

June 28, 2010

Mr. Peter W. Smith, Director
Nuclear Development - Licensing & Engineering 337-WCB
The Detroit Edison Company
One Energy Plaza
Detroit, MI 48226-1279

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

Dear Mr. Smith:

This letter informs you that the U.S. Nuclear Regulatory Commission (NRC) staff is revising the schedule for the environmental and safety reviews for the Fermi Nuclear Power Plant, Unit 3, combined license application (COLA). The reasons that necessitate the schedule changes are the delays in receipt of technically correct and complete responses to the requests for additional information (RAIs) related to environmental matters, and the submittal of a cyber security plan that is based on acceptable staff guidance.

The environmental review schedule for the Fermi Unit 3 COLA was premised on the statement in a letter to the NRC from Peter W. Smith dated June 19, 2009, that Detroit Edison intended to respond to all RAIs by December 30, 2009. In the June 30, 2009, letter from Mark Tonacci of NRC to Jack Davis of Detroit Edison, the NRC staff noted that our review schedule assumes that responses to RAIs will be complete and provide sufficient information to address the staff's concerns. While DTE has responded to some of the RAIs associated with the staff's environmental review, it is now June 2010 and several RAI responses remain outstanding. Because complete and sufficient responses to all environmental RAIs have not yet been provided by Detroit Edison, the environmental review schedule is now indeterminate and all public milestones are now "To Be Determined" (TBD).

Responses that are still incomplete include, but are not limited to RAIs in the following areas: 1) updated analyses that fully address ESBWR DCA Rev. 7 changes to emission source term and impact concentrations for Fermi 3, 2) access to full documentation to be used for references in the Draft Environmental Impact Statement (DEIS), 3) revisions to site layout figures to enhance quality/accuracy, and 4) meteorological data selection and use. The staff continues to review the application in areas where sufficient information exists while we wait for Detroit Edison to provide responses to the RAIs that are not yet resolved. Once Detroit Edison has responded fully to these RAIs, the NRC staff will prepare a revised schedule for the environmental review.

Detroit Edison submitted a cyber security plan that referenced Revision 3 of the Nuclear Energy Institute (NEI) 08-09, "Cyber Security Plan (CSP) Template" as the basis for the Fermi 3 CSP. This revision of NEI 08-09 is not endorsed by the NRC and, therefore does not provide an acceptable means of complying with the regulations set forth in 10 CFR 73.54. Absent a CSP that is based on acceptable industry or NRC guidance, the CSP review cannot progress any further. Because an acceptable CSP has not been submitted, the cyber security review has not begun and the staff is not prepared to proceed beyond Phase 1 at this time. Upon receipt of a revised Fermi 3 CSP based on Revision 6 of NEI 08-09 or Appendix A of RG 5.71, the staff will establish a schedule for completing the safety review.

In the interim, schedule dates for the environmental and safety review milestones on the NRC public web site will be changed to TBD. The staff will continue with the safety review for other unaffected portions of the safety review. The NRC staff will notify you once the revised environmental and safety review schedules are available, and will communicate at that time whether the overall schedule for the Fermi Unit 3 COL review is affected.

Should you have questions regarding this matter, please contact the Environmental Project Manager, Bruce Olson at (301) 415-3731 or via email at Bruce.Olson@nrc.gov or the Safety Project Manager, Adrian Muñiz at (301) 415-4093 or via email at Adrian.Muniz@nrc.gov.

Sincerely,

/RA/

David Matthews, Director
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 52-033

Detroit Edison submitted a cyber security plan that referenced Revision 3 of the Nuclear Energy Institute (NEI) 08-09, "Cyber Security Plan (CSP) Template" as the basis for the Fermi 3 CSP. This revision of NEI 08-09 is not endorsed by the NRC and, therefore does not provide an acceptable means of complying with the regulations set forth in 10 CFR 73.54. Absent a CSP that is based on acceptable industry or NRC guidance, the CSP review cannot progress any further. Because an acceptable CSP has not been submitted, the cyber security review has not begun and the staff is not prepared to proceed beyond Phase 1 at this time. Upon receipt of a revised Fermi 3 CSP based on Revision 6 of NEI 08-09 or Appendix A of RG 5.71, the staff will establish a schedule for completing the safety review.

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Sincerely,

/RA/

David Matthews, Director
 Division of New Reactor Licensing
 Office of New Reactors

Docket No.: 52-033

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