

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

Before Administrative Judges:

Paul S. Ryerson, Chairman  
Dr. Sue H. Abreu  
Dr. Gary S. Arnold

In the Matter of

DTE ELECTRIC COMPANY

(Fermi 2)

Docket No. 50-341-LA

ASLBP No. 20-966-02-LA-BD01

April 21, 2020

ORDER

(Scheduling Oral Argument)

The Board will hear oral argument concerning standing and the sufficiency of Citizens' Resistance at Fermi 2's hearing request on Wednesday, June 10, 2020 via telephone. Unless changed by subsequent order, the argument will commence at 10:00 a.m. Eastern Time.

The Board will establish a bridge line for this telephone conference, with three lines provided for each participant. A Board representative will contact the participants by email with instructions on how to access the telephone conference. Listen-only telephone access will also be made available for members of the public. The Board's law clerk will contact the participants by email to provide the telephone number and passcode for listen-only access, for dissemination to other interested persons. Members of the public who wish to listen to the conference may also contact the Board's law clerk, Taylor Mayhall, at 301-415-3027 or Taylor.Mayhall@nrc.gov, for the necessary listen-only telephone access information.

The oral argument session will be transcribed, and the transcript will promptly be placed in the NRC's electronic hearing docket, where it may be accessed by the public.

Each of the three participants will be permitted a brief opening statement of up to ten minutes. Thereafter, the participants should be prepared to respond to the Board's questions on any aspect of the pleadings. Among other things, the participants should expect to address the following questions:

- In the Holtec International and Interim Storage Partners proceedings, the NRC Staff agreed that petitioners' members living within ten miles of the proposed storage facilities satisfied standing requirements.<sup>1</sup> Why does the NRC Staff oppose standing in this case, where the challenged license amendment request appears to concern avoidance of criticality in the spent fuel pool at an active nuclear plant and petitioner's members live within five miles of the facility?
- Does petitioner challenge the NRC Staff's determinations of No Significant Hazards Considerations or, rather, the underlying facts that formed the basis for those determinations?

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Paul S. Ryerson, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 21, 2020

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<sup>1</sup> See Holtec International (HI-STORE Consolidated Interim Storage Facility), LBP-19-4, 89 NRC 353, 365, 366 (2019); Interim Storage Partners LLC (WCS Consolidated Interim Storage Facility), LBP-19-6, 90 NRC 31, 49, 50 (2019).

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NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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 )  
(Fermi 2) )  
 )  
(License Amendment) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Oral Argument)** have been served upon the following persons by Electronic Information Exchange.

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FERMI 2 (Docket No. 50-341-LA)  
**ORDER (Scheduling Oral Argument)**

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 21<sup>st</sup> day of April, 2020