

August 1, 2011

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 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 21 – August 1, 2011**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
21-1	ML11181A007	05/24/2011	Detroit Edison Company Submittal of Fermi Physical Security Plan, Revision 4.
21-2	ML11203A069	06/28/2011	2011/06/28 Fermi COL - Open Items List for Conference Call
21-3	ML111800784	06/29/2011	07/14/2011 Notice of Forthcoming Meeting To Discuss Open Items and Outstanding Requests For Additional Information (RAI) Responses Relating To The Detroit Edison (DTE) COL Application For Fermi Unit 3.
21-4	ML11182A647	06/29/2011	Fermi, Unit 3, Response to NRC Request for Additional Information Letter No. 59.
21-5	ML111880181	07/07/2011	Request for Additional Information Letter No. 62 Related to Section 1.0 for the Fermi 3 COL Application.
21-6	ML11192A190	07/07/2011	Fermi, Unit 3, Response to NRC Questions Related to the Environmental Review and Supplemental Response.
21-7	ML111890505	07/11/2011	07/12/2011 Notice of Forthcoming Closed Meeting With Detroit Edison Company to Discuss the Proprietary Turbine Missile Probability Analysis to Support the Fermi 3 COL Application.
21-8	ML11196A011	07/12/2011	Fermi 3, Response to NRC Request for Additional Information Letter No. 60 (RAI) 19.03-37.
21-9	ML11195A330	07/13/2011	Fermi, Unit 3, Response to NRC Request for Additional Information Letter No. 62.
21-10	ML11203A071	07/13/2011	2011/07/13 Fermi COL - Courtesy Copy RAI Letter 62
21-11	ML111930563	07/14/2011	07/28/11 Notice of Meeting To Discuss Open Items And Outstanding Requests For Additional Information Responses Relating To The Detroit Edison Combined License Application For Fermi Unit 3.
21-12	ML11200A042	07/15/2011	Fermi 3, Detroit Edison Company Response to NRC Request for Additional Information Letter No. 61.
21-13	ML11200A048	07/15/2011	Updates to the Fermi 3 Combined License Application (COLA) Reflecting Changes to Conform with the Fermi 3 Joint Permit Application.
21-14	ML11200A049	07/15/2011	Attachment 1 to NRC3-11-0026, Markup of Fermi 3 ER, Revision 2 Beginning through Figure 2.5-28.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
21-15	ML11200A050	07/15/2011	Attachment 1 to NRC3-11-0026, Markup of Fermi 3 ER, Revision 2, Page 4.3 through Enclosure 1 ER Figure Native Files.
21-16	ML11203A072	07/18/2011	2011/07/18 Fermi COL - Courtesy Copy RAI Letter 61
21-17	ML11203A059	07/19/2011	2011/07/19 Fermi COL - License Condition- Chapter 19.03 LOLA
21-18	ML11203A060	07/19/2011	2011/07/19 Fermi COL - Draft FERMI Chp 9 RAI
21-19	ML11203A070	07/19/2011	2011/07/19 Fermi COL - SSI Attendees List for July 21
21-20	ML11203A065	07/20/2011	2011/07/20 Fermi COL - FW: Phone Bridge to June 29, 2011 mtg on Fermi 3 COLA Open RAI's
21-21	ML11203A066	07/20/2011	2011/07/20 Fermi COL - FW: Phone Bridge / Thank you!
21-22	ML11203A067	07/20/2011	2011/07/20 Fermi COL - RE: Phone Bridge to July 21, 2011 meeting on Fermi COLA
21-23	ML112010428	07/21/2011	08/04/2011-Notice of Forthcoming Conference Call To Discuss Open Items and Outstanding RAI Responses Relating To The DTE COL Application For Fermi 3.
21-24	ML112010429	07/21/2011	08/11/2011-Notice of Forthcoming Conference Call To Discuss Open Items and Outstanding RAI Responses Relating To The DTE COL Application For Fermi 3.
21-25	ML112010431	07/21/2011	08/18/2011-Notice of Forthcoming Conference Call To Discuss Open Items and Outstanding RAI Responses Relating To The DTE COL Application For Fermi 3.
21-26	ML112010436	07/21/2011	08/25/2011-Notice of Forthcoming Conference Call To Discuss Open Items and Outstanding RAI Responses Relating To The DTE COL Application For Fermi 3.
21-7	ML112020426	07/21/2011	07/21/2011 DTE Presentation Slides For The Fermi 3 Soil-Structure Interaction (SSI) Analysis.
21-28	ML112020435	07/21/2011	GEH Presentation Slides For The Fermi 3 Soil-Structure Interaction (SSI) Analysis.
21-29	ML11203A062	07/21/2011	2011/07/21 Fermi COL - Fermi 3 COL Public Meeting Notices

**Attachment 2****Fermi COL Hearing File and Mandatory Disclosures  
Privilege Log – Proprietary Information  
Update 21 – August 1, 2011**

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>
21-1	ML11182A649	Detroit Edison DTE Energy	Response to RAI Letter No. 59 (eRAI Tracking No. 5801), RAI Question No. 19.03-36.	06/29/2011	Response to RAI	NRC/NRO	Security-related	67
21-2	ML11196A012	Detroit Edison DTE Energy	Fermi 3, Attachment 1 to NRC3-11-0024, Response to RAI Letter No. 60, RAI Question No. 19.03-37 and Attachment 2, Loss of Large Areas of Plant Due to Explosions or Fire Mitigative Strategies Description and Plans.	07/12/2011	Response to RAI	NRC/NRO	Security-related	68

August 1, 2011

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-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 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)**

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 August, 2011

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 1, 2011, 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 August, 2011:

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 August, 2011