

January 3, 2012

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
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, 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 Jerry Hale.

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). 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 Jerry Hale

Attachment 1**Fermi COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 26 – January 3, 2012**

	Accession Number	Document Date	Title
26-1	ML11336A064	11/17/2011	NOAA Fermi 3 DEIS Response-Nov 17 2011
26-2	ML11339A090	11/23/2011	Comment (2) Comment e-mail regarding Fermi 3-Draft EIS
26-3	ML112780207	11/28/2011	Letter to Interested Parties Requesting Comments on Resolving Adverse effects of Demolishing the Fermi 1 Historic Property Pursuant to Section 106 of NHPA
26-4	ML113330799	12/01/2011	Notice of Forthcoming Conference Call to Discuss Open Items and Outstanding RAI Responses Relating to Detroit Edison (DTE) COL Application for Fermi Unit 3
26-5	ML11336A067	12/02/2011	Comment on Fermi 3 DEIS - James Gill
26-6	ML11332A158	12/05/2011	Notice of Meeting with Government Agencies to Discuss the Fermi 3 Site Layout and Conceptual Aquatic Resource (Wetland) Mitigation Plan
26-7	ML11342A185	12/06/2011	Comment (3) Comment e-mail regarding Fermi 3-Draft EIS
26-8	ML113390185	12/06/2011	Memo - Federal Register Notice of Availability of Errata Sheet for the Draft Environmental Impact Statement Related To the Combined License for Unit 3 at the Enrico Fermi Atomic Power Plant Site
26-9	ML113390192	12/07/2011	Detroit Edison Company Notice of Availability of Errata Sheet for the Draft Environmental Impact Statement for a Combined License for Unit 3 at the Enrico Fermi Atomic Power Plant Site

	Accession Number	Document Date	Title
26-10	ML11343A014	12/07/2011	Detroit Edison Company - Response to NRC Request for Additional Information Letter No. 69
26-11	ML11342A191	12/08/2011	Comment (4) Comment e-mail regarding Fermi 3-Draft EIS
26-12	ML11354A090	12/11/2011	Comment (7) Comment e-mail regarding Fermi 3-Draft EIS
26-13	ML11356A200	12/13/2011	Fermi COL - FW: Slides for 12/13/2011 DTE Meeting
26-14	ML11350A200	12/14/2011	Fermi 3, Detroit Edison Company Response to NRC Request for Additional Information Letter No. 68 Related to Section 10.4.7
26-15	ML11354A088	12/14/2011	Fermi 3, Detroit Edison Company Response to NRC Request for Additional Information Letter No. 68 Related to Section 10.4.7
26-16	ML11354A086	12/16/2011	Comment (5) Comment e-mail regarding Fermi 3-Draft EIS

January 3, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
DETROIT EDISON CO.) Docket No. 52-033-COL
)
(Fermi Nuclear Power Plant, Unit 3))

AFFIDAVIT OF JERRY HALE CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Jerry Hale, do hereby state as follows:

1. I am employed as a Project Manager in the ESBWR/ABWR Projects Branch 1 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 December 22, 2011.

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)

Jerry Hale
Project Manager, ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D38M
Washington, DC 20555-0001
(301) 415-8148
Jerry.Hale@nrc.gov

Executed in Rockville, MD
this 3rd day of January, 2012

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 January 3, 2012, 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, have been served upon the following persons by Electronic Information Exchange and electronic mail this 3rd day of January, 2012:

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/Signed (electronically) by/
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Dated at Rockville, Maryland
this 3rd day of January, 2012