

July 17, 2013

Mr. Peter W. Smith, Director
Nuclear Development
Licensing and Engineering
337 WCB
DTE Energy
One Energy Plaza
Detroit, MI 48226-1221

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 88 RELATED TO
CHAPTER 01 FOR THE FERMI 3 COMBINED LICENSE APPLICATION

Dear Mr. Smith:

By letter dated September 18, 2008, Detroit Edison Company (Detroit Edison¹) submitted for approval a combined license application pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52. The U.S. Nuclear Regulatory Commission (NRC) staff is performing a detailed review of this application to enable the staff to reach a conclusion on the safety of the proposed application.

The NRC staff has identified that additional information is needed to continue portions of the review. The staff's request for additional information (RAI) is contained in the enclosure to this letter. In order to minimize delays to the current licensing schedule, we request that you respond within 30-days of receipt of this RAI.

If changes are needed to the safety analysis report, the staff requests that the RAI response include the proposed wording changes. If you have any questions or comments concerning this matter, I can be reached at 301-415-3104 or by e-mail at michael.eudy@nrc.gov.

Sincerely,

/RA/

Michael Eudy, Project Manager
Licensing Branch 3
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 052-033

eRAI Tracking No.: 7180

Enclosure: Request for Additional Information

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).

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NAME	MEudy	AMuniz	SGreen**	MEudy
DATE	6/28/13	7/8/13	7/17/13	7/17/13

***Approval captured electronically in the electronic RAI system. **via e-mail**

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Request for Additional Information

Application Title: Fermi Unit 3 – Docket Number 52-033
Operating Company: Detroit Edison
Review Section: 01.05 – Other Regulatory Considerations

QUESTIONS

01.05-08

In your February 1, 2012 supplemental RAI response to RAI 01-7, you specified that the Special Nuclear Material (SNM) in the form of reactor fuel for Fermi 3 is Category III, SNM of low strategic significance, as defined by 10 CFR 70.4 and will not exceed U-235 isotope enrichment of 10 percent as described in ESBWR DCD reference 4.3-10 that is incorporated by reference. In accordance with 10 CFR 70.22(k), the staff is requesting that the applicant provide the following additional information:

Per the requirements of 10 CFR 73.67(f), please describe and specify the details (e.g., descriptions of engineered controls, administrative controls and management systems) on how the fixed site physical protection requirements for strategic special nuclear material of low strategic significance (i.e., fresh low-enriched uranium fuel) will be met. Please provide the necessary revisions to your application accordingly.

01.05-09

With respect to Revision 5 of the Fermi COL application, the staff notes that item 15 in Table 13.4-201 of the FSAR contains the following Security Program entry, "(portions applicable to radioactive material)". The information provided for this entry appears to infer that 10 CFR 73.55 requirements will be implemented and subsequently those for 10 CFR 73.1(a) prior to on-site receipt of strategic SNM of low strategic significant (i.e., fresh low-enriched uranium fuel.) In accordance with 10 CFR 70.22(k), the staff is requesting that the applicant provide the following additional information before a determination can be made on the approval request:

Please clarify how the fixed site physical protection requirements for fresh fuel will be addressed through the implementation of 10 CFR 73.55 requirements and which of the 10 CFR 73.55 requirements will be implemented prior to receipt of fresh fuel within the Fermi 3 protected area. In addition, with respect to the entry "(portions applicable to radioactive material)" please clarify the reference to FSAR Section 13.6 and describe the meaning of the milestone you have listed for this entry. Please provide the necessary revisions to your application accordingly.

Enclosure