

December 1, 2009

Ronald M. Spritzer, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Michael F. Kennedy
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Randall J. Charbeneau
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In the Matter of
Detroit Edison Co.
Docket No. 52-033-COL
(Fermi Nuclear Power Plant, Unit 3)

Dear Administrative Judges:

Pursuant to the Board's Order dated September 11, 2009, the Staff herein provides to the Board and the parties as an enclosure to this letter an index identifying additions to the Hearing File, as required to be disclosed by the Staff in accordance with 10 C.F.R. § 2.336(d). The index contains the ADAMS accession number, date, and title of each item so as to make the item readily retrievable from the agency's website, www.nrc.gov, using the ADAMS "Find" function. Additionally, the Staff will add the indexed documents to the folder in the agency's Electronic Hearing Docket ("EHD") associated with this proceeding, entitled "Fermi Hearing File." Also attached, as required by 10 C.F.R. § 2.336(c), is the Affidavit of Thomas A. Kevern.

In accordance with the Licensing Board's September 11, 2009, Order, relieving all parties from the obligation of producing privilege logs, as required by 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5), the Staff is not producing privilege logs at this time. However, in accordance with the September 11 Order, the Staff shall produce a log of documents withheld as containing proprietary information, though there are no such documents being withheld at this time. As directed by the Licensing Board, the Staff shall preserve and maintain all privileged documents during the pendency of this proceeding.

Respectfully submitted,

/signed (electronically) by/
Marcia Carpentier
Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Affidavit of Thomas A. Kevern

Attachment 1**Fermi COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 1 – December 1, 2009**

	Accession Number	Document Date	Title
1-1	ML092720656	09/24/2009	Fermi, Unit 3 - Combined License Application, Response to Request for Additional Information Letter No. 9.
1-2	ML092750407	09/29/2009	Fermi 3 - Response to NRC Request for Additional information Letter No. 12.
1-3	ML092750405	09/30/2009	Fermi, Unit 3, Response to Request for Additional Information Letter No. 11.
1-4	ML092750406	09/30/2009	Detroit Edison Company Updated Evaluation of North Anna, Unit 3 (R-COLA) Responses to NRC Requests for Additional Information.
1-5	ML092780256	09/30/2009	Detroit Edison Company Response to NRC Verbal Request for Additional Information.
1-6	ML092790561	09/30/2009	Fermi 3 - Detroit Edison Company Response to NRC Request for Additional Information Letter No. 10.
1-7	ML092780321	10/01/2009	Detroit Edison Company Submittal of Fermi Physical Security Plan, Revision 1.
1-8	ML092740064	10/05/2009	NRC INSPECTION REPORT 05200033-09-201 AND NOTICE OF VIOLATION TO DETROIT EDISON COMPANY.
1-9	ML092800240	10/07/2009	Request For Additional Information Letter No. 14 Related to SRP Sections 13.03 and 14.03.02 For The Fermi 3 COL Application.
1-10	ML092800281	10/07/2009	Request For Additional Information Letter No. 15 Related to SRP Sections 02.04.02, 02.04.05, and 02.04.13 For The Fermi 3 COL Application.
1-11	ML092931167	10/14/2009	Fermi, Unit 3, Response to NRC Request for Additional Information Letter No. 9.
1-12	ML092990407	10/26/2009	2009/10/26 Fermi COL - NRC3-09-0014: September 30, 2009 Submittal from DTE to NRC
1-13	ML093030129	10/27/2009	2009/10/27 Fermi COL - FW: Notes from 9-11-09 Conference Call to Discuss Requests for Additional Information (RAIs)
1-14	ML093030130	10/27/2009	2009/10/27 Fermi COL - call in #
1-15	ML093030123	10/28/2009	2009/10/28 Fermi COL - RE: Availability for Conference Call this Friday
1-16	ML093030125	10/28/2009	2009/10/28 Fermi COL - Phone conference--Friday October 30, 2009

	Accession Number	Document Date	Title
1-17	ML093170419	10/28/2009	2009/10/28 Fermi COL - Re: RAI Conference Call
1-18	ML093030122	10/29/2009	2009/10/29 Fermi COL - FW: Proposed agenda for Fermi 3 Geotech audit
1-19	ML093090165	10/30/2009	Fermi 3, Detroit Edison Company Response to NRC Requests for Additional Information Related to the Environmental Review.
1-20	ML092931612	10/31/2009	Fermi, Unit 3, Development of Evacuation Time Estimates, Rev 1, Final, Page 10-5 through Page G-9.
1-21	ML092931618	10/31/2009	Fermi, Unit 3, Development of Evacuation Time Estimates, Rev 1, Final, Cover through Page 10-4.
1-22	ML092931673	10/31/2009	Fermi, Unit 3, Development of Evacuation Time Estimates, Rev 1, Final, Page G-10 through End.
1-23	ML093170414	11/02/2009	2009/11/02 Fermi COL - Notes from Friday, October 30, 2009 Teleconference
1-24	ML093130117	11/04/2009	Fermi 3 - Response to NRC Request for Additional Information Letter No. 13, Related to SRP Sections 2.3.4, 2.3.5, 9.5.1, 13.1.1, 13.1.2, 13.1.2-3 and 13.2.1.
1-25	ML092790452	11/06/2009	Letter to Peter Smith (RAI Cover Letter) - Requests for Additional Information Letter No. 2 Related to the Environmental Review for the Combined License Application for Fermi Nuclear Power Plant, Unit 3.
1-26	ML093060299	11/06/2009	Supplementary Requests for Additional Information (RAIs) for the Fermi 3 Combined License Application Environmental Review.
1-27	ML093170412	11/06/2009	2009/11/06 Fermi COL - Supplemental RAIs
1-28	ML093160318	11/09/2009	Detroit Edison, Fermi, Unit 3 COL, Reply to a Notice of Violation.
1-29	ML093160322	11/09/2009	Fermi, Unit 3 Combined License Application (COLA)., Supplemental Responses to NRC Request for Additional Information Letters No. 7 & 12.
1-30	ML093170410	11/09/2009	2009/11/09 Fermi COL - FW: Conformity Analysis Conf. Call
1-31	ML093170291	11/12/2009	2009/11/12 Fermi COL - NRC and Contract Staff Information for Fermi 3 COLA Environmental Review--Electronic Reading Room Access

December 1, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

AFFIDAVIT OF THOMAS A. KEVERN CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Thomas A. Kevern, do hereby state as follows:

1. I am employed as a Project Manager in the ESBWR/ABWR Projects Branch 1 of the Division of New Reactor Licensing in the Nuclear Regulatory Commission's ("NRC") Office of New Reactors. I serve as project manager for the NRC's review of the Combined License application submitted by Detroit Edison Co., at issue in this proceeding.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336(d) in the captioned proceeding have been disclosed and that the disclosures are accurate and complete as of November 16th, 2009.

3. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

Executed in Accord with 10 CFR § 2.304(d)

Thomas A. Kevern
Project Manager, ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T-7 F29
Washington, DC 20555-0001
(301) 415-0224
Thomas.Kevern@nrc.gov

Executed in Rockville, MD
this 1st day of December, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated December 1, 2009, providing notice of the availability of the hearing file created pursuant to 10 C.F.R. § 2.1203 and the initial disclosures made pursuant to 10 C.F.R. § 2.336(d), with attachments, together with the affidavit of Thomas A. Kevern, have been served upon the following persons by Electronic Information Exchange and electronic mail this 1st day of December, 2009:

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/Signed (electronically) by/

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Dated at Rockville, Maryland
this 1st day of December, 2009