

November 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/
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 12 – November 1, 2010**

	Accession Number	Document Date	Title
12-1	ML102510498	09/01/2010	Fermi 3, Response to NRC Requests for Additional Information Letter No. 9 and Related to the Environmental Review.
12-2	ML102660133	09/21/2010	Detroit Edison Company Response to the Fermi 3 COLA Review Schedule Milestone Changes.
12-3	ML102660141	09/21/2010	Detroit Edison Company Response to NRC Request for Additional Information Letter No. 40.
12-4	ML102660145	09/21/2010	Fermi 3, Updated Evaluation of R-COLA Responses to NRC Requests for Additional Information (RAIs) for Standard Applicability.
12-5	ML102670494	09/21/2010	10/4, 10/11, 10/18 & 10/25/2010 Forthcoming Weekly Teleconferences with Detroit Edison Company to Discuss Responses to Request for Additional Information for the FERMI 3 Project Environmental Review.
12-6	ML102980054	09/21/2010	2010/09/21 Fermi COL - Fermi 3 COLA Environmental Review--Conference Call Notes from 2:00 PM, Monday, September 20, 2010
12-7	ML102980052	09/23/2010	2010/09/23 Fermi COL - RE: DTE schedule letter and MDNRE Pre-App Letter
12-8	ML102731049	09/29/2010	Revised - October Forthcoming Weekly Teleconferences With Detroit Edison Co to Discuss Responses to Requests For Additional Information for the Fermi 3 Project Environmental Review.
12-9	ML102980051	09/30/2010	2010/09/30 Fermi COL - Fermi 3 COLA Environmental Review--Conference Call Notes from 2:00 PM, Monday, September 27, 2010
12-10	ML102800185	10/05/2010	Fermi 3, Detroit Edison Company - Response to NRC Request for Additional Information Letter No. 31 Related to SRP Sections 10.02.03.
12-11	ML102810222	10/06/2010	Fermi 3, Detroit Edison Company - Response to NRC Request for Additional Information Letter No. 41, Related to SRP Section 13.03.
12-13	ML102800104	10/07/2010	Request For Additional Information Letter No. 43 Related To SRP Section 19.3 For The Fermi 3 COL Application.

	Accession Number	Document Date	Title
12-14	ML102980050	10/12/2010	2010/10/12 Fermi COL - Conference Call for the Fermi 3 COL Environmental Review
12-15	ML102870067	10/14/2010	10/26/2010 Notice of Public Meeting with Detroit Edison (DTE) to Discuss the Planned Soil-Structure Interaction (SSI) Analysis for the Fermi 3 COL.
12-16	ML102940119	10/19/2010	Fermi 3, Detroit Edison Company Response to NRC Requests for Additional Information Letter No. 38.

Attachment 2**Fermi COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 12 – November 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
12-1	ML102710040	Andrukat D W, NRC/NRO/DSRA/SFPT	Fermi RAI 5122.	09/28/2010	Request for Additional Information (RAI)	Detroit Edison	Security-Related Information	6
12-2	ML102940124	Detroit Edison DTE Energy	Enclosure 3 to NRC3-10-0047, RAI Question 16-2, "Charging Current-BAE 2V-24OPzS-3000N"- (Proprietary Version).	10/05/2010	Letter	NRC/NRO	Proprietary Information	3
12-3	ML102940218	Smith P W, Detroit Edison	Fermi 3, Detroit Edison Company Response to NRC Requests for Additional Information (RAI) Letter No. 42 and RAI 02.04.13-11 of Letter No. 40.	10/19/2010	Letter	NRC/NRO	Security-Related Information	121

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
12-4	ML102940219	Detroit Edison	Response to RAI Letter No. 42, RAI Question No. 12.03-12.04-7, Enclosure 1, "Fermi 3 COLA Part 9 Markups, SUNSI." Attachment 5.	10/19/2010	License-Application for Construction Permit DKT 50	NRC/NRO	Security-Related Information	6

November 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 October 25th, 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 November, 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 November 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 November, 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) 415-4126
Marcia.Carpentier@nrc.gov

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