



10 CFR 51.45
10 CFR 52.77
10 CFR 52.79

September 12, 2011
NRC3-11-0037

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

- References:
- 1) Fermi 3
Docket No. 52-033
 - 2) Letter from Stephen Lemont (USNRC) to Peter Smith (Detroit Edison),
"Requests for Additional Information Related to the Environmental Review for
the Combined License Application for Fermi Nuclear Power Plant, Unit 3,"
dated May 12, 2009
 - 3) Letter from Jerry R. Hale (USNRC) to Jack M. Davis (Detroit Edison),
"Request for Additional Information Letter No. 9 Related to the SRP Sections
Chapter 1, 05.03.02, 09.05.02.02, 13.01.01, 13.03, and 14.03.07 for the
Fermi 3 Combined License Application," dated July 29, 2009
 - 4) Letter from Peter W. Smith (Detroit Edison) to USNRC, "Detroit Edison
Company Response to NRC Requests for Additional Information Related to
the Environmental Review," NRC3-09-0016, dated November 23, 2009
 - 5) Letter from Peter W. Smith (Detroit Edison) to USNRC, "Detroit Edison
Company Response to NRC Request for Additional Information Letter No. 9,"
NRC3-09-0025, dated September 24, 2009

Subject: Detroit Edison Company Supplemental Response to NRC Environmental RAI
Letter and Safety RAI Letter No. 9

In References 2 and 3, the NRC requested additional information to support the review of certain portions of the Fermi 3 Combined License Application (COLA). Responses to those Requests for Additional Information (RAIs) were provided in References 4 and 5. Attachment 1 of this letter provides a supplemental response to portions of References 4 and 5 as discussed in the attachments.

If you have any questions, or need additional information, please contact me at (313) 235-3341.

I state under penalty of perjury that the foregoing is true and correct. Executed on the 12th day of September 2011.

Sincerely,



Peter W. Smith, Director
Nuclear Development – Licensing and Engineering
Detroit Edison Company

Attachment: 1) Supplemental Response to Environmental RAI Letter, RAI Question GE 1.2-3,
and Safety RAI Letter No. 9, RAI Question 01-1

cc: Jerry Hale, NRC Fermi 3 Project Manager
Adrian Muniz, NRC Fermi 3 Project Manager
Raj Anand, NRC Fermi 3 Project Manager
Michael Eudy, NRC Fermi 3 Project Manager
Bruce Olson, NRC Fermi 3 Environmental Project Manager
Fermi 2 Resident Inspector (w/o attachments)
NRC Region III Regional Administrator (w/o attachments)
NRC Region II Regional Administrator (w/o attachments)
Supervisor, Electric Operators, Michigan Public Service Commission (w/o attachments)
Michigan Department of Natural Resources and Environment
Radiological Protection Section (w/o attachments)

Attachment 1
NRC3-11-0037
(2 pages)

Supplemental Response to Environmental RAI Letter
RAI Question GE 1.2-3

and

Supplemental Response to Safety RAI Letter No. 9
(eRAI Tracking No. 3312)
RAI Question No. 01-1

Environmental RAI GE 1.2-3 and Safety RAI 01-1 both request information concerning a Detroit Edison contract with the DOE for disposal of high-level radioactive waste and spent nuclear fuel; therefore, both RAI responses are supplemented with this attachment as discussed below.

NRC Environmental RAI GE 1.2-3

Provide documentation or a description of the status of the required Nuclear Waste Fund waste disposal contract with the U.S. Department of Energy (DOE).

Supporting Information

Per the Nuclear Waste Policy Act of 1982, as amended, before a combined license can be issued by the NRC for Fermi 3, Detroit Edison must provide either proof that such a contract is in place with DOE or an official document from DOE stating that Detroit Edison is making a good faith effort to get a contract.

NRC Safety RAI 01-1

Section 302(b)(1)(B) of the Nuclear Waste Policy Act of 1982, as amended, states "The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of high-level radioactive waste and spent nuclear fuel that may result from the use of such license."

Please identify the DOE contract number applicable to Fermi 3 for disposal of high-level radioactive waste and spent nuclear fuel or provide Detroit Edison's plans, including the time frame, for entering into such a contract.

Supplemental Response

Detroit Edison provided a response to NRC Environmental RAI GE 1.2-3 within Detroit Edison letter NRC3-09-0016, dated November 23, 2009 (ML093380331). Detroit Edison provided a response to NRC Safety RAI 01-1 (eRAI Tracking No. 3312) within Detroit Edison letter NRC3-09-0025, dated September 24, 2009 (ML092720656). The following supplements both of these RAI responses.

On August 18, 2011, The Detroit Edison Company entered into a contract with the United States Department of Energy (DOE) establishing the terms and conditions associated with DOE's responsibility for disposal of spent nuclear fuel and high-level radioactive waste generated at the proposed Fermi Unit 3 plant. The DOE contract number applicable to Fermi 3 is DE-CR01-11GC1126. This fulfills the NRC staff request pursuant to Section 302(b)(1)(B) of the Nuclear Waste Policy Act of 1982, as amended.

Proposed COLA Revision

None.