

December 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, 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 Jerry Hale.

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). 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 Jerry Hale

Attachment 1

**Fermi COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 25 –December 1, 2011**

	Accession Number	Document Date	Title
25-1	ML11311A015	09/27/2011	Fermi COL - Copies of the NRC's Draft EIS for Fermi 3
25-2	ML11311A017	10/05/2011	Fermi COL - RE: Closeout: 9/26/11 Meeting Between the NRC Staff and DTE to Discuss Respon...
25-3	ML11305A217	10/18/2011	Attachment 2, NRC3-11-0042, GE-ST "ESBWR Steam Turbine - Low Pressure Rotor Missile Generation Probability Analysis," ST-56834/N-P, Revision 4, Public Version.
25-4	ML112620073	10/20/2011	Letter to Applicant: Notice of Availability of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-5	ML112620101	10/20/2011	Letter to U.S Environmental Protection Agency Submittal of The Draft Environmental Impact Statement for The Fermi Unit 3 Combined License Application Review.
25-6	ML112620122	10/20/2011	Letter to NMFS: Essential Fish Habitat And Biological Assessment Related To The Review Of The Combined License Application For Fermi Unit 3.
25-7	ML112620130	10/20/2011	Letter to DEQ: Request for Comments on the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application.
25-8	ML112620142	10/20/2011	Letter to MDNR NHP: Request for Comments on the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-9	ML112620169	10/20/2011	Letter to ODNR: Request for Comments on the Draft Environmental Impact Statement for the Fermi, Unit 3 Combined License Application Review.
25-10	ML112620176	10/20/2011	Letter to EPA Region: Request For Comments on the Draft Environmental Impact Statement For the Fermi 3 Combined License Application Review.
25-11	ML112620186	10/20/2011	Letter to FWS Region: Request for Comments on the Draft Environmental Impact Statement for the Fermi, Unit 3 Combined License Application Review.
25-12	ML112630163	10/20/2011	Letter to Great Lakes Fisheries Commission: Request for Comments on the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.

	Accession Number	Document Date	Title
25-13	ML112630172	10/20/2011	Letter to JCC: Request for Comments on the Draft Environmental Impact Statement for the Fermi, Unit 3 Combined License Application.
25-14	ML112660474	10/20/2011	Letter to Bay Mills Indian Community: Notification of the Issuance of the Draft Environmental Impact Statement For the Fermi Unit 3 Combined License Application Review.
25-15	ML112660483	10/20/2011	Letter to Delaware Nation: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-16	ML112660493	10/20/2011	Letter to Forest County Potawatomi: Notification of the Issuance of the Draft Environmental Impact Statement For the Fermi Unit 3 Combined License Application Review.
25-17	ML112660503	10/20/2011	Letter to Grand Traverse Band of Ottawa and Chippewa Indians: Notification of the Issuance of the Draft Environmental Impact Statement For the Fermi Unit 3 Combined License Application Review.
25-18	ML112660515	10/20/2011	Letter to Hannahville: Notification Of The Issuance Of The Draft Environmental Impact Statement For The Fermi Unit 3 Combined License Application Review.
25-19	ML112660526	10/20/2011	Letter to Nottawaseppi Huron Band of Potawatomi, Inc., Notification of the Issuance of the Draft Environmental Impact Statement For the Fermi Unit 3 Combined License Application Review.
25-20	ML112660530	10/20/2011	Letter to Keweenaw: Notification Of The Issuance Of The Draft Environmental Impact Statement For The Fermi Unit 3 Combined License Application Review.
25-21	ML112660565	10/20/2011	Letter to Lac Vieux: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi, Unit 3, Combined License Application Review.
25-22	ML112660573	10/20/2011	Letter to River Band of Ottawa: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-23	ML112660575	10/20/2011	Letter to Little Traverse Bay Bands of Odawa Indians: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-24	ML112690289	10/20/2011	Letter to Matchebe: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-25	ML112690301	10/20/2011	Letter to Ottawa Tribe of OK: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.

	Accession Number	Document Date	Title
25-26	ML112690321	10/20/2011	Letter to Pokagon: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-27	ML112690325	10/20/2011	Letter to Saginaw: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-28	ML112690349	10/20/2011	Letter to Sault Ste. Marie: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-29	ML112690354	10/20/2011	Letter to Shawnee Tribe: Notification of the Issuance of the Draft Environmental Impact Statement For the Fermi Unit 3 Combined License Application Review.
25-30	ML112690362	10/20/2011	Letter to Wyandotte: Notification of the Issuance of the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License Application Review.
25-31	ML112690371	10/20/2011	Letter to ACHP: Notification Of The Issuance Of The Draft Environmental Impact Statement For The Fermi Unit 3 Combined License Application Review.
25-32	ML112690374	10/20/2011	Letter to SHPO: Notification of the Issuance of the Draft Environmental Impact Statement for the Enrico Fermi Unit 3 Combined License Application Review #ER06-683.
25-33	ML112971532	10/25/2011	11/17/2011 - Notice of Conference Call with Detroit Edison to Discuss Open Items and Outstanding RAI Responses Relating To The Detroit Edison (DTE) COL Application For Fermi Unit 3.
25-34	ML112990031	10/25/2011	Attachment: Proposed Construction of Fermi Nuclear Power Plant, Unit 3 and the Adverse Effects of the Plant.
25-35	ML11311A014	10/26/2011	Fermi COL - RE: Fermi 3 Draft EIS
25-36	ML112860407	10/28/2011	Request For Withholding Information From Public Disclosure For Fermi.
25-37	ML11301A089	10/28/2011	Press Release-11-205: NRC Seeks Public Input on Draft Environmental Impact Statement for Fermi New Reactor; Meetings Scheduled Dec. 15.
25-38	ML11305A214	10/28/2011	Fermi 3, Detroit Edison Company Response to NRC Request for Additional Information Letter No. 67.
25-39	ML112971484	10/31/2011	Memorandum to ACRS: Fermi Unit 3, Combined License Application - Advanced Final Safety Evaluation For Chapter 11, "Radioactive Waste Management."

	Accession Number	Document Date	Title
25-40	ML112971501	10/31/2011	Fermi, Unit 3, Combined License Application - Advanced Final Safety Evaluation For Chapter 12, "Radiation Protection."
25-41	ML112990155	10/31/2011	Fermi 3, Combined License Application - Advanced Final Safety Evaluation For Chapter 9, "Auxiliary Systems".
25-42	ML113000081	10/31/2011	Fermi, Unit 3 - Chapter 11 - Radioactive Waste Management - Advanced Final Safety Evaluation Report.
25-43	ML113000087	10/31/2011	Fermi, Unit 3 - Chapter 12 - Radiation Protection - Advanced Final Safety Evaluation Report.
25-44	ML113000122	10/31/2011	Fermi, Unit 3 - Chapter 9 - Auxiliary Systems - Advanced Final Safety Evaluation Report.
25-45	ML11326A224	10/31/2011	Fermi COL - Draft RAI for chapter 10.
25-46	ML112580477	11/01/2011	Memorandum to ACRS: Fermi Nuclear Power Plant, Unit 3 - Advanced Final Safety Evaluation For Chapter 13 - Conduct of Operations.
25-47	ML112710573	11/01/2011	Letter to Applicant - Advanced Final Safety Evaluation Report For Chapter 13, "Conduct of Operations" Regarding The Fermi 3 COL Application Review.
25-48	ML112971304	11/01/2011	Fermi, Unit 3 - SER - Chapter 13 - Conduct of Operations.
25-49	ML112971493	11/01/2011	Letter to Applicant: Fermi 3 Combined License Application - Advanced Final Safety Evaluation for Chapter 11, "Radioactive Waste Management".
25-50	ML112971525	11/01/2011	Letter to Applicant: Fermi 3 Combined License Application- Advanced Final Safety Evaluation for Chapter 12, "Radiation Protection."
25-51	ML112990157	11/01/2011	Fermi, Unit 3 Combined License Application - Advanced Final Safety Evaluation For Chapter 9, "Auxiliary Systems."
25-52	ML113050347	11/01/2011	Request For Additional Information Letter No. 068 Relating To Fermi Unit 3 COL.
25-53	ML11326A054	11/01/2011	Fermi COL - RAI Letter 68 courtesy copy
25-54	ML11326A053	11/02/2011	Fermi COL - RE: RAI Letter 68 courtesy copy
25-55	ML113110340	11/08/2011	Request for Withholding Information from Public Disclosure for Detroit Edison Company.
25-56	ML11320A089	11/08/2011	Comment (1) Comment e-mail regarding Fermi 3-Draft EIS
25-57	ML113070245	11/09/2011	10/24/2011 - Summary of Meeting Between Nuclear Regulatory Commission Staff and Detroit Edison Company to Discuss the Fermi 3 Project Environmental Review.

	Accession Number	Document Date	Title
25-58	ML113120325	11/09/2011	Request For Additional Information Letter No. 69 Related To Chapter 1.0 For The Fermi 3 COL Application.
25-59	ML113210772	11/16/2011	12/15/2011 - Notice of Forthcoming Public Meeting to Discuss the Draft Environmental Impact Statement for the Fermi Unit 3 Combined License.
25-60	ML11326A225	11/16/2011	Fermi COL - RE: Copy of EPRI NP-5283-SR-A

Attachment 2**Fermi COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 25 – December 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.

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
25-1	ML11305A215	Detroit Edison DTE Energy	Attachment 7, NRC3-11-0042, Response to RAI Letter No. 67 (Questions No. 10.02.03-17 through -19), Non-Public Version.	10/28/2011	Report, Technical	NRC/NRO	Proprietary Information	12
25-2	ML11326A235	Detroit Edison DTE Energy	Fermi COL - (CONTAINS PROPRIETARY) New Fermi Turbine Integrity documents	10/31/2011	Report, Technical	NRC/NRO	Proprietary Information	159

December 1, 2011

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 JERRY HALE CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Jerry Hale, do hereby state as follows:

1. I am employed as a Project Manager in the ESBWR/ABWR Projects Branch 1 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 November 22, 2011.

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)

Jerry Hale
Project Manager, ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D38M
Washington, DC 20555-0001
(301) 415-8148
Jerry.Hale@nrc.gov

Executed in Rockville, MD
this 1st day of December, 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 December 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, have been served upon the following persons by Electronic Information Exchange and electronic mail this 1st day of December, 2011:

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/Signed (electronically) by/
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Dated at Rockville, Maryland
this 1st day of December, 2011