

# WINSTON & STRAWN LLP

1700 K Street, N.W., Washington, D.C. 20006-3817  
P: (202) 282-5000 F: (202) 282-5100

Electronic  
Letterhead

CHARLOTTE • CHICAGO • GENEVA • HONG KONG • LONDON • LOS ANGELES • MOSCOW • NEW YORK • NEWARK • PARIS • SAN FRANCISCO • WASHINGTON, D.C.

TYSON R. SMITH  
(415) 591-6874  
trsmith@winston.com

September 8, 2009

## **BY ELECTRONIC INFORMATION EXCHANGE**

Administrative Judge Ronald M. Spritzer  
Administrative Judge Michael F. Kennedy  
Administrative Judge Randall J. Charbeneau  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Two White Flint North  
11545 Rockville Pike  
Mail Stop: T-3F23  
Rockville, MD 20852

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

### **RE: Proposed Schedule for Fermi 3 COL Proceeding**

Dear Administrative Judges:

This letter addresses the remaining item identified by the Board in the Order (Identifying Hearing Procedures and Scheduling Conference Call), dated August 12, 2009, on which the parties were directed to confer. The parties have jointly agreed to agreed the schedule contained in Attachment 1 with one exception.

The Applicant and the NRC Staff propose that the deadline for new or amended contentions based on the Draft Environmental Impact Statement, Final Environmental Impact Statement, Advanced Safety Evaluation Report, or Safety Evaluation Report be 30 days after issuance of the NRC Staff document. The Intervenor will be notifying the Board of their proposed schedule for filing new or amended contentions in a separate submittal. Other than this one deadline, the parties are in agreement as to the timing of various filings for the proceeding.

Atomic Safety and Licensing Board Panel  
September 8, 2009  
Page 2

Sincerely,

/s/ signed electronically by

Tyson R. Smith

cc: EIE Service List

## Attachment 1: Proposed Schedule for Fermi 3 Proceeding

### Environmental Issues

- Applies to Contention 3 (LLW), Contention 6 (algae), and Contention 8 (snake).
- **DE** is the date on which the Draft Environmental Impact Statement becomes available (~ August 2010).
- **E** is the date on which the Environmental Impact Statement becomes available (~ August 2011).

<b>Schedule if no new/amended contentions are proposed based on DEIS/EIS.</b>		<b>Schedule if new/amended contentions are proposed based on DEIS/EIS.</b>	
		DE + 30	Deadline for new or amended contentions based on DEIS
		DE + 55	Deadline for responses to new or amended contentions
E + 30	Motions for Summary Disposition	E + 30	Motions for Summary Disposition
		E + 30	Deadline for new or amended contentions based on EIS
		E + 55	Deadline for responses to new or amended contentions
		E + 85 (based on Model Milestones)	Estimated ASLB Decision on Late-Filed Contentions
		Within 14 days of ASLB decision	Complete update to mandatory disclosures
		Within 30 days of ASLB decision	Motions for Summary Disposition on any new contentions
E + 70	Written Direct Testimony	70 days after ASLB decision	Written Direct Testimony
E + 85	Written Rebuttal Testimony	85 days after ASLB decision	Written Rebuttal Testimony
E + 115	Evidentiary Hearing	115 days after ASLB decision	Evidentiary Hearing

## Attachment 1: Proposed Schedule for Fermi 3 Proceeding

### Safety/Technical Issues

- Applies to Contention 5 (hydrology).
- **AS** is the date on which the Advanced Safety Evaluation Report w/o Open Items becomes available (~ May 2011).
- **S** is the date on which the Safety Evaluation Report becomes available (~ March 2012).

Schedule if no new/amended contentions are proposed based on ASER/SER.		Schedule if new/amended contentions are proposed based on ASER/SER.	
		AS + 30	Deadline for new or amended contentions based on Advanced SER
		AS+ 55	Deadline for responses to new or amended contentions
S + 30	Motions for Summary Disposition	S + 30	Motions for Summary Disposition
		S + 30	Deadline for new or amended contentions based on SER
		S + 55	Deadline for responses to new or amended contentions
		S + 85 (based on Model Milestones)	Estimated ASLB Decision on Late-Filed Contentions
		Within 14 days of ASLB decision	Complete update to mandatory disclosures
		Within 30 days of ASLB decision	Motions for Summary Disposition on any new contentions
S + 70	Written Direct Testimony	70 days after ASLB decision	Written Direct Testimony
S + 85	Written Rebuttal Testimony	85 days after ASLB decision	Written Rebuttal Testimony
S + 115	Evidentiary Hearing	115 days after ASLB decision	Evidentiary Hearing