

August 1, 2014

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:

The Staff herein provides notification of the completion of its document disclosure obligations in this proceeding, notification that the Advanced Safety Evaluation Report (SER) Without Open Items is now complete, and a revised Fermi 3 schedule letter dated July 29, 2014.

Pursuant to the Board's Order dated September 11, 2009, and 10 C.F.R. § 2.336(d), the Staff has filed Hearing File updates for the duration of the contested proceeding on admitted contentions. 10 C.F.R. § 2.336(d) states that the disclosure obligation ceases "when the presiding officer issues a decision resolving the contention" absent other instruction from the presiding officer or the Commission.

The Board issued its Partial Initial Decision on the two admitted contentions on May 23, 2014, and formal disclosure obligations ended on that date. The Staff filed its Hearing File update on June 1, 2014, to include documents produced before that date. The Staff has also filed document disclosure updates on July 1, 2014, and today, as a courtesy to ensure that all chapters and sections of the Advanced SER Without Open Items were declared to the other parties.

The enclosed Hearing File Index includes the final sections of the Advanced SER Without Open Items. 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, consistent with 10 C.F.R. § 2.336(c), is the Affidavit of Adrian Muñiz.

Because the Board has ruled on the merits of all admitted contentions, the FEIS has been issued, and the Advanced Safety Evaluation Report (SER) Without Open Items is now complete, the Staff is providing notice that, as provided by 10 C.F.R. § 2.336(d), it will discontinue its Hearing File updates. Should any new contentions be admitted, thereby triggering further disclosure obligations, Staff would resume those disclosures.

In addition, the Staff has attached a revised schedule letter dated July 29, 2014, that has been sent to the Applicant. The new projected completion date for the Final SER is January 2015.

Respectfully submitted,

/signed (electronically) by/
Marcia Carpentier
Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index
Affidavit of Adrian Muñiz
Revised Schedule Letter

Attachment 1**Fermi COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 57 – August 1, 2014**

	Accession Number	Document Date	Title / Description
57-1	ML14202A620	07/02/2014	2014/07/02 Fermi COL - ***REVISION*** ACRS Meeting Attendees
57-2	ML14202A619	07/02/2014	2014/07/02 Fermi COL - DTE Electric Chapter 1 ACRS Presentation
57-3	ML14202A616	07/02/2014	2014/07/02 Fermi COL - DTE Electric Section 3.9 ACRS Presentation
57-4	ML14202A617	07/02/2014	2014/07/02 Fermi COL - DTE Electric Section 8.2 ACRS Presentation
57-5	ML14202A624	07/02/2014	2014/07/02 Fermi COL - DTE Response to RAI Letter 90 (NRC3-14-0007)
57-6	ML14202A618	07/02/2014	2014/07/02 Fermi COL - Fw: ACRS Meeting Attendees
57-7	ML14202A621	07/02/2014	2014/07/02 Fermi COL - FW: SER 3.7/3.8 Proprietary Review
57-8	ML14202A623	07/02/2014	2014/07/02 Fermi COL - Re: DTE Electric Chapter 20 ACRS Presentation
57-9	ML14202A625	07/08/2014	2014/07/08 Fermi COL - NRC ACRS presentation presented by the staff at the 7/7 meeting - Chapter 20
57-10	ML14202A626	07/17/2014	2014/07/17 Fermi COL - RE: Fermi 3 Open Items Meeting Request for Phone and Code
57-11	ML14162A375	06/18/2014	Fermi 3 Combined License Application - Advanced Final Safety Evaluation With No Open Items For Sections 3.7 and 3.8 "Seismic Design And Seismic Category 1 Structures".
57-12	ML14202A440	07/22/2014	Fermi 3, Combined License Application - Advanced Final Safety Evaluation With No Open Items For Sections 2.5 Geology Seismology and Geotechnical Engineering.
57-13	ML14184B292	07/02/2014	Fermi 3, DTE Electric Company Response to NRC Request for Additional Information Letter Number 90.
57-14	ML14203A353	07/22/2014	Letter, Fermi 3 Combined License Application, Advanced final Safety Evaluation With No Open Items For Section 2.5, "Geology, Seismology, and Geotechnical Engineering."
57-15	ML14202A049	07/22/2014	Memo - Fermi, Combined License Application - Advanced Final Safety Evaluation With No Open Items For Sections 2.5 Geology, Seismology, And Geotechnical Engineering.

August 1, 2014

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 ADRIAN MUÑIZ CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Adrian Muñiz, 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 as a 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 consistent with 10 C.F.R. § 2.336(d) in the captioned proceeding have been disclosed and that the disclosures are accurate and complete as of July 22, 2014.
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)

Adrian Muñiz
Project Manager, Licensing Branch 3
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T6-D42
Washington, DC 20555-0001
(301) 415-4093
Adrian.Muniz@nrc.gov

Executed in Rockville, MD
this 1st day of August, 2014

July 29, 2014

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, (Agencywide Documents Access and Management System (ADAMS) Accession Number ML082730763), 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.

By letter dated June 6, 2013, the NRC staff communicated to you the need to delay your review schedule due the impact of budget constraints on the licensing activities associated with combined license and early site permit applications. This schedule reflected a projected completion date of December 2014, for Phase 2, "Advanced Final Safety Evaluation Report without open items". However, as a result of our ability to resolve the remaining technical issues, we completed Phase 2 in July 2014. Therefore, we are providing this update to your review schedule.

The new milestones for the four phases of the COLA safety review are provided in the enclosure to this letter. The completed milestones for the three phases of the environmental review are provided as well for your convenience. 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 by September 30, 2014, in order for the staff to be able to issue the Final Safety Evaluation Report in accordance with the enclosed schedule.

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).

P. Smith

- 2 -

Should you have any questions, please contact Mr. Adrian Muñoz, Lead Project Manager at 301-415-4093 or via e-mail address at Adrian.Muniz@nrc.gov.

Sincerely,

/RA/

Frank M. Akstulewicz, Director
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 52-033

Enclosure:
As stated

cc: See next page

P. Smith

- 2 -

Should you have any questions, please contact Mr. Adrian Muñiz, Lead Project Manager at 301-415-4093 or via e-mail address at Adrian.Muniz@nrc.gov.

Sincerely,

/RA/

Frank M. Akstulewicz, Director
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 52-033

Enclosure:
As stated

cc: See next page

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NRO-002

***via email**

OFFICE	PM:DNRL/LB3	PM:DNRL/LB3	LA:DNRL/LB3
NAME	LWilkins	AMuñiz*	SGreen*
DATE	7/17/14	7/21/14	7/17/14
OFFICE	PM:DNRL/EPB*	BC:DNRL/EPB*	BC:DNRL/LB3
NAME	MSutton	JDixon-Herrity	RJenkins
DATE	7/22/14	7/22/14	7/22/14
OFFICE	D:NRO/DNRL	D:NRO/DNRL	
NAME	MDelligatti	FAkstulewicz	
DATE	7/23/14	7/29/14	

OFFICIAL RECORD COPY

DTE Electric Company - Mailing List

(Revised 07/17/2014)

cc:

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6450 North Dixie Highway
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Supervisor-Electric Operators
Michigan Public Service Commission
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Lansing, MI 48909

Wayne County Department of Homeland
Security & Emergency Management
10250 Middlebelt Road
Detroit, MI 48242

Michigan Department of Environmental Quality
Resource Management Division
Radiological Protection Section
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Mr. Peter W. Smith
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DTE Electric Company - Mailing List

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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	08/20/2010 - A	08/20/2010 - A
Phase 2 – Advanced Final Safety Evaluation Report (SER) without Open Items	December 2014 - T	July 2014 - A
Phase 3 – Advisory Committee on Reactor Safeguards (ACRS) Review of SER without Open Items	April 2015 - T	October 2014 - T
Phase 4 – Final SER	July 2015 - T	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

Enclosure

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 the NRC Staff letter dated August 1, 2014, providing notice of the availability of an update to the hearing file made consistent with 10 C.F.R. § 2.336(d), with attachments, together with the affidavit of Adrian Muñiz, has been filed through the E-Filing system this 1st day of August, 2014.

/Signed (electronically) by/

Marcia Carpentier
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
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Marcia.Carpentier@nrc.gov

Dated at Rockville, Maryland
This 1st day of August, 2014