

February 15, 2013

Mr. Peter W. Smith, Director
Nuclear Development – Licensing & Engineering
DTE Electric Company¹
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 September 18, 2008, Detroit Edison Company (Detroit Edison) submitted a combined license application (COLA) for Fermi 3. This application was subsequently docketed and the U.S. Nuclear Regulatory Commission (NRC) staff began its review of the application.

On November 29, 2012, the NRC staff met with Detroit Edison to discuss the proposed approach to address the impacts of the Central Eastern United States (CEUS) Seismic Source Characterization (SSC) model and resolving the remaining Request for Additional Information (RAI) questions related to the Fermi 3 site-specific Soil-Structure Interaction (SSI) analyses. At the meeting, the staff requested that Detroit Edison provide a more detailed schedule for completing the analyses to support the staff's development of the Fermi 3 review schedule.

On December 14, 2012, Detroit Edison submitted an interim response to the NRC's RAI that addresses the CEUS SSC model and the SSI analysis. The response provided the NRC with commitments to milestone dates to address both the CEUS SSC model and the SSI analysis. Specifically, Detroit Edison indicated that it intends to submit a final RAI response for the CEUS SSC model by March 15, 2013; and a final RAI response for the SSI analysis by September 30, 2013. The staff has reviewed these commitments and has developed the enclosed Fermi 3 review schedule.

Given the complexity of the technical issues to be evaluated and the volume of material to be reviewed, the staff anticipates the need for additional RAIs, an inspection and several audits. In order to support completion of this section of the advanced final safety evaluation report (SER) as it relates to Chapters 2 and 3 by June 2014, the staff will be conducting the inspection and audits through the summer 2013 timeframe. This section of the staff's review constitutes the critical path for completion of the final SER.

In addition to the critical path items described above, the NRC staff is also tracking the closure progress for Combined License (COL) Item 3.9.9-1-A: "Reactor Internals Vibration Assessment Program." In addressing COL Item 3.9.1-1-A, Detroit Edison incorporated by reference the General Electric- Hitachi topical reports (TRs) listed in ESBWR DCD Appendix 3L.

¹ On December 21, 2012, the Detroit Edison company sent the NRC a letter indicating that, effective January 1, 2013, the name of the company would be changed to "DTE Electric Company." The legal entity will remain the same (see ML12361A437).

The referenced TRs: NEDE-33312P, NEDE-33313P, NEDC-33408P and NEDC-33408P-Supplement 1 are currently being reviewed by the staff as part of the continued review of the ESBWR design certification. The staff will continue to track the Fermi 3 COL Item 3.9.9-1-A as an open item (Open Item 3.9-1) until the design certification review is complete and any information needed from Detroit Edison as a result of this review has been submitted to the staff. To facilitate the staff's review of this issue it is recommended that Detroit Edison monitor the progress of General Electric Hitachi's efforts to resolve this item in the ESBWR design certification. This will ensure that Detroit Edison can take immediate action, on any changes in the ESBWR design certification document that would affect the information provided in the latest revision of the Fermi 3 COLA.

Additionally, the staff is currently reviewing the submitted responses for Bulletin 2012-01, "Design Vulnerability in Electric Power Systems," and Emergency Preparedness (EP) Rule. The revised review schedule has been developed with the assumption that open item 3.9-1 and resolution of the Bulletin 2012-01 and EP Rule will be resolved in a timeframe that will not conflict with the critical path items. If the closure of these items conflicts with the enclosed schedule the staff will have to reassess the published review schedule accordingly.

The new milestones for the four phases of the COLA safety review are provided in the enclosure to this letter. The milestones for the three phases of the environmental review are not affected by the safety review challenges described above. However, they are enclosed as well for your convenience. The schedule assumes technically complete responses within the timeframe stipulated in the letter transmitting the NRC's RAIs. For any RAIs that cannot be answered within the specified timeframe, it is expected that a date for receipt of this information will be provided to the staff within 30 days of receiving the RAIs 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. Furthermore, the final revision to the COLA must be received 4 months prior to the scheduled end of Phase 4 in order for the staff to be able to issue the Final Safety Evaluation Report in accordance with the enclosed schedule. Consistent with agency guidelines, the completion of the mandatory hearing process would be about 4 months after the completion of the staff's Phase 4 review.

P. Smith

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If you have any questions or comments concerning this matter, please contact the lead project manager, Adrian Muñiz at 301-415-4093 or via e-mail address at Adrian.Muniz@nrc.gov.

Sincerely,

/RA Frank Akstulewicz for/

David B. Matthews, Director
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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(Revised 01/29/2013)

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

Safety Review		
Key Milestones	Current Completion Date Actual – A Target T	New Completion Date Actual – A Target – T
Phase 1 – Requests for Additional Information (RAIs) and Supplemental RAIs	8/20/2010 – A	08/20/2010 - A
Phase 2 – Advanced Final Safety Evaluation Report (SER) without Open Items	Schedule Under Review	June 2014 - T
Phase 3 – Advisory Committee on Reactor Safeguards (ACRS) Review of SER without Open Items	Schedule Under Review	October 2014 - T
Phase 4 – Final SER	Schedule Under Review	January 2015 - T

Environmental Review	
Key Milestones	Completion Date
Phase 1 – Environmental Impact Statement (EIS) Scoping Summary Report Issued	07/02/09 - A
Phase 2 – EPA Issues Federal Register Notice of Filing for Draft EIS/Draft EIS Complete	10/2011 - A
Phase 3 – Federal Register Notice of Availability of the Final EIS Published/Final EIS Complete	01/2013 - A