

February 23, 2011

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' Consent to Summary Disposition  
Of Contention 5

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 Mantei, Marcee Meyers, and Shirley Steinman (hereinafter "Intervenors"), by and through counsel, and represent to the Atomic Safety and Licensing Board (ASLB) that they have consulted a scientific expert and undertaken certain legal research and analysis respecting the basis for DTE, the Applicant's, "Motion for Summary Disposition of Contention 5." As a result of that process of scrutiny, Intervenors have concluded that it is not feasible to oppose said Motion, and hereby formally indicate their consent for the Board to grant the same.

/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

February 23, 2011

**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' Consent to Summary Disposition of Contention 5'" have been served on the following persons via Electronic Information Exchange this 23rd day of February, 2011:

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: OCAAmail@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: matersb@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  
Tjlodge50@yahoo.com  
Counsel for Petitioners