

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

August 12, 2009

ORDER

(Identifying Hearing Procedures and Scheduling Conference Call)

In accordance with 10 C.F.R. § 2.310, and in the absence of any request for a different hearing procedure, the Board has determined that Subpart L of 10 C.F.R. Part 2 will govern this proceeding.

In accordance with 10 C.F.R. § 2.332, the Board will hold a conference call on September 9, 2009, at 11 a.m. East Coast time for the purpose of developing a scheduling order to govern the remainder of this proceeding.

Prior to the conference call, the parties should confer to develop a proposed schedule.

The proposal should include suggested dates for:

- (i) the disclosures required by 10 C.F.R. § 2.336, and the supplementation of those disclosures;
- (ii) filing new or amended contentions in response to the Draft Environmental Impact Statement or as otherwise permitted by 10 C.F.R. 2.309(f)(2);
- (iii) filing motions for summary disposition;
- (iv) filing written direct testimony; and
- (v) any evidentiary hearing.

The parties should use as a starting point for discussion the model milestones in Appendix B to 10 C.F.R. Part 2 that apply to hearings conducted under Subpart L. The proposed schedule should also take into account the applicable requirements of 10 C.F.R. §§ 2.336 and 2.1203, and the objectives listed in 10 C.F.R. § 2.329(b). If the parties are able to agree upon a proposed schedule, it should be submitted to the Board no later than September 8, 2009, at 3 p.m. In the event that the parties are unable to agree, any party may file its own proposed schedule by the same date and time.

We also request that, before the conference call, the NRC Staff provide the Board and the parties with its best current estimate of the dates when the Draft Safety Evaluation Report and the Draft Environmental Impact Statement will be publicly available.

On or before 3 p.m. on September 8, 2009, a representative of each of the parties should contact Ms. Ashley H. Prange at (301) 415-0110 to obtain the telephone number and pass code for the prehearing conference call. Only the designated representatives of the parties may participate in the conference call. In the event that a participant desires to have the conference audited by a person or persons at a different location, upon request to Ms. Prange, a reasonable number of additional telephone lines will be made available for that purpose.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 12, 2009

*Copies of this memorandum were sent this date by the agency's E-Filing system to the counsel/representatives for (1) Applicant Detroit Edison Company; (2) Petitioners Beyond Nuclear et al.; and (3) NRC Staff.

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)	
(Combined License))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (IDENTIFYING HEARING PROCEDURES AND SCHEDULING CONFERENCE CALL) have been served upon the following persons by Electronic Information Exchange.

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Docket No. 52-033-COL
LB ORDER (IDENTIFYING HEARING PROCEDURES AND SCHEDULING
CONFERENCE CALL)

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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 12th day of August 2009