

May 4, 2012

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

* * * * *

**INTERVENORS’ MOTION FOR ENLARGEMENT
OF TIME TO RESPOND TO PENDING MOTIONS
FOR SUMMARY DISPOSITION**

Now come Intervenors Beyond Nuclear, *et al.*¹ (hereinafter “Intervenors”), by and through counsel, and move the Atomic Safety and Licensing Board to grant them a ten (10) day enlargement of time, from May 7 until May 17, 2012, by which time to respond in opposition to the two pending Motions for Summary Disposition brought by Detroit Edison Company.

Respectfully submitted,

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¹In addition to Beyond Nuclear, the Intervenors include: 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.

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MEMORANDUM

Pending before the ASLB are two motions for summary disposition, one for dismissal of Contention No. 15 relating to alleged quality assurance deficiencies, the other seeking dismissal of Contention No. 6, which alleges that a persistent algae problem in Lake Erie will be exacerbated by the planned operation of the proposed Fermi 3 plant.

Intervenors request an enlargement of the 20-day response period from May 7, 2012 until May 17, 2012 for reasons related to obtaining and coordinating arrangements for meaningful response to the two motions. Intervenors' expert witness on Contention No. 15, Arnie Gundersen, has been unavailable for consultation almost continuously since the filing of that motion, owing to his own recent fast-changing work schedule related to analysis and consultation following the Fukushima nuclear power accident. He has promised unimpeded availability to assist Intervenors beginning on May 8. Respecting the motion concerning the algae problem, Intervenors are amassing documentary evidence, including satellite maps, for their response, but the two volunteers, Michael Keegan and Kevin Kamps, who assist counsel on matters of substance, have been largely unavailable to fulfill this data compilation, owing to other obligations on their time since the April 17 filing of that motion.

Intervenors have not habitually requested extensions of time in this proceeding. They are at a logistical disadvantage presently, which they anticipate can be remedied by granting them the brief addition of ten days to their response window. Intervenors submit that the anticipated

closure of this licensing proceeding will not be materially affected if this request is granted, inasmuch as the selection of the point in time to file these two motions - much less, to file them simultaneously - was wholly within the discretion of DTE.

Intervenors solicited the consent of the opposing parties to this request, but when they did so, asked for twenty (20) days' additional time. Following reconsideration, they believe they will be able to respond in the shorter, ten-day, period contained in this request. DTE's counsel stated that DTE has no opinion on the request but reserves the right to oppose it, and the NRC staff has taken the same position.

Wherefore, Intervenors respectfully pray the ASLB grant them until May 17, 2012 to respond to the two motions for summary disposition.

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* * * * *

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "INTERVENORS' MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PENDING MOTIONS FOR SUMMARY DISPOSITION" have been served on the following persons via Electronic Information Exchange this 4th day of May, 2012:

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