

March 1, 2013

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:

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 Tekia Govan.

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 is not producing privilege logs at this time. In accordance with the September 11 Order, the Staff shall produce a log of documents withheld as containing proprietary information. However, no such documents have been identified at this time. 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  
Affidavit of Tekia Govan

**Attachment 1**

**Fermi COL Hearing File and Mandatory Disclosures  
Hearing File Index  
Update 40 – March 1, 2013**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title / Description</b>
40-1	ML13032A378	01/25/2013	Fermi, Unit 3, Updated Response to NRC Request for Additional Information Letter No. 77.
40-2	ML13031A046	01/25/2013	SL-011674, Revision 0, Verification/Validation Summary Plan for SASSI2010, Version 1.0-250USER-M01.
40-3	ML13031A044	01/29/2013	DTE Electric Company Submittal of SASSI2010 V&V Plan.
40-4	ML13052A664	02/04/2013	2013/02/04 Fermi COL - RE: Fermi Open Items Meeting (Public Teleconference) - Questions on Fukushima Order
40-5	ML12361A352	02/05/2013	02/21/2013 - Notice of Forthcoming Meeting to Discuss Open Items and Outstanding Requests for Additional Information Responses Relating to the DTE Electric Company Combined License Application for Fermi Unit 3.
40-6	ML13052A665	02/05/2013	2013/02/05 Fermi COL - Fermi 3 - Open Items Public Meeting Summary - Memo To File
40-7	ML13036A264	02/05/2013	CANCELED 02/07/2013 - Notice Of Forthcoming Meeting To Discuss Open Items And Outstanding RAI Responses Relating To The Dte Electric Company Combined License Application For Fermi Unit 3.
40-8	ML13038A264	02/07/2013	Press Release-13-008: NRC, U.S. Army Corps of Engineers Issue Final Environmental Impact Statement for Proposed Fermi 3 Reactor.
40-9	ML13043A011	02/08/2013	Fermi, Unit 3, Response to NRC Request for Additional Information Letter No. 81.
40-10	ML13043A012	02/08/2013	Fermi, Unit 3, Response to NRC Request for Additional Information Letter No. 82.
40-11	ML13052A652	02/14/2013	2013/02/14 Fermi COL - Fermi 3 - Open Items Public Meeting Summary - Memo To File
40-12	ML13052A653	02/14/2013	2013/02/14 Fermi COL - FW: Fermi 3 - Open Items Public Meeting Summary - Memo To File
40-13	ML13052A657	02/15/2013	2013/02/15 Fermi COL - Fw: Courtesy copy of COLA Rev 5 transmittal letter
40-14	ML13010A146	02/15/2013	Fermi Nuclear Power Plant, Unit 3 Combined License Application Review Schedule.
40-15	ML13052A659	02/19/2013	2013/02/19 Fermi COL - FERMI NUCLEAR POWER PLANT, UNIT 3 COMBINED LICENSE APPLICATION REVIEW SCHEDULE
40-16	ML13051A657	02/19/2013	Fermi 3, DTE Electric Company Supplemental Response to NRC Request for Additional Information Letter No. 78.
40-17	ML13052A792	02/21/2013	2013/02/21 Fermi COL - Audit Documents

40-18	ML13052A648	02/21/2013	2013/02/21 Fermi COL - FW: Fermi 3 - Open Items Public Meeting Summary - Memo To File
40-19	ML13052A650	02/21/2013	2013/02/21 Fermi COL - FW: Fermi 3 Open Items Mtg 2-14-13 Request for Phone # and Code #
40-20	ML13052A662	02/21/2013	2013/02/21 Fermi COL - FW: FERMI NUCLEAR POWER PLANT, UNIT 3 COMBINED LICENSE APPLICATION REVIEW SCHEDULE
40-21	ML13052A661	02/21/2013	2013/02/21 Fermi COL - FW: I wish to attend today's 1:00pm-2:30pm teleconference
40-22	ML13052A660	02/21/2013	2013/02/21 Fermi COL - FW: Request for phone # and code# for Fermi 3 Open Items mtg February 21, 2013
40-23	ML13052A651	02/21/2013	2013/02/21 Fermi COL - Open items call participants
40-24	ML13052A409	02/21/2013	2013/02/21 Fermi COL - Request for Phone # & Code # for Fermi 3 Open Items Mtg 1/31/13

March 1, 2013

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 TEKIA GOVAN CONCERNING  
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Tekia Govan, do hereby state as follows:

1. I am employed as a Project Manager in the Licensing Branch 3 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 February 21, 2012.

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)**

Tekia Govan  
Project Manager, Licensing Branch 3  
Division of New Reactor Licensing  
U.S. Nuclear Regulatory Commission  
Mail Stop T6-D38M  
Washington, DC 20555-0001  
(301) 415-6197  
Tekia.Govan@nrc.gov

Executed in Rockville, MD  
this 1st day of March, 2013

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 March 1, 2013, 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 Tekia Govan, have been served upon the following persons by Electronic Information Exchange and electronic mail this 1st day of March, 2013:

Ronald M. Spritzer, Chair	Office of Commission Appellate
Administrative Judge	Adjudication
Atomic Safety and Licensing Board Panel	Mail Stop O-16C1
Mail Stop: T-3F23	U.S. Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission	Washington, DC 20555-0001
Washington, DC 20555-0001	E-mail: OCAAmail@nrc.gov
E-mail: Ronald.Spritzer@nrc.gov	

Anthony J. Baratta	Office of the Secretary
Administrative Judge	ATTN: Docketing and Service
Atomic Safety and Licensing Board Panel	Mail Stop: O-16C1
Mail Stop: T-3F23	U.S. Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission	Washington, DC 20555-0001
Washington, DC 20555-0001	E-mail: HEARINGDOCKET@nrc.gov
E-mail: Anthony.Baratta@nrc.gov	

Randall J. Charbeneau	Bruce R. Matters
Administrative Judge	Detroit Edison Company
Atomic Safety and Licensing Board Panel	One Energy Plaza, 688 WCB
Mail Stop: T-3F23	Detroit, Michigan 48226
U.S. Nuclear Regulatory Commission	E-mail: matersb@dteenergy.com
Washington, DC 20555-0001	
E-mail: Randall.Charbeneau@nrc.gov	

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

Dated at Rockville, Maryland  
This 1st day of March, 2013