

December 3, 2012

Ronald M. Spritzer, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Anthony J. Baratta  
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:

On November 21, 2012, the Board issued an order scheduling a conference call on December 4, 2012, and directing the parties to submit their views on certain questions beforehand. The parties conferred on November 29, but were unable to reach agreement on a unified response. All parties will therefore respond separately to the Board's questions.

The NRC Staff anticipates that the Final Environmental Impact Statement (FEIS) will be published on January 18, 2013. We do not yet have a revised schedule for completion of the Advanced Safety Evaluation Report (SER) with No Open Items, or for the Final SER. However, we note that many chapters of the Advanced SER with No Open Items have already been submitted to the Advisory Committee on Reactor Safeguards (ACRS). This includes Chapter 17, Quality Assurance, which was submitted to the ACRS in October 2011 and is the chapter relevant to the sole safety contention in this proceeding.

The Staff would prefer to hold a hearing on the eastern fox snake contention, currently the sole admitted environmental contention in this proceeding, following the timeline originally established in the Board's Scheduling Order of September 11, 2009, with the publication date of the FEIS as the triggering event. We acknowledge that minor modifications to the schedule may be necessary, but see no obstacle to proceeding to hearing at this time.

The Staff is prepared to go to hearing on the quality assurance contention, currently the sole admitted safety contention, at any time established by the Board. Such a hearing could take place at the same time as the hearing on the fox snake contention, at a different time but before completion of the Advanced SER with No Open Items, or after completion of the Advanced or Final SER.

The Staff anticipates that the hearing(s) will be held in the vicinity of Monroe, Michigan, in keeping with usual NRC practice.

Respectfully submitted,

**/signed (electronically) by/**

Marcia Carpentier  
Counsel for the 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 3rd day of December, 2012

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
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DETROIT EDISON CO. ) Docket No. 52-033  
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 )  
(Fermi Nuclear Power Plant, Unit 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the Staff's letter to the Licensing Board, dated December 3, 2012, have been served upon the following persons by Electronic Information Exchange and electronic mail this 3rd day of December, 2012:

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: OCAAmal@nrc.gov

Anthony J. Baratta  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: Anthony.Baratta@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

Respectfully Submitted,

**/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

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