

May 3, 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 Jerry Hale.

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/
Robert M. Weisman
Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Privilege Log
Affidavit of Jerry Hale

Attachment 1

**Fermi COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 6 – May 3, 2010**

	Accession Number	Document Date	Title
6-1	ML100830380	03/19/2010	Fermi 3 - Response to NRC Request for Additional Information Letters No. 22 and No. 24.
6-2	ML101140273	03/23/2010	2010/03/23 Fermi COL - Conference Call Notes--Fermi 3 March 22, 2010
6-3	ML100830324	03/24/2010	Request For Additional Information Letter No. 27 Related To The SRP Section 13.06.01 For The Fermi 3 COL Application.
6-4	ML100850542	03/24/2010	Fermi 3, Response to Requests for Additional Information Related to the Environmental Review.
6-5	ML101140272	03/24/2010	2010/03/24 Fermi COL - DRAFT RAIs Section 2.4.13
6-6	ML100840346	03/26/2010	Request For Additional Information Letter No. 28 Related to The SRP Sections 2.4 and 3.7 For The Fermi 3 COL Application.
6-7	ML101140271	03/26/2010	2010/03/26 Fermi COL - Conference call notes 03-26-10.doc
6-8	ML101140270	03/29/2010	2010/03/29 Fermi COL - Fermi RAI letter #28
6-9	ML100960474	03/30/2010	Fermi 3 - Response to NRC Request for Additional Information Letter No. 21 Supplemental Response.
6-10	ML100960475	03/30/2010	Attachment 1 to NRC3-10-0015 - Response to RAI Letter No. 21 (Question No. 02.03.04-3).
6-11	ML100960476	03/30/2010	Attachment 1 to NRC3-10-0015, Enclosure 3 - Summary of Fermi 3 ER Changes and Enclosure 4, Markup of Detroit Edison ER.
6-12	ML100910010	04/01/2010	Fermi, Unit 3 COL Application, Request For Additional Information, Letter No. 29 Related to the SRP Section 13.06.01.
6-13	ML100910533	04/05/2010	U.S. Nuclear Regulatory Commission Staff Review of the Department of Homeland Security Consultation Reports.
6-14	ML101140268	04/06/2010	2010/04/06 Fermi COL - call on Friday
6-15	ML101140269	04/06/2010	2010/04/06 Fermi COL - Conference Call on RAIs--April 5, 2010

	Accession Number	Document Date	Title
6-16	ML101020190	04/12/2010	Request For Additional Information Letter No. 30 Related To SRP Sections 12.03-12.04 For The Fermi 3 COL Application.
6-17	ML101140267	04/15/2010	2010/04/15 Fermi COL - out of the office
6-18	ML101090050	04/16/2010	2010/04/16 Fermi COL - FW: Socioeconomic Reference Notes
6-19	ML101140265	04/19/2010	2010/04/19 Fermi COL - Subject of Wednesday RAI Clarification Conference Call--April 21, 2010, 2:00 PM
6-20	ML101140266	04/19/2010	2010/04/19 Fermi COL - Conference Call Notes from April 16, 2010
6-21	ML101140264	04/22/2010	2010/04/22 Fermi COL - Conference Call Notes from Monday, April 19, 2010

Attachment 2

**Fermi COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 6 – May 3, 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
6-1	ML101170356	Detroit Edison	DTE Energy - Detroit Edison Fermi 3 COLA - Rev. 2 (Non-Public Version)	04/21/2010	ADAMS Package	NRC/NRO	Application Revision 2. The Combined License Application Non-Public Version contains proprietary financial, commercial, and security related information.	
6-2	ML101170361	Detroit Edison	DTE Energy - Detroit Edison Fermi 3 COLA - Rev. 2 (Public Version - Awaiting SUNSI)	04/21/2010	ADAMS Package	NRC/NRO	Application Revision 2. The NRC Staff anticipates releasing this document package upon completing a SUNSI review.	

May 3, 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 JERRY HALE CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Jerry Hale, 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 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 April 23rd, 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)

Jerry Hale
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) 415-8148
Jerry.Hale@nrc.gov

Executed in Rockville, MD
this 3rd day of May, 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 May 3, 2010, providing notice of the availability of an update to the hearing file made pursuant to 10 C.F.R. § 2.336(d), with attachments, together with the affidavit of Jerry Hale, have been served upon the following persons by Electronic Information Exchange and electronic mail this 3rd day of May, 2010:

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/Signed (electronically) by/

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Dated at Rockville, Maryland
this 3rd day of May, 2010