doc. 42)** and Memorandum in Support **(Doc. 68)**
United States' Opposition to Defendant's Motion to Compel **(Doc. 69)**
Illinois Power's Reply **(Doc. 50)**

B. United States' Motion for Protective Order **(Doc. 43)** and Memorandum in Support **(Doc. 67)**
Illinois Power's Opposition **(Doc. 70)**
United States' Reply to Defendant's Opposition **(attached to Doc. 66)**

C. Illinois Power's Motion to Defer Ruling on Its Motion to Compel and on the Motion of the United States for Entry of a Protective Order **(Doc, 54)**
United States' Opposition **(Doc. 58)**
Illinois Power's Reply **(Doc. 72)**

D. United States' Motion for Protective Order **(Doc. 76)**

Illinois Power's Opposition **(attached to Doc. 81)**

E. United States' Motion to Adjourn Deposition **(Doc. 78)**
Illinois Power's Opposition **(attached to Doc. 81)**

F. Illinois Power's Motion for Extension of Discovery, Motion and Trial Dates **(Doc. 62)**
United States' Opposition **(no Doc. number, file stamped December 8, 2000)**
Illinois Power's Reply **(Doc. 80)**

The matters in groups A, B and C are inter-related in that they all concern defendant Illinois Power's attempts to require production of documents from plaintiff United States. In its Motion to Compel **(Doc. 42)**, Illinois Power seeks to compel the production of 32 separate categories of documents. The United States resists production on the grounds of undue burden and on the grounds of a pre-decision privilege under United States v. Farley, 11 F.3d 1385 (7th Cir. 1993). The United States raises the Farley issue both in its Opposition to Defendant's Motion to Compel Discovery **(Doc. 69)** and in its Motion for Protective Order **(Doc. 43)**. The United States seeks to demonstrate the heavy burden that would be created by compliance with the requests for production by its Appendix to United States' Opposition to Defendant's Motion to Compel Discovery, filed October 17, 2000.

The matters in groups D and E are inter-related in that they involve Illinois Power's attempts to undertake discovery regarding efforts that have been undertaken by the United States to comply with its original document requests.

Although no party has pointed the court to any actual objections filed by the United States to the Requests for Production, the parties have produced copies of various correspondence in which attorneys for the United States articulate "objections." The parties seem to agree that there are five categories of documents that the United States refuses to produce: documents from EPA

Regions other than III, IV and V; documents from agencies other than EPA; documents related to industries other than electric generators; archived documents; and documents from EPA offices that do not concern enforcement of the Clean Air Act. In addition, the United States contends that United States v. Farley, *supra,* applies so as to relieve it of the necessity of producing any documents which it regards as being pre-decisional or deliberative.

In its Motion for Protective Order **(Doc. 43)**, the United States argues that documents that are protected by the deliberative process privilege are *per se* irrelevant and therefore need not be produced in this litigation. The Court does not read Farley so broadly. While the Farley court did hold that the specific documents at issue there were not relevant to Farley's claim of reliance on a statutory exemption, it did so only after consideration of the nature of the documents and of the nature of the defense. Farley does not hold that deliberative process documents can never be relevant; rather, it holds that the deliberative process privilege can be overcome only upon a showing that the need for the documents outweighs the governments's interest in not producing them. United States v. Farley, 11 F.3d 1385, 1389 (7th Cir. 1993)

This Court is unable to determine the relevance of documents or whether the defendant's need for same outweighs the governments's interest in not producing them without being advised as to the nature of the documents and the reasons they are needed by defendant. Therefore, this Court declines to enter the kind of broad order prayed for in the United States' Motion for Protective Order **(Doc. 43)**

At the hearing before the Court on December 19, 2000, the attorneys for the United States represented that they were preparing and producing on a "rolling" basis a privilege log that will include documents that are being withheld under a claim of privilege under Farley. In this

Court's opinion, the privilege log procedure is required as to all documents as to which the plaintiff desires to assert a deliberative process privilege. Therefore, the Motion of United States for Protective Order **(Doc. 43)** is **GRANTED IN PART and DENIED IN PART.** In responding to defendant's requests for production, the United States is ordered to prepare a privilege log identifying those documents as to which it asserts a deliberative process privilege. In answering deposition questions, the United States and its witnesses are to proceed under Fed.R.Civ.P. 30 with regard to preservation of claims of privilege.

With regard to the five categories of documents that the United States has objected to producing, this Court is persuaded that it would constitute an undue burden to require the United States to search for and produce documents from agencies other than EPA, or from offices of EPA that are not involved in enforcement of the Clean Air Act. However, this Court believes that defendant is entitled to production of responsive documents from all ten Regions of EPA, insofar as these offices are involved in the enforcement of the Clean Air Act. Further, under the facts of this case, this Court believes that defendant is entitled to production of responsive documents in the possession of EPA relating to industries other than coal-fired steam electricity generators, as the application of the "major modification rule" under the Clean Air Act to those other industries would be relevant to the defenses raised by Illinois Power.

In its Motion to Defer Ruling **(Doc. 54)**, Illinois Power withdraws its requests to compel documents from the offices reflected at tabs 2-5, 7, 12, 13, 16, and 18 of the Appendix to United States' Opposition to Defendant's Motion to Compel Discovery, filed October 17, 2000. Thus, the United States is not required to produce any documents from the offices reflected at those tabs.

The Court has carefully reviewed defendant's Requests for Production. Document Requests 1 through 12 relate to the United States' allegations of activities undertaken by defendant which the United States contends constitute major modifications, and the alleged increase in net emissions caused by those modifications. Under the allegations of the Amended Complaint, defendant is entitled to the documents requested in Numbers 1 through 12. In a letter dated May 4, 2000, attorney Rhonda R. Mims stated on behalf of the United States that documents requested by Illinois Power that "are specific to the plants at issue in the different cases" (referred to as Category I documents) in the possession of the EPA could be readily identified and produced, Exhibit 3 to Illinois Power's Motion to Compel **(Doc. 42)**. In a letter of July 28, 2000, attorney Nicole Veilleux stated on behalf of the United States that Category I documents were produced to Illinois Power on June 15, 2000, Exhibit 9 to Illinois Power's Motion to Compel **(Doc. 42)**. It appears that the so-called Category I documents were produced only from EPA Regions III, IV and V; Ms. Villeux's letter suggests that other EPA Regions would not have Category I documents. If other EPA Regions offices are in possession of so-called Category I documents, defendant is entitled to production of same.

Document Requests 16 and 30 seek production of documents relating to the United States' contentions regarding the useful life of the Baldwin plant and the control technology that is required to be installed there. This Court assumes that these documents would also fall into Category I and the United States should produce all such documents in possession of any EPA Region.

Document Requests 13, 14, 15, 17, 18, 19, 21, 29, seek production of documents that relate to the United States' interpretation and application of the Clean Air Act Modification Rule and the differentiation of "routine maintenance" from "major modifications." The United States is ordered

to produce responsive documents subject to the limitations set forth above, i.e., plaintiff may withhold documents which it believes are privileged and list same on its privilege log, and plaintiff is not required to produce documents from offices or agencies other than EPA or from offices of EPA that are not involved in enforcement of the Clean Air Act

Requests 23 and 24 seek documents relating to EPA applicability determinations. It is the Court's understanding based on statements made by counsel at the hearing on December 19, 2000, that the applicability determinations from all ten EPA regions have been produced. To require the United States to produce all of the underlying documents that support or relate to the determinations would impose an undue burden on the United States, and such production is not, therefore, required. However, if defendant desires the production of specific documents underlying specific applicability determinations, defendant is free to request their production.

Requests for Production 22, 25, 26, 27, 28, and 29 relate to acid rain provisions of the Clean Air Act Amendments, New Source Performance Standards, New Source Review, Prevention of Significant Deterioration and various State Implementation Plans. Defendant is entitled to production of same, subject to the limitations set forth above.

Because of its rulings on the motions in group A, B and C, the Court believes that is it not necessary for defendant to undertake "discovery about discovery" at this time. Therefore, Illinois Power's Motion to Defer Ruling on Its Motion to Compel and on the Motion of the United States for Entry of a Protective Order **(Doc. 54)** is **DENIED.** United States' Motion for Protective Order **(Doc. 76)** and United States' Motion to Adjourn Deposition **(Doc. 78)** are **GRANTED.** If Illinois Power is unsatisfied with the document production after the United States has complied with the present order, it may, of course, renew its request for "discovery about discovery."

Illinois Power's Motion for Extension of Discovery, Motion and Trial Dates **(Doc. 62)** is **GRANTED IN PART and DENIED IN PART**; the Court's scheduling order is amended to provide that fact discovery is to proceed in tandem with expert discovery and that the deadline for completion of fact discovery is extended to August 1, 2001. The presumptive trial month remains November, 2001. This schedule assumes that all parties will proceed expeditiously and cooperatively to complete discovery and prepare this case for trial.

Upon consideration of the Court and for good cause shown, Defendant's Motion to Strike **(Doc. 53)** is **DENIED.**.

IT IS SO ORDERED.

DATED: January 9, 2001

CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE