

October 8, 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) |) | |

**Intervenors' Motion for Enlargement of Time
to Respond in Opposition to 'Applicant's
Motion for Summary Disposition of Contention 6'**

Now come Intervenors Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environmental Alliance of Southwestern Ontario, Don't Waste Michigan, Sierra Club (Michigan Chapter), Keith Gunter, Edward McArdle, Henry Newnan, Derek Coronado, Sandra Bihn, Harold L. Stokes, Michael J. Keegan, Richard Coronado, George Steinman, Marilyn R. Timmer, Leonard Mandeville, Frank Mantel, Marcee Meyers, and Shirley Steinman (hereinafter "Intervenors"), by and through counsel, and move the Atomic Safety and Licensing Board (ASLB) for an enlargement of time, until October 27, 2010 by which time to respond in opposition to Applicant DTE's "Motion for Summary Disposition of Contention 6."

The original due date for a response from Intervenors was October 7, 2010.¹ Counsel for Intervenors represents that he has been heavily involved in preparing a reply brief in a complicated appeal pending in

¹Intervenors file this request a few hours past the midnight, October 7, 2010 deadline, owing to a snafu for which they apologize, but point out that they are tendering it prior to the regular NRC business day on October 8, 2010.

the Sixth U.S. Circuit Court of Appeals captioned as *Weiss v. Salazar*, Case No. 10-1313, wherein his clients must reply to three combined briefs totaling nearly 200 pages of facts and legal argument. That brief is due October 20 and has been in process since before DTE's filing. Moreover, counsel has other professional obligations.

Intervenors' counsel has consulted with counsel for DTE and counsel for the NRC Staff, and both counsel have stated that they have no objection to Intervenors' motion. Intervenors further point out that the adjudicatory phase of this litigation is literally a year or more from completion and submit that there will be no substantial prejudice to the timely conclusion of the COLA process by the granting of this motion.

WHEREFORE, Intervenors pray the ASLB grant them until October 27, 2010 by which time to respond in opposition to DTE's motion for summary disposition.

/s/ Terry J. Lodge
Terry J. Lodge, Esq.
316 N. Michigan St., Ste. 520
Toledo, OH 43604-5627
(419) 255-7552
Fax (419) 255-8582
Counsel for Petitioners

October 8, 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) |) | |

CERTIFICATE OF SERVICE

I hereby certify that copies of "Intervenors' Motion for Enlargement of Time to Respond in Opposition to 'Applicant's Motion for Summary Disposition of Contention 6'" have been served on the following persons via Electronic Information Exchange this 8th day of October, 2010:

Ronald M. Spritzer, Chair
Administrative Judge
Atomic Safety and Licensing
Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
E-mail: Ronald.Spritzer@nrc.gov

Office of Commission Appellate
Adjudication
Mail Stop O-16C1
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
E-mail: OCAAmal@nrc.gov

Michael F. Kennedy
Administrative Judge
Atomic Safety and Licensing
Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
E-mail: Michael.Kennedy@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: O-16C1
U.S. Nuclear Regulatory

Commission
Washington, DC 20555-0001
E-mail: HEARINGDOCKET@nrc.gov

Randall J. Charbeneau
Administrative Judge
Atomic Safety and Licensing
Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
E-mail:
Randall.Charbeneau@nrc.gov

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

David Repka, Esq.
Tyson R. Smith, Esq.
Counsel for the Applicant
Winston & Strawn, LLP
1700 K Street, NW
Washington, DC 20006-3817
E-mail: drepka@winston.com
trsmith@winston.com

Marcia Carpentier
Counsel for the NRC staff

U.S. Nuclear Regulatory
Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-4126
Marcia.Carpentier@nrc.gov

/s/ Terry J. Lodge
Terry J. Lodge (Ohio 0029271)
316 N. Michigan St., Ste. 520
Toledo, OH 43604-5627
(419) 255-7552
Fax (419) 255-8582
Tjllodge50@yahoo.com

Counsel for Petitioners