

April 1, 2010

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 Chandu Patel.

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 herein produces a log of the documents withheld as containing proprietary information. As directed by the Licensing Board, the Staff shall preserve and maintain all privileged and/or otherwise protected 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: Privilege Log
Affidavit of Chandu Patel

Attachment 1

**Fermi COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 5 – April 1, 2010**

	Accession Number	Document Date	Title
5-1	ML100500930	02/08/2010	Fermi 3 - Response to NRC Request for Additional Information to Support the Review of Certain Portions of the Combined License Application (COLA).
5-2	ML100570305	02/11/2010	Fermi 3, Detroit Edison Company Response to NRC Requests for Additional (RAI) Information Letter Nos. 16, 17, and 22.
5-3	ML100570306	02/11/2010	Fermi 3, Attachment 1 to NRC3-10-0006, Response to RAI Letter No. 16, (Question No. 02.05.01-3).
5-4	ML100570307	02/11/2010	Fermi 3, Attachment 18 to NRC3-10-0006, Response to RAI Letter No. 16, (Question No. 02.05.01-30).
5-5	ML100570311	02/11/2010	Fermi 3, Attachment 26 to NRC3-10-0006, Response to RAI Letter No. 16 (Question No. 02.05.03-7).
5-6	ML100570313	02/11/2010	Fermi 3, Figure 1-Caliper Logs for Borings Under and Adjacent to Seismic Category I Structures.
5-7	ML100570317	02/11/2010	Fermi 3, Figure 2-Comparison of Caliper Measurement with Optical Televiewer Log Between Depths of 100 and 230 Feet.
5-8	ML100540502	02/15/2010	Fermi 3, Response to Requests for Additional Information Letter No. 16, RAI Numbers 02.05.02-1, 02.05.02-3, 02.05.02-4, 02.05.02-8, 02.05.04-27, and 02.05.04-28.
5-9	ML100541329	02/15/2010	Fermi 3, Response to NRC Requests for Additional Information Letter No. 2 Related to the Environmental Review.
5-10	ML100500278	02/16/2010	Fermi 3, Detroit Edison Company Response to NRC FSAR Request for Additional Information Letter No. 4 and ER Request for Additional Information Letter No. 2.
5-11	ML100790320	02/22/2010	2010/02/22 Fermi COL - Re: Conference Call to Discuss Fermi 3 COLA Accident RAIs related to the Environmental Report
5-12	ML100790321	02/22/2010	2010/02/22 Fermi COL - Conference Call to Discuss Fermi 3 COLA Accident RAIs related to the Environmental Report

	Accession Number	Document Date	Title
5-13	ML100790318	02/23/2010	2010/02/23 Fermi COL - FW: Conference Details (FEB 25, 2010--02:00 PM ET--Conf# 6239088)
5-14	ML100790319	02/23/2010	2010/02/23 Fermi COL - RE: conference call regarding Section 2.5 RAIs
5-15	ML100790317	02/24/2010	2010/02/24 Fermi COL - RE: conference call regarding Section 2.5 RAIs
5-16	ML100790316	02/26/2010	2010/02/26 Fermi COL - RE: AC Notes
5-17	ML100790314	03/01/2010	2010/03/01 Fermi COL - RE: AC Notes--attached
5-18	ML100790315	03/01/2010	2010/03/01 Fermi COL - RE: AC Notes--attached
5-19	ML100610181	03/02/2010	Request For Additional Information Letter No. 25 Related To SRP Sections 13.03 and 17.5 For The Fermi 3 COL Application.
5-20	ML100790313	03/03/2010	2010/03/03 Fermi COL - Fermi 3 Conference Call with Detroit Edison--Monday March 1, 2010.
5-21	ML100790312	03/04/2010	2010/03/04 Fermi COL - Conference call for clarification on the source and use of transient population estimates in the Fermi 3 ER
5-22	ML100790299	03/10/2010	2010/03/10 Fermi COL - RE: MODFLOW Call
5-23	ML100790300	03/10/2010	2010/03/10 Fermi COL - RE: MODFLOW Call
5-24	ML100790309	03/12/2010	2010/03/12 Fermi COL - Fermi 3 COLA--Environmental Review
5-25	ML100790310	03/12/2010	2010/03/12 Fermi COL - FW: Monday, March 15, 2:00 PM ET--Teleconference
5-26	ML100790311	03/12/2010	2010/03/12 Fermi COL - DRAFT RAIs Section 3.7.2
5-27	ML100790308	03/16/2010	2010/03/16 Fermi COL - Conference Call Notes--Monday, March 15, 2010
5-28	ML100770169	03/18/2010	Request For Additional Information Letter No. 26 Related To SRP Sections 12.2.2, 13.6.1, 14.3.2, 14.3.12, and 17.5 For The Fermi 3 COL Application.
5-29	ML100790307	03/18/2010	2010/03/18 Fermi COL - DRAFT RAIs Section 2.4

Attachment 2**Fermi COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 5 – April 1, 2010**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain trade secrets, privileged or confidential commercial or financial information subject to withholding from public disclosure pursuant to 10 C.F.R. § 2.390. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, designated “proprietary,” and subject to protected status under Section 2.390.

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
5-1	ML100500279	Detroit Edison	Fermi 3, Attachment 1 to NRC3-10-0010, Response to FSAR RAI Letter No. 4 and ER RAI Letter No. 2, RAI Question No. 11.04-02 and HH3.5-1.	02/16/2010	Attachment	NRC/NRO	Security-Related Information Withheld Under 10 C.F.R. § 2.390	23

April 1, 2010

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 CHANDU PATEL CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Chandu Patel, 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 the 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 March 19th, 2010.

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)

Chandu Patel
Project Manager, ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D38M
Washington, DC 20555-0001
(301) 415-3025
Chandu.Patel@nrc.gov

Executed in Rockville, MD
this 1st day of April, 2010

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 April 1, 2010, providing notice of the availability of the third update to the hearing file made pursuant to 10 C.F.R. § 2.336(d), with attachments, together with the affidavit of Chandu Patel, have been served upon the following persons by Electronic Information Exchange and electronic mail this 1st day of April, 2010:

Ronald M. Spritzer, Chair
Administrative Judge
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Ronald.Spritzer@nrc.gov

Office of Commission Appellate
Adjudication
Mail Stop O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail:OCAAmail@nrc.gov

Michael F. Kennedy
Administrative Judge
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Michael.Kennedy@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: HEARINGDOCKET@nrc.gov

Randall J. Charbeneau
Administrative Judge
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Randall.Charbeneau@nrc.gov

Bruce R. Matters
Detroit Edison Company
One Energy Plaza, 688 WCB
Detroit, Michigan 48226
E-mail: matersb@dteenergy.com

David Repka, Esq.
Tyson R. Smith, Esq.
Counsel for the Applicant
Winston & Strawn, LLP
1700 K Street, NW
Washington, DC 20006-3817
E-mail: drepka@winston.com
trsmith@winston.com

Terry J. Lodge, Esq.
Counsel for Petitioners
316 N. Michigan St., Ste. 520
Toldeo, OH 43604-5627
E-mail: tjlodge50@yahoo.com

/Signed (electronically) by/

Marcia Carpentier
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-4126
Marcia.Carpentier@nrc.gov

Dated at Rockville, Maryland
this 1st day of April, 2010