

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ronald M. Spritzer, Chairman
Michael F. Kennedy
Randall J. Charbeneau

In the Matter of

DETROIT EDISON COMPANY

(Fermi Nuclear Power Plant, Unit 3)

Docket No. 52-033-COL

ASLBP No. 09-880-05-COL-BD01

April 9, 2009

NOTICE and ORDER
(Regarding Oral Argument)

This is to notify the Petitioners, the Applicant, and the NRC Staff that the Board has scheduled oral argument on standing and contention admissibility issues presented with regard to the hearing request received in this proceeding¹ for Tuesday, May 5, 2009, beginning at 10:00 a.m. EDT. The argument will take place in Council Chambers at Monroe City Hall, 120 East First Street, Monroe, Michigan. The Board anticipates that argument will conclude no later than 4:00 p.m. EDT on May 5.

On or before Friday, May 1, 2009, the Petitioners, the Applicant, and the NRC Staff shall each provide the Board, by electronic email sent to the service list, with the names of their representatives at the oral argument. Only the representatives so designated will be permitted to present oral argument. The Petitioners, the Applicant, and the NRC Staff shall each be limited to one representative concerning each specific issue and contention that the Board will consider. However, they may designate different representatives to argue different issues and

¹ Petition of Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environmental Alliance of Southwestern Ontario, Don't Waste Michigan, Sierra Club, Keith Gunter, Edward McArdle, Henry Newman, Derek Coronado, Sandra Bihn, Harold L. Stokes, Michael J. Keegan, Richard Coronado, George Steinman, Marilyn R. Timmer, Leonard Mandeville, Frank Mantei, Marcee Meyers, and Shirley Steinman for Leave to Intervene in Combined Operating License Proceedings and Request for Adjudication Hearing (March 9, 2009).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE AND ORDER (REGARDING ORAL ARGUMENT) have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Detroit Edison Company
One Energy Plaza, 688 WCB
Detroit, Michigan 48226
Bruce R. Matters, Assistant General Counsel
E-mail:
matersb@dteenergy.com

Ronald M. Spritzer, Chair
Administrative Judge
E-mail: rms4@nrc.gov

Michael F. Kennedy
Administrative Judge
E-mail: mfk2@nrc.gov

Randall J. Charbeneau
Administrative Judge
E-mail: Randall.Charbeneau@nrc.gov

Johanna Thibault, Law Clerk
E-mail: jrt3@nrc.gov

Docket No. 52-033-COL
LB NOTICE AND ORDER (REGARDING ORAL ARGUMENT)

Winston & Strawn, LLP
1700 K Street, NW
Washington, DC 20006-3817
Counsel for the Applicant
David Repka, Esq.
Rachel Miras-Wilson, Esq.
Tyson R. Smith, Esq.
Emily J. Duncan, Esq.
Carlos L. Sisco, Senior Paralegal

E-mail:

drepka@winston.com
trsmith@winston.com
rwilson@winston.com
EJduncan@winston.com
CSisco@winston.com

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Kathryn L. Winsberg Esq.
Marcia Carpentier, Esq.
Marcia Simon, Esq.
Sara Brock Kirkwood, Esq.
Joseph Gilman, Paralegal
E-mail:

kathryn.winsberg@nrc.gov
marcia.carpentier@nrc.gov
mjs5@nrc.gov
seb2@nrc.gov
jsq1@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1122
Counsel for Progress Energy
Robert Haemer, Esq.
E-mail: robert.haemer@pillsburylaw.com

Beyond Nuclear
Reactor Oversight Project
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Paul Gunter, Director
E-mail: paul@beyondnuclear.org

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of April 2009