

August 2, 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 Adrian Muniz.

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 Adrian Muniz

Attachment 1

**Fermi COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 9 – August 2, 2010**

	Accession Number	Document Date	Title
9-1	ML102040190	06/23/2010	2010/06/23 Fermi COL - Fermi 3 Environmental Review--RAI Status Updates as of June 21, 2010
9-2	ML102040191	06/23/2010	2010/06/23 Fermi COL - Fermi 3 COL Environmental Review--Conference Call Monday June 21, 2010
9-3	ML101790463	06/25/2010	Detroit Edison Company Response to NRC Request for Additional Information Letter No. 32.
9-4	ML102040187	06/28/2010	2010/06/28 Fermi COL - RE: Fermi 3 Phone call--Monday, June 28, 2010-2:00 PM ET
9-5	ML102040188	06/28/2010	2010/06/28 Fermi COL - Fermi 3 Phone call--Monday, June 28, 2010-2:00 PM ET
9-6	ML102040186	06/29/2010	2010/06/29 Fermi COL - Monday June 28, 2010--2:00 PM Conference Call Notes
9-7	ML101810096	06/30/2010	Request For Additional Information Letter No. 37 Related To The SRP Sections 2.5.1, 13.3 and 17.5 For The Fermi 3 COL Application.
9-8	ML101830014	06/30/2010	Fermi 3, Detroit Edison Company Submittal of Physical Security Plan, Revision 2.
9-9	ML101930504	07/09/2010	Fermi 3, Detroit Edison Company Schedule for Response to NRC Request for Additional Information Letter No. 31.
9-10	ML101930518	07/09/2010	Fermi 3, Detroit Edison Company Confirmatory and Supplemental Responses to NRC Requests for Additional Information (RAIs) 08.03.02-1; 08.02-17; 09.02.01-1; 09.02.01-3; and 09.02.01-4; and Response to RAI Letter No. 34.
9-11	ML101960646	07/09/2010	Fermi Unit 3, Response to NRC Request for Additional Information Letter No. 33 re SRP Section 14.2.
9-12	ML102000560	07/09/2010	Fermi Unit 3, Appendix A, List of Revised RAI Responses.
9-13	ML102000562	07/09/2010	Fermi 3 - Response to NRC Requests for Additional Information Related to Environmental Review.
9-14	ML102000564	07/09/2010	Fermi 3 - Response to NRC Requests for Additional Information Related to Environmental Review.

	Accession Number	Document Date	Title
9-15	ML102040184	07/12/2010	2010/07/12 Fermi COL - RE: Fermi Call-2:00 PM--7-12-10
9-16	ML102040185	07/12/2010	2010/07/12 Fermi COL - RE: Fermi Call-2:00 PM--7-12-10
9-17	ML101940250	07/13/2010	Fermi 3, Request for Additional Information Letter No. 38 Related to SRP Section 16 for the Fermi 3 COL Application.
9-18	ML102040183	07/14/2010	2010/07/14 Fermi COL - FW: Fermi 3 Environmental Review---Schedule Adjustments
9-19	ML102040182	07/16/2010	2010/07/16 Fermi COL - Conference Call Notes--Thursday, July 15, 2010, 3:00 PM ET
9-20	ML102020482	07/19/2010	Fermi 3, Supplemental Response to RIS 2007-08: Reference COLA Status.
9-21	ML102010032	07/20/2010	Fermi 3, Request For Additional Information Letter No. 39 Related to the SRP Sections 2.0, 2.3.1, 2.3.2, 2.3.3, 2.3.4, 13.3, 13.6.1 and 17.5 for the COL Application.

Attachment 2**Fermi COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 9 – August 2, 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
9-1	ML101810387	Smith P W, Detroit Edison	Fermi 3, Submittal of Cyber Security Plan, Revision 1.	06/25/2010	Letter	NRC/NRO	Security-Related Information	7
9-2	ML101810436	Detroit Edison	Fermi 3, Cyber Security Plan, Revision 1.	06/25/2010	Security Plan	NRC/NRO	Security-Related Information	25

August 2, 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 ADRIAN MUÑIZ CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Adrian Muñiz, do hereby state as follows:

1. I am employed as a Project Manager in the ESBWR/ABWR Projects Branch 2 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 July 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)

Adrian Muñiz
Project Manager, ESBWR/ABWR
Projects Branch 2
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T6-D38M
Washington, DC 20555-0001
(301) 415-4093
Adrian.Muniz@nrc.gov

Executed in Rockville, MD
this 2nd day of August, 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 August 2, 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 Adrian Muniz, have been served upon the following persons by Electronic Information Exchange and electronic mail this 2nd day of August, 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) 415-1696
Marcia.Carpentier@nrc.gov

Dated at Rockville, Maryland
this 2nd day of August, 2010