

May 17, 2010

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board**

In the Matter of: ) Docket No. 52-033  
The Detroit Edison Company )  
(Fermi Nuclear Power Plant, )  
Unit 3) )

**Intervening Petitioners' Motion for Enlargement  
of Time to Reply to DTE 'Motion for Summary Disposition'**

Now come the intervening Petitioners ("Petitioners") in this case, by and through counsel, and move the ASLB for an enlargement of time until June 1, 2010 by which time to respond to the pending "Motion for Summary Disposition" brought by the applicant, DTE, seeking dismissal of the low-level radioactive waste contention.

Counsel for Petitioners represents that he has been extremely busy with motion and briefing matters in three unrelated cases. Specifically, counsel must file a brief on the merits of an appeal in the Sixth U.S. Circuit Court of Appeals by Monday, May 17, 2010 in Weiss v. Salazar, Case No. 10-1313. Counsel faces a May 21, 2010 deadline to respond in opposition to a summary judgment motion in the U.S. District Court of Northern Ohio in Bennett v. J-F Enterprises, Case No. 3:08-cv-2636. He further is facing a May 17, 2010 filing deadline for a brief on the merits in Foreman v. Lucas County Court of Common Pleas, Case No. Case No. 10APEO-276 in Franklin County (Ohio) Court of Appeals.

Counsel represents that he has done some research and writing of a response to the DTE motion but is far from completion. He has been

unable to set up the needed time to meet and confer with several of the Petitioners to frame a meaningful response, including consideration of consent to a possible finding of dismissal.

Counsel for DTE and the NRC staff have expressed that they have no opposition to the Board's granting of this request.

This is Petitioners' first request for an enlargement. The nearest adjudicatory hearing is tentatively more than a year away. This motion is not being filed for purposes of delay.

**WHEREFORE,** Petitioners pray the ASLB grant them until June 1, 2010 by which time to reply to the pending "Motion for Summary Disposition."

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of "Petitioners' Motion for Enlargement of Time to Reply to DTE's 'Motion for Summary Disposition'" have been served on the following persons via Electronic Information Exchange this 17th day of May, 2010:

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