

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

BEYOND NUCLEAR, INC.

Petitioner,

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION
and the UNITED STATES OF AMERICA,

Respondents,

No. 15-1173

**MOTION OF DTE ELECTRIC COMPANY
FOR LEAVE TO INTERVENE**

DTE Electric Company (“DTE”) hereby moves this court for leave to intervene on its own motion and as of right in the above-captioned case pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, Circuit Rule 15(b), and 28 U.S.C. § 2348. DTE seeks intervention in support of the U.S. Nuclear Regulatory Commission (“NRC”) and offers the following grounds for the requested action:

1. Fermi Nuclear Power Plant, Unit 3 (“Fermi 3”), is a proposed nuclear power plant licensed and regulated by the NRC. DTE is the owner and developer of Fermi 3, and holds the NRC combined license (“COL”) for the plant. The COL

authorizes both construction and operation of Fermi 3. DTE also owns and operates the existing Fermi Nuclear Power Plant, Unit 2.

2. Petitioner Beyond Nuclear seeks review of the NRC “final order” approving issuance of the COL for Fermi 3. Specifically, Petitioners cite the following NRC decisions: “Unit 3 Combined License and Record of Decision; Issuance,” 80 Fed. Reg. 26,302 (May 7, 2015); NRC Commission Memorandum and Order CLI-15-13 (Apr. 30, 2015); NRC Commission Memorandum and Order CLI-15-12 (Apr. 23, 2015); NRC Commission Memorandum and Order CLI-15-04 (Feb. 26, 2015); NRC Commission Memorandum and Order CLI-15-01 (Jan. 13, 2015); and NRC Commission Memorandum and Order CLI-14-10 (Dec. 14, 2014).
3. DTE, as the applicant for the COL and now the licensee for the Fermi 3 facility, participated in the administrative proceedings before the NRC.
4. DTE’s COL for Fermi 3 is directly implicated by Beyond Nuclear’s Petition for Review. DTE, as the NRC licensee, would be the party directly affected should the Court suspend, enjoin, or set aside the NRC’s order that is the subject of the Petition for Review. Accordingly, DTE has a direct and substantial interest in the case. Although NRC is a Respondent with respect to the Petition for Review, DTE has a separate interest apart from the regulatory interests of the NRC.

5. Counsel for the NRC indicated that the NRC does not object to DTE's motion for leave to intervene. Counsel for DTE attempted to contact counsel for Beyond Nuclear by phone and email on multiple occasions starting on June 26, 2015. Counsel for DTE has been unable to leave a voice mail because the voice mailbox is full. Counsel for DTE received no response to the emails sent to counsel for Beyond Nuclear.

Wherefore, DTE requests that it be granted leave to intervene as a party respondent in the captioned proceeding.

Respectfully submitted,

/s/ signed electronically by

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Dated: July 1, 2015

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, DTE Electric Company (“DTE Electric”) hereby files this Disclosure Statement.

Intervenor DTE Electric is a corporation organized under the laws of the State of Michigan, with its principal executive offices in Detroit, Michigan. DTE Electric is an operating public utility engaged principally in the business of electricity generation, transmission, and distribution throughout southeastern Michigan. DTE Electric and its subsidiaries are subsidiaries of DTE Energy Company, a diversified energy company involved in the development and management of energy-related businesses and services nationwide, organized under the laws of the State of Michigan, with its principal executive offices in

Detroit, Michigan. DTE Energy Company, DTE Electric's parent corporation, is the only publicly held corporation owning ten percent or more of DTE Electric's stock.

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CERTIFICATE OF SERVICE

I hereby certify that on this day, copies of “Motion of DTE Electric Company For Leave To Intervene” and “Corporate Disclosure Statement” in the captioned proceeding have been served by Electronic Case Filing (“ECF”), or, for any party not registered for ECF, by U.S. Mail, first class, postage prepaid.

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Dated: July 1, 2015