

June 30, 2009

Mr. Jack M. Davis
Senior Vice President and
Chief Nuclear Officer
Detroit Edison Company
Fermi 2 – 210 NOC
6400 North Dixie Highway
Newport, MI. 48166

SUBJECT: FERMI NUCLEAR POWER PLANT UNIT 3 COMBINED LICENSE
APPLICATION REVIEW SCHEDULE

Dear Mr. Davis:

This letter transmits the Detroit Edison Company (DTE) Fermi 3 Combined License Application (COLA) review schedule. The COLA review schedule utilizes a 4-phase approach for the safety portion of the review. The safety review supports the issuance of a Final Safety Evaluation Report (FSER) in March 2012. Milestones for the four phases of this review are provided in Table 1 of this letter. The environmental review supports the issuance of a Final Environmental Impact Statement (FEIS) in August 2011. Milestones for the four phases of this review are also provided in Table 1 of this letter.

By letter dated September 18, 2008, DTE submitted its application to the U.S. Nuclear Regulatory Commission (NRC) for a combined license for one Economic Simplified Boiling-Water Reactor (ESBWR) reactor design in accordance with the requirement contained in 10 CFR Part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." By letter dated November 25, 2008, the NRC informed you that we had docketed your COLA for Fermi 3 (ADAMS Accession No. ML083170863).

The DTE Fermi 3 COLA, pursuant to 10 CFR Part 52, incorporates by reference the ESBWR design. This design certification application (DCA) has been docketed but not granted. Accordingly, the COLA review schedule is linked to the schedule for the staff's ongoing review of the ESBWR DCA, and a significant portion of the COLA schedule is dependent upon the design certification (DC) schedule. Therefore, changes in the schedule for the ESBWR DC can impact the schedule for the Fermi 3 COLA review. In addition, as a subsequent combined license applicant, the Fermi 3 COLA review schedule is also dependent on the review schedule for the Dominion Virginia Power (Dominion) COLA for North Anna Unit 3, the reference R-COLA for the ESBWR design center. It is incumbent upon DTE to remain cognizant of the resolution of the standard technical issues that will be addressed during the staff review of the North Anna R-COLA.

The staff will work with you and the ESBWR design center working group to implement the review of standard content on a stand-alone basis so that the Fermi 3 COLA review schedule is minimally affected by the site-specific safety and/or environmental issues that may arise on the R-COLA. If you determine that it is necessary to resolve a standard issue differently for the

Fermi 3 COLA, you must notify the NRC immediately so that we may determine the review impact of this standard issue being considered as site-specific.

Our review schedule assumes that responses to Fermi 3 requests for additional information (RAIs) will be complete and provide sufficient information to address the NRC staff's concerns. The schedule assumes that RAI responses will be submitted in accordance with the RAI cover letter, which typically means within 45 days of receipt of RAIs by the applicant. In a letter to the NRC dated June 19, 2009, DTE indicated that some of the responses to the May 12, 2009, environmental RAIs would not be provided until December 30, 2009. Therefore, development of the environmental review schedule shown in Table 1 was based on receipt of responses to all of these environmental RAIs by the end of December 2009.

The schedule is also based on receipt of changes to the analysis in the Final Safety Analysis Report Section 2.4.13 "Accidental Releases of Liquid Effluents to Ground and Surface Waters," by September 1, 2009, as described in the November 25, 2008, docketing letter. In addition, the staff understands that changes will be made to the COLA later this year regarding proposed site layout modifications. Upon receipt, the staff will assess the significance of the COLA changes and the impact on the safety and the environmental review schedules. Future COLA submittals to address recent rulemaking for 10 CFR Parts 50, 52 and 73 regarding mitigating strategies, and cyber and physical security have not been considered in development of this schedule.

The review schedule does not model the hearing process. The hearing schedule will be developed by the Commission or the Atomic Safety and Licensing Board and therefore is not included in Table 1 of this letter. Both the FEIS and the FSER will be used to support this hearing. The Commission will not make a determination on whether or not to issue the COL until this hearing is concluded.

The staff will review and re-baseline the Fermi 3 safety review schedule, if necessary, around the time the Advanced FSER (Phase 2) is being prepared. At that point, the staff will have a better idea of what target milestones are achievable given the number and complexity of the potential issues that are to be resolved. Should any major revisions to the ESBWR DC, the North Anna R-COLA, or the Fermi 3 COLA occur, we will review and re-baseline schedules, as necessary.

J. Davis

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Should you have any questions regarding the safety review, please contact me at (301) 415-4045 or Mark.Tonacci@nrc.gov. If you have questions regarding the environmental review, please contact Mr. Stephen Lemont, the lead environmental project manager, at (301) 415-5163, or Stephen.Lemont@nrc.gov.

Sincerely,

/RA/

Mark E. Tonacci, Senior Project Manager
ESBWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-033

Enclosure:
COL Review Schedule

cc w/encl: See next page

J. Davis

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Mark E. Tonacci, Senior Project Manager
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OFFICE	PMDNRL/NGE1	PM:DNRL/NGE1	PM:DSER/RAP2	BC:DSER/RAP2
NAME	MTonacci	SGreen	SLemont	RWhited
DATE	06/23/2009	06/25/2009	06/25/2009	06/25/2009
OFFICE	BC:DNRL/NGE1	OGC/NLO w/comments	PMDNRL/NGE1	
NAME	JCruz	MCarpentier/MSimon	JHale	
DATE	06/26/2009	06/29/2009	06/30/2009	

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Table 1: COL Review Schedule

<u>Phase of Safety Review</u>	<u>Target Completion Date</u>
Phase 1 Requests for Additional Information (RAIs) and Supplemental RAIs	June 22, 2010
Phase 2 Advanced Final Safety Evaluation Report (SER) without Open Items	May 20, 2011
Phase 3 Advisory Committee on Reactor Safeguards Meeting On Advanced Final SER	October 24, 2011
Phase 4 Final SER	March 22, 2012
<u>Phase of Environmental Review</u>	<u>Target Completion Date</u>
Phase 1 Environmental Impact Statement (EIS) Scoping Summary Report Issued	July 6, 2009
Phase 2 EPA Issues Federal Register Notice of Filing for Draft EIS/Draft EIS Complete	August 27, 2010
Phase 3 Draft EIS Responses to Public Comments Finalized	February 18, 2011
Phase 4 Federal Register Notice of Availability of the FEIS Published/Final EIS Complete	August 16, 2011

Enclosure

Fermi - Mailing List

(Revised 06/18/2009)

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