

September 1, 2011

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

Michael F. Kennedy  
Administrative Judge  
Atomic Safety and Licensing Board  
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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 Adrian Muniz.

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 herein produces a log of the documents withheld as containing proprietary information. 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  
Attachment 2: Privilege Log  
Affidavit of Adrian Muniz

**Attachment 1****Fermi COL Hearing File and Mandatory Disclosures  
Hearing File Index  
Update 22 – September 1, 2011**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
22-1	ML 112160651	06/26/2000	Attachment H: State of Washington Dept. of Ecology re: Request for Water Quality Certification Application for Subsequent License Cedar Creek Project, FERC Project No. 2103-A Cominco American Incorporated.
22-2	ML 112160648	12/26/2001	Attachment F: Montana Dept. of Environmental Quality re: 199370003 Rock Creek Project-Sterling.
22-3	ML 112160649	04/12/2004	Attachment G: Texas Commission on Environmental Quality- State Water Quality Certification of Section 404 Permits.
22-4	ML 112351010	02/28/2005	U.S. Environmental Protection Agency 2005. Emission Facts: Greenhouse Gas Emissions from a Typical Passenger Vehicle.
22-5	ML 11234A315	01/23/2007	EPA Envirofacts for Recycle Aggregates.
22-6	ML 112160640	04/01/2010	Attachment D: Alaska, "ADEC Process for Issuing a 401 Waiver of Corps 404 Permits, Dated April 1, 2010.
22-7	ML 112160635	04/30/2010	Attachment A: EPA Guidance, "Clean Water Act Section 401 Water Quality Certification: A water Quality Protection Tool For States and Tribes".
22-8	ML 112160644	09/28/2010	Attachment E: Minnesota, "Clean Water Act Section 401 Water Quality Certifications" .
22-9	ML 112160628	12/09/2010	Attachment 3: California Coastal Commission Frequently Asked Questions about the Federal Consistency Program.
22-10	ML 112160614	12/14/2010	Coastal Zone Management Act Certification Cover Letter.
22-11	ML 112160621	12/14/2010	Attachment 1: EDF v. Alexander.
22-12	ML 112160625	12/14/2010	Attachment 2: Olmstead v. EPA.
22-13	ML 112160634	12/14/2010	Letter re: Request for Alternative Approach to Clean Water Act Section 401 Certification.
22-14	ML 112160631	12/31/2010	Attachment 4: Tacoma v. FERC.
22-15	ML 112160637	12/31/2010	Attachment B: EDF v. Alexander.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
22-16	ML112160657	12/31/2010	Attachment I: Pud No 1 v. WDOE.
22-17	ML112160659	12/31/2010	Attachment J: FOE v. Navy.
22-18	ML11234A314	02/11/2011	EPA Envirofacts for Stoneco Newport.
22-19	ML11234A316	02/11/2011	EPA Envirofacts for Stoneco Inc. Denniston Quarry.
22-20	ML112351063	04/01/2011	U.S. Environmental Protection Agency 2011. Great Lakes Restoration Initiative.
22-21	ML112351013	04/15/2011	U.S. Environmental Protection Agency 2011. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2009.
22-22	ML11210A591	07/01/2011	2011/07/01 Fermi COL - Fermi 1 and HAER Documentation
22-23	ML11210A054	07/07/2011	2011/07/07 Fermi COL - FW: Submerged Site Sensitivity Study APE
22-24	ML11210A070	07/07/2011	2011/07/07 Fermi COL - FW: USACE CAA Guidance (UNCLASSIFIED)
22-25	ML11210A118	07/07/2011	2011/07/07 Fermi COL - FW: Fermi 3 Section 106 ltr. - Response from SHPO
22-26	ML11210A123	07/07/2011	2011/07/07 Fermi COL - FW: Fermi 3 Section 106 ltr. - Response from SHPO
22-7	ML11210A125	07/07/2011	2011/07/07 Fermi COL - FW: Fermi 3 Section 106 ltr. - Response from SHPO
22-28	ML11209D619	07/19/2011	2011/07/19 Fermi COL - Fermi 3 Conference Calls--Environmental Review--DEIS
22-29	ML11214A113	07/22/2011	ST-56834/N-P, Revision 3, "Economically Simplified Boiling Water Reactor, Steam Turbine - Low Pressure Rotor Missile Generation Probability Analysis."
22-30	ML11231A640	07/25/2011	2011/07/25 Fermi COL - (DRAFT) FERMI Chp 10 Rotor Audit Plan
22-31	ML11231A638	07/26/2011	2011/07/26 Fermi COL - FW: (DRAFT) FERMI Chp 10 Rotor Audit Plan
22-32	ML11231A639	07/26/2011	2011/07/26 Fermi COL - FW: (DRAFT) FERMI Chp 10 Rotor Audit Plan
22-33	ML112030375	07/27/2011	07/21/2011- Summary of Category I Meeting with Detroit Edison Regarding the Fermi 3 Soil-Structure Interaction (SSI) Analysis.
22-34	ML112070166	07/27/2011	Request for Additional Information Letter No. 63 Related To SRP Chapter 19 for the Fermi 3 COL Application.
22-35	ML112081355	07/27/2011	Fermi 3, Request for Additional Information Letter No. 64 Relating to Fermi 3 COL Application.
22-36	ML11234A317	07/27/2011	EPA Envirofacts for Rockwood Quarry.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
22-37	ML11214A112	07/29/2011	Fermi 3, Detroit Edison Company Supplemental Response to NRC Request for Additional Information Letter No. 53.
22-38	ML11215A102	08/01/2011	Fermi 3, Detroit Edison Company Supplemental Responses to NRC Request for Additional Information Letter Nos. 18, 42, and 57.
22-39	ML11231A012	08/01/2011	2011/08/01 Fermi COL - FW: Fermi- Courtesy Copy of Open Item Letter #1 (supplement response to Chapters 11 and 12 concerns)
22-40	ML112140062	08/02/2011	Request for Additional Information Letter No. 65 Related to Section 1.0 for the Fermi 3 COL Application.
22-41	ML11231A011	08/02/2011	2011/08/02 Fermi COL - Final 8/3/11 Turbine Rotor Audit Plan
22-42	ML11231A636	08/02/2011	2011/08/02 Fermi COL - Fermi OI Public Call Agenda
22-43	ML11221A075	08/05/2011	Fermi, Unit 3, Supplemental Response to NRC Request for Additional Information Letter No. 58.
22-44	ML11231A629	08/08/2011	2011/08/08 Fermi COL - Fermi 3 Conference Call
22-45	ML11231A009	08/09/2011	2011/08/09 Fermi COL - FW: Fermi Figure 11.4-1R update
22-46	ML112200426	08/10/2011	08/04/2011- Summary of Public Conference Call with Detroit Edison Regarding COL Open Items For Fermi 3.
22-47	ML11231A627	08/10/2011	2011/08/10 Fermi COL - Agenda for Fermi 3 Open Items Conference Call on 8-11-2011
22-48	ML112231667	08/11/2011	06/27/2011 Meeting Notes of Conference Call for the Fermi 3 COL Environmental Review.
22-49	ML11228A127	08/12/2011	Fermi 3, Detroit Edison Company Response to NRC Request for Additional Information Letter No. 64.
22-50	ML112231346	08/15/2011	Fermi 3, Combined License Application - Advanced Final Safety Evaluation For Chapter 16, "Technical Specifications".
22-51	ML11229A165	08/15/2011	Fermi 3, Detroit Edison Company Response to NRC Request for Additional Information Letter No. 65.
22-52	ML112240297	08/16/2011	Applicant Letter - Fermi 3 Combined License Application - Advanced Final Safety Evaluation for Chapter 16, "Technical Specifications".
22-53	ML11229A767	08/16/2011	Fermi, Unit 3, Response to NRC Request for Additional Information Letter No. 63 Concerning Loss of Large Areas of the Plant due to Explosions or Fire.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
22-54	ML112280346	08/17/2011	Letter re: Fermi, Unit 3 - Combined License Application - Advanced Final Safety Evaluation For Chapter 6 - "Engineered Safety Features".
22-55	ML112270437	08/18/2011	Fermi 3 Combined License Application Pressure-Temperature Limits Report Review Process.
22-56	ML112280314	08/18/2011	Memorandum to ACRS: Fermi Unit 3, Combined License Application - Advanced Final Safety Evaluation For Chapter 6, "Engineered Safety Features."
22-57	ML112300887	08/18/2011	EPA Water Discharge Permit System Report for Detroit Edison Monroe Power Plant.
22-58	ML112300900	08/18/2011	EPA Water Discharge Permit System Report for FirstEnergy Generation Corporation Bay Shore Plant.
22-59	ML112300907	08/18/2011	EPA Water Discharge Permit System Report for Stoneco Inc.
22-60	ML112300948	08/18/2011	EPA Water Discharge Permit System Report for Sibley Limestone.
22-61	ML112300984	08/18/2011	EPA Water Discharge Permit System Report for Berlin Township Wastewater Treatment Plant.
22-62	ML112301039	08/18/2011	EPA Water Discharge Permit System Report for Monroe Metro Wastewater Facility.
22-63	ML112301055	08/18/2011	EPA Water Discharge Permit System Report for Carleton Wastewater Treatment Plant.
22-64	ML112301079	08/18/2011	EPA Water Discharge Permit System Report for Guardian Industries.
22-65	ML112301090	08/18/2011	EPA Water Discharge Permit System Report for Luna Pier Wastewater Treatment Plant.
22-66	ML112301103	08/18/2011	EPA Water Discharge Permit System Report for Rawsonville Woods Mobile Estates.
22-67	ML112301070	08/19/2011	EPA Water Discharge Permit System Report for Lazy Oak Sub Wastewater Treatment Plant.
22-68	ML112061277	08/22/2011	Request for Review of Supplemental Information re Section 106 Process for Fermi Nuclear Power Plant, Unit 3 Combined License Application Review SHPO #ER06-683.
22-69	ML112061314	08/22/2011	Enclosure: List of Fermi 1 Demolition Potentially Interested Parties.
22-70	ML112290622	08/22/2011	09/01/2011-Notice of Forthcoming Conference Call to Discuss Open Items and Outstanding RAI Responses Relating to the Detroit Edison COL For Fermi Unit 3.
22-71	ML112290661	08/22/2011	09/08/2011-Notice of Forthcoming Conference Call to Discuss Open Items and Outstanding RAI Responses Relating to the Detroit Edison COL Application For Fermi 3.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
22-72	ML 112290702	08/22/2011	09/15/2011-Notice of Forthcoming Conference Call to Discuss Open Items and Outstanding RAI Responses Relating to the Detroit Edison COL Application For Fermi 3.
22-73	ML 112290717	08/22/2011	09/29/2011-Notice of Forthcoming Conference Call to Discuss Open Items and Outstanding RAI Responses Relating to the Detroit Edison COL Application For Fermi 3.
22-74	ML 112301694	08/23/2011	08/18/2011-Summary of Public Conference Call With Detroit Edison Regarding COL Open Items for Fermi 3.
22-75	ML 112351057	08/23/2011	U.S. Environmental Protection Agency 2010. The Green Book Nonattainment Areas for Criteria Pollutants.
22-76	ML 112351061	08/23/2011	U.S. Environmental Protection Agency 2010. AirData: Generating Reports and Maps.

**Attachment 2****Fermi COL Hearing File and Mandatory Disclosures  
Privilege Log – Proprietary Information  
Update 22 – September 1, 2011**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain trade secrets, privileged or confidential commercial or financial information subject to withholding from public disclosure pursuant to 10 C.F.R. § 2.390. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, designated “proprietary,” and subject to protected status under Section 2.390.

	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/Description</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Pages</b>
22-1	ML11214A115	General Electric Co	ST-56834/P, Revision 3, "Economically Simplified Boiling Water Reactor Steam Turbine - Low Pressure Rotor Missile Generation Probability Analysis."	07/22/2011	Report, Technical	NRC/NRO	Proprietary Information	60
22-2	ML11214A114	Detroit Edison, Co DTE Energy	Fermi 3, Attachment 6 to NRC3-11-0028, Supplemental Response to RAI Letter No. 53 (Questions No. 10.02.03-12 through -16. [Non-Public Version]	07/29/2011	Report, Technical	NRC/NRO	Proprietary Information	20

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
22-3	ML112030843	Muniz A, NRC/NRO/DN RL/BWR	Fermi, Unit 3 FSER Chapter 16 - "Technical Specifications" .	08/15/2011	NRO Safety Evaluation Report (SER)- Delayed	Detroit Edison	Proprietary Information	19
22-4	ML112280318	Matthews D B, NRC/NRO/DN RL	Fermi Unit 3 SER - Chapter 6 - Engineered Safety Features.	08/17/2011	NRO Safety Evaluation Report (SER)- Delayed	Detroit Edison	Proprietary Information	16



September 1, 2011

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 Muñoz, do hereby state as follows:

1. I am employed as a Project Manager in the ESBWR/ABWR Projects Branch 2 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 August 22nd, 2010.

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 Muñoz  
Project Manager, ESBWR/ABWR  
Projects Branch 2  
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U.S. Nuclear Regulatory Commission  
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Executed in Rockville, MD  
this 1st day of September, 2011

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 September 1, 2011, 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 Adrian Muniz, have been served upon the following persons by Electronic Information Exchange and electronic mail this 1st day of September, 2011:

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**/Signed (electronically) by/**

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Dated at Rockville, Maryland  
this 1st day of September, 2011