

December 16, 2010

Mr. Peter W. Smith, Director
Nuclear Development – Licensing & Engineering 337-WCB
Detroit Edison Company
One Energy Plaza
Detroit, MI 48226-1279

SUBJECT: FERMIL NUCLEAR POWER PLANT, UNIT 3 COMBINED LICENSE
APPLICATION REVIEW SCHEDULE

Dear Mr. Smith:

By letter dated June 28, 2010, the U.S. Nuclear Regulatory Commission (NRC) informed you that the schedule dates for the environmental and safety review milestones for the Fermi Nuclear Power Plant, Unit 3 (Fermi), combined license application (COLA) were changed to “To Be Determined” (TBD). The reasons that necessitated the schedule changes were the delays in receipt of technically complete responses to NRC staff requests for additional information (RAIs) related to environmental matters, and the submittal of a cyber security plan that was based on acceptable staff guidance.

Since that time, Detroit Edison Company (DTE) has submitted a cyber security plan that is based on acceptable staff guidance and responded to the environmental information requests that were outstanding, including an October 29, 2010, submittal (Agencywide Documents Access and Management System [ADAMS] Accession No. ML103120126). This most recent submittal is still undergoing technical review, but the issue with the cyber security plan raised in the June 28, 2010, letter has been addressed.

Issues raised by the Detroit District US Army Corps of Engineers (USACE), a cooperating agency on the Environmental Impact Statement (EIS), regarding the proposed site layout and associated impacts to water and wetlands remain unresolved. The NRC staff understands that in response to these issues, DTE is preparing an analysis of onsite alternatives and mitigation strategies to minimize impacts to sensitive environmental areas at the proposed Fermi 3 site. However, based upon recent meetings between the NRC and USACE staffs, and subsequent discussions with DTE, it appears that resolution of these matters and agreement of all stakeholders will require additional time. To address this uncertainty, the revised environmental and safety review schedule is based upon two assumptions:

1. DTE will reach agreement with the USACE on the proposed site layout and an overall strategy for mitigating impacts to water and wetlands by March 1, 2011.
2. Any changes to the proposed site layout (as described in the Fermi 3 COLA and supporting documents) will not significantly affect the NRC staff’s ongoing environmental and safety reviews, and minimal to no additional analyses or rework will be required to address these changes.

If these assumptions are met, the NRC staff's target date for issuing the draft EIS will be October 2011, and the target date for issuing the Final EIS will be November 2012. The staff will monitor Detroit Edison's progress in resolving issues regarding the proposed site layout over the coming months. DTE will be notified of any change in its review schedule by future correspondence as conditions warrant.

By letter dated November 9, 2010, DTE provided proposed changes to the Fermi Final Safety Analysis Report (FSAR) to reflect incorporation of changes to ESBWR DCD Revisions 7 and 8 (except the changes to the soil properties) and adoption of Dominion responses to RAIs that were identified as standard in the North Anna COLA. In a letter dated December 9, 2010, DTE submitted COLA markups incorporating the ESBWR DCD soil properties requirements. The staff is reviewing your submittal in order to determine if additional information is needed in order to complete the review. The enclosed safety schedule is based on current information regarding the number and scope of remaining open items and the schedule for Detroit Edison RAI responses. Staff issuance of the Final SER for the Fermi COLA is now scheduled for September 2012.

Milestones for the four phases of the COLA safety review and the three phases of the environmental review are provided in the enclosure to this letter. The schedule assumes technically complete responses within 30 days of receipt of NRC's RAIs. For any RAIs that cannot be answered within 30 days, it is expected that a date for receipt of this information will be provided to the staff within the 30 day period so that the staff can assess how this information will impact the published schedule. In addition, any new and significant changes or additions to the COLA or supporting documentation could impact scheduled completion dates.

If you have any questions or comments concerning this matter, I can be reached at 301-415-4093 or via e-mail address at Adrian.Muniz@nrc.gov.

Sincerely,

/RA/

Adrian Muñiz, Project Manager
BWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-033

Enclosure:
As stated

cc: See next page

P. Smith

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Sincerely,

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Adrian Muñiz, Project Manager
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Enclosure:
As stated

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ADAMS Accession Number: ML103350640

NRO-002

OFFICE	DNRL/NGE:PM	DNRL/NGE:LA	DNRL/NGE:TL	DNRL/NGE/BC	DSER/RAP3:PM
NAME	AMuñiz	SGreen	ACubbage	MTonacci	BOlson
DATE	12/07/10	12/02/10	12/07/10	12/10/2010	12/08/10
OFFICE	DSER/RAP3:BC	OGC/NLO	DSER:D	DNRL:D	
NAME	RWhited	MCarpentier	SFlanders	DMatthews	
DATE	12/09/10	12/13/2010	12/09/10	12/16/2010	

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SUBJECT: FERMIL NUCLEAR POWER PLANT, UNIT 3 COMBINED LICENSE
APPLICATION REVIEW SCHEDULE DATED DECEMBER 16, 2010

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**Detroit Edison Company – Fermi 3 Combined License Application
Review Milestones**

Safety Review	
Key Milestones	Completion Date Actual – A Target – T
Phase 1 – Requests for Additional Information (RAIs) and Supplemental RAIs	8/20/10 - A
Phase 2 – Advanced Final Safety Evaluation Report (SER) without Open Items	11/2011 - T
Phase 3 – Advisory Committee on Reactor Safeguards (ACRS) Review of SER without Open Items	4/2012 - T
Phase 4 – Final SER	9/2012 - T

Environmental Review	
Key Milestones	Completion Date
Phase 1 – Environmental Impact Statement (EIS) Scoping Summary Report Issued	7/02/09
Phase 2 – EPA Issues Federal Register Notice of Filing for Draft EIS/Draft EIS Complete	10/2011
Phase 3 – Federal Register Notice of Availability of the Final EIS Published/Final EIS Complete	11/2012

Enclosure

Fermi - Mailing List

(Revised 03/03/2010)

cc:

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