

April 24, 2014

Mr. Peter W. Smith, Director
Nuclear Development
Licensing and Engineering
337 WCB
DTE Electric Company¹
One Energy Plaza
Detroit, MI 48226-1221

SUBJECT: WITHDRAWAL OF "REQUEST FOR ADDITIONAL INFORMATION LETTER
NUMBER 89 RELATED TO CHAPTER 13 FOR THE FERMI 3 COMBINED LICENSE
APPLICATION"

Dear Mr. Smith:

By letter dated September 18, 2008, DTE Electric Company (Detroit Edison¹) submitted for approval a combined license (COL) application pursuant to Part 52 of Title 10 of the *Code of Federal Regulations* (CFR). By letter dated January 16, 2014, the U.S. Nuclear Regulatory Commission (NRC) issued Request for Information (RAI) letter number 89 for the Fermi 3 COL application. RAI 89 requested the applicant to provide descriptions in the Final Safety Analysis Report (FSAR), (e.g. Chapter 13), to address how the applicant, prior to taking possession of an aggregated Category 1 or Category 2 quantity of radioactive material, will implement the requirements of 10 CFR Part 37, by establishing, implementing, and maintaining a security program for Fermi 3. By letter dated February 12, 2014, DTE Electric Company provided a response to RAI 89.

The regulations of 10 CFR Part 37 do not require COL applicants to address 10 CFR Part 37 in the COL applications. After licensing, a COL licensee becomes subject to the requirements of this regulation upon taking possession of an aggregated Category 1 or Category 2 quantity of radioactive material.

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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P. Smith

Based on the above, the NRC is withdrawing RAI 89. If you have any questions or comments concerning this matter, please contact me at 301-415- 4093 or via e-mail at adrian.muniz@nrc.gov .

Sincerely,

/RA/

Adrian Muñoz, Lead Project Manager
Licensing Branch 3
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 052-033

eRAI Tracking No.: 7360

P. Smith

Based on the above, the NRC is withdrawing RAI 89. If you have any questions or comments concerning this matter, please contact me at 301-415-4093 or via e-mail at adrian.muniz@nrc.gov.

Sincerely,
/RA/

Adrian Muñiz, Lead Project Manager
Licensing Branch 3
Division of New Reactor Licensing
Office of New Reactors

Docket No.: 052-033

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NRO-002

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NAME	MWright	AMuñiz (signature)	RJenkins	
DATE	4/24/14	4/24/14	4/24/14	

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

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