

October 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 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/
Anthony Wilson
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 11 – October 1, 2010**

	Accession Number	Document Date	Title
11-1	ML101940484	06/09/2010	Interim Staff Guidance, (DC/COL - ISG-016), Loss of Large Areas of the Plant Due to Explosions or Fires From Beyond Design Basis Event.
11-2	ML102440652	08/30/2010	Fermi 3, Submittal of Information Relating to Physical Security Combined License (COL) Action Items.
11-3	ML102600035	08/30/2010	2010/08/30 Fermi COL - Fermi 3 COL Environmental Review Conference Call Notes--August 30, 2010
11-4	ML102600036	08/30/2010	2010/08/30 Fermi COL - Communication with Detroit Edison on Figures
11-5	ML102570700	09/02/2010	Fermi 3, Detroit Edison Company Response to NRC Request for Additional Information Letter No. 39.
11-6	ML102600033	09/09/2010	2010/09/09 Fermi COL - Fermi 3 COL Environmental Review Conference Call Notes--3:00 PM ET, September 8, 2010
11-7	ML102600031	09/14/2010	2010/09/14 Fermi COL - Conference Call Notes for the Fermi 3 COL Environmental Review--Monday September 13, 2010 at 2:00 PM ET
11-8	ML102590195	09/16/2010	Request for Additional Information Letter No. 42 Related to SRP Section 12.03.04, 14.03.03 and 02.0413 for the Fermi 3 COL.

Attachment 2**Fermi COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 11 – October 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
11-1	ML102390529	Smith P W, Detroit Edison DTE Energy	Fermi 3, Response to NRC Requests for Additional Information Letter No. 38.	08/26/2010	Letter	NRC/NRO	Proprietary Information	15
11-2	ML102390530	Detroit Edison DTE Energy	Enclosures 4 & 5 to NRC3-10-0037, RAI Question 16-2, "Charging Current-BAE 2V-240PzS-3000."	08/05/2010	Letter	NRC/NRO	Proprietary Information	5

October 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 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 August 20th, 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 1st day of October, 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 October 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 Adrian Muniz, have been served upon the following persons by Electronic Information Exchange and electronic mail this 1st day of October, 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/

Anthony Wilson
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-3699
Anthony.Wilson@nrc.gov

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