

June 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](http://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/**  
Marcia Carpentier  
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 7 – June 1, 2010**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
7-1	ML101190369	04/16/2010	Fermi, Unit 3, Response to Request for Additional Information Letter No. 25.
7-2	ML101190370	04/16/2010	Fermi, Unit 3, Development of Evacuation Time Estimates, Rev. 2.
7-3	ML101180206	04/28/2010	Request For Additional Information Letter No. 31 Related To The SRP Section 10.02.03 For The Fermi 3 COL Application.
7-4	ML101410089	04/29/2010	2010/04/29 Fermi COL - Conference Call Notes on Socioeconomic RAIs--Wednesday, 4/21/2010
7-5	ML101320136	05/07/2010	Fermi 3 - Response to NRC Request for Additional Information Letter No. 28.
7-6	ML101320254	05/10/2010	Fermi 3, Detroit Edison Company, Response to NRC Request for Additional Information, Letter No. 26, Related to SRP Section 17.5.
7-7	ML101310257	05/11/2010	Fermi 3, COL Application Request For Additional Information Letter No. 32 Related To The SRP Section 9.1.5 and 13.3.
7-8	ML101410087	05/14/2010	2010/05/14 Fermi COL - Monday Call--May 17, 2010--2:00 PM--Fermi 3 COLA Environmental Review
7-9	ML101400076	05/17/2010	Fermi, Unit 3, Response to Requests for Additional Information Letter No. 29.
7-10	ML101410083	05/18/2010	2010/05/18 Fermi COL - Conference Call--2:00 PM, Monday, May 17, 2010

**Attachment 2****Fermi COL Hearing File and Mandatory Disclosures  
Privilege Log – Proprietary Information  
Update 7 – June 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.

	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/Description</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Pages</b>
7-1	ML101250501	Smith P W, Detroit Edison	Fermi 3, Detroit Edison Company Response to NRC Requests for Additional Information Related to Letter No. 26, SRP Sections 12.2.2, 13.6.1, 14.3.2, and 14.3.12.	05/03/2010	Letter	NRC/NRO	Security Related Information	69
7-2	ML101320257	Smith P W, Detroit Edison	Fermi 3 - Response to NRC Requests for Additional Information Related to Letter No. 27, SRP Section 13.06.01.	05/10/2010	Letter	NRC/NRO	Security Related Information	14

7-3	ML101320315	Detroit Edison	Drawing Figure 1-2 Owner Controlled Area.	05/10/2010	Drawing	NRC/NRO	Security Related Information	1
7-4	ML101320316	Detroit Edison	Drawing Figure 1-3 Protected Area.	05/10/2010	Drawing	NRC/NRO	Security Related Information	1
7-5	ML101400072	Detroit Edison	Response to Requests for Additional Information Letter No. 29.	05/17/2010	RAI Response	NRC/NRO	Security Related Information	94

June 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 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 May 22nd, 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 1st day of June, 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 June 1, 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 1st day of June, 2010:

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**/Signed (electronically) by/**

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