

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ronald M. Spritzer, Chairman
Dr. Anthony J. Baratta
Dr. Randall J. Charbeneau

In the Matter of

DETROIT EDISON COMPANY

(Fermi Nuclear Power Plant, Unit 3)

Docket No. 52-033-COL

ASLBP No. 09-880-05-COL-BD01

May 29, 2013

ORDER

(Directing Intervenors to Publicly File their Request to
Allow Cross-Examination for Contention 8)

On May 15, 2013, counsel for Intervenors submitted, by e-mail to the Board's Chairman, a request to allow cross-examination and a proposed cross-examination plan for Contention 8. Because the email contained the proposed cross examination plan for Contention 8, the Board, on May 16, 2013, instructed Intervenors' counsel, by e-mail, to refile the request using the NRC's Electronic Information Exchange (EIE) system's "In-Camera Submission" feature. On May 23, 2013, Intervenors' counsel complied with the Board's instructions and refiled the request in camera.

On May 28, 2013, counsel for Applicant filed a notice with the Board indicating that it had not yet received Intervenors' motion for cross-examination and requested an opportunity to respond to the motion prior to the Board's decision on Intervenors' request.

Although 10 C.F.R. § 2.711 does not clearly indicate that Intervenors' request for cross-examination should have been filed separately from its cross-examination plan, with the former being filed publicly and the latter being submitted in camera, in the interest of fairness, the

Board directs Intervenors to publicly file their request for cross-examination on Contention 8. Specifically, Intervenors are to refile pages one (1) and two (2) of their request through the EIE system's "Public Submission" feature. Pursuant to 10 C.F.R. § 2.323(c), Applicant and the NRC Staff will be permitted ten (10) days from the date Intervenors publicly submit their motion for cross-examination to file answers to said motion. The Board will not issue a decision on Intervenors' request until Applicant and the NRC Staff, if they so choose, have filed answers to Intervenors' motion for cross-examination on Contention 8.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 29, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)
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)
(Combined License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Directing Intervenors to Publicly File their Request to Allow Cross-Examination for Contention 8)** have been served upon the following persons by Electronic Information Exchange.

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ORDER (Directing Intervenors to Publicly File their Request to Allow Cross-Examination for Contention 8)

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[Original signed by Clara I. Sola]
 Office of the Secretary of the Commission

Dated at Rockville, Maryland
 This 29th day of May 2013