

November 25, 2008

Mr. Jack M. Davis
Senior Vice President and
Chief Nuclear Officer
DTE Energy
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: ACCEPTANCE FOR DOCKETING OF THE DETROIT EDISON COMPANY
APPLICATION FOR A COMBINED LICENSE FOR FERMI 3 AND ASSOCIATED
FEDERAL REGISTER NOTICE

Dear Mr. Davis:

By letter dated September 18, 2008, you tendered a combined license application (COLA) for an economic simplified boiling water reactor to be located in Monroe County, Michigan, in accordance with the requirements contained in 10 CFR Part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." This proposed plant is to be designated as Fermi 3. In addition, you have provided supplemental information by letters dated October 27, November 11 and November 20, 2008, in response to issues identified by the U.S. Nuclear Regulatory Commission (NRC) staff. By letter dated October 10, 2008, the NRC staff acknowledged receipt of the application and noted its intent to conduct an acceptance review.

This letter informs you that the NRC staff has completed its acceptance review and has determined that your application is acceptable for docketing. The docket number established for this application is 52-033.

However, as discussed with your staff, we have determined that additional information is needed in the application Part 2, Chapter 2, Section 2.4.13 Accidental Releases of Liquid Effluents to Ground and Surface Waters. The staff will soon provide a Request For Additional Information (RAI). Once this information is submitted to the staff and found complete, a schedule for review of the application will be developed. The Office of New Reactors has been evaluating alternative review approaches. From this effort a 4-phase review process was developed. The phases of the 4-phase approach will be as follows:

- Phase 1 – RAIs, and supplemental RAIs
- Phase 2 – Advance Final SER without Open Items
- Phase 3 – Advisory Committee on Reactor Safeguards Meeting on Advance Final Safety Evaluation Report
- Phase 4 – Final SER

The development of a 4-phase review in our scheduling system requires additional time beyond the normal 30 day commitment described in our receipt of application acknowledgement letter

dated October 10, 2008. The staff will interact with you as this schedule is developed. In addition to the above RAI, the schedule will reflect a critical dependency on your meeting commitments for delivery of documentation as described below.

Aquatic sampling and terrestrial sampling do not have a full year of data. Detroit Edison Company will provide the first two rounds of sampling in February of 2009 with the first revision to the Environmental Report, and the remaining data within one year of docketing the application. Delays in providing acceptable data may impact environmental review schedule.

Detroit Edison Company is expected to provide additional information regarding Cultural and Historic Resources within one year of docketing the COLA. This information involves the potential that Fermi 1 may become eligible for listing in the National Register of Historic places and that additional archaeological work is needed around the Fermi 3 discharge location. Delays in providing acceptable data may impact environmental review schedule.

The enclosed notice of acceptance for docketing has been forwarded to the Office of the *Federal Register* and a separate notice will be published, in accordance with the provisions of 10 CFR 2.104, regarding the opportunity to file a petition for leave to intervene in the mandatory hearing required for this application.

If you have any questions or comments concerning this matter, please contact me at 301-415-3025 or Chandu.Patel@nrc.gov.

Sincerely,

/RA/

Chandu Patel, Senior Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-033

Enclosure:
Federal Register Notice

cc w/encl: See next page

J. Davis

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Sincerely,
/RA/
Chandu Patel, Senior Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

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Federal Register Notice

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(Revised 09/11/2008)

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