

Law Office  
**TERRY JONATHAN LODGE**

316 N. Michigan Street, Suite 520  
Toledo, Ohio 43604-5627

Phone (419) 255-7552  
Fax (419) 255-8582  
lodgelaw@yahoo.com

September 8, 2009

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  
Via *EIE*

RE: In the Matter of THE DETROIT EDISON COMPANY  
(Fermi Nuclear Power Plant, Unit 3)  
Docket No. 52-033  
(Petitioners' position on proposed Schedule for Fermi 3 COL  
Proceeding)

Dear Administrative Judges:

As counsel for Intervenors, I have conferred with counsel for DTE and the NRC and indeed, our only differences on scheduling of this matter are as referenced by DTE's Tyson Smith in his letter of this date.

Instead of thirty (30) days, Intervenors 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 sixty (60) days after issuance of the NRC Staff document in each case. We make this request based upon our circumstances as intervenors, *viz.*, that our efforts involve the assistance and time availability of volunteers, that the documents which would be for review are lengthy and complex, and there might be corresponding need for, and delays in, obtaining expert advice to determine whether we might properly amend existing contentions or file new ones.

We further understand that intervenors in the pending Levy County COL litigation have been accorded 60 days, possibly for the same general reasons. It is our intention to make best efforts to live within the other timeline requirements proposed by DTE, which will be exacting in and of themselves; but in the interest of fairness, we request the 60-day periods instead of 30 days.

Thank you.

Very truly yours,

/s/ signed electronically  
by Terry J. Lodge

Terry J. Lodge  
Counsel for Intervenors