

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
THE DETROIT EDISON COMPANY)	Docket No. 50-341
(Enrico Fermi Atomic Power)	(Operating License)
Plant, Unit No. 2))	

APPLICANTS' MOTION FOR AN EXTENSION OF TIME

1. On October 22, 1974, The Detroit Edison Company filed an application for a facility operating license for the Enrico Fermi Atomic Power Plant, Unit No.

2. On March 17, 1978, that application was amended to add as co-applicants Northern Michigan Electric Cooperative, Inc. and Wolverine Electric Cooperative, Inc. (referred to together with The Detroit Edison Company as "Applicants").

2. Notice of opportunity for hearing on the joint application was published by the Nuclear Regulatory Commission ("Commission") in the Federal Register on September 11, 1978. 43 Fed. Reg. 40,327 (1978). That notice provided that any request for hearing or petition for leave to intervene must be filed by October 10, 1978.

3. As counsel for Applicants, we received on October 10, 1978, a copy of a joint petition to intervene in this proceeding filed by Mrs. Martha Drake in her

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own behalf and in behalf of Mr. Dan Drake. The petition was served by hand on October 10, 1978 and was therefore timely.

4. On October 12, 1978 we received, by first class mail, a copy of a petition to intervene filed by Citizens for Employment and Energy ("CEE"). CEE's petition was filed on October 9, 1978.

5. Neither the joint Drake petition nor CEE's petition sets forth with sufficient particularity the interests that form the basis for intervention. In the accompanying Motion to Commence Discovery, Applicants seek limited discovery to verify the underpinnings of the two petitions. Applicants submit that, although petitioners ultimately have the burden of establishing the basis for their intervention, the critical threshold facts with respect to the standing of the respective petitioners can most expeditiously be established by discovery. To that end, and as more fully developed in the Motion to Commence Discovery, Applicants seek to depose Mr. Dan Drake as to his personal interest in the proceeding and to depose CEE by its representative as to the intervention prerequisites only hinted at in their petition.

6. Given the pendency of Applicants' discovery Motion, Applicants respectfully request that the time within which to answer jointly the Drake petition and the CEE

petition be extended until two weeks after the date on which Applicants receive the last transcript of the depositions.

7. Should Applicants' Motion to Commence Discovery be denied, Applicants respectfully request that they be given two weeks from the date of the order denying that motion within which to answer the petitions. If in the alternative the Board takes action under 10 C.F.R. § 2.758 with respect to Applicants' Request for Waiver, Applicants respectfully request that the Board set a deadline consistent with that action that provides Applicants a reasonable time within which to answer the petitions for intervention.

8. Applicants suggest that any extensions granted apply also to the Commission Staff.

Respectfully submitted,
LeBOEUF, LAMB, LEIBY & MacRAE

By Eugene B. Thomas, Jr.
Eugene B. Thomas, Jr.

1757 N Street, N.W.
Washington, D.C. 20036

Attorney for The Detroit Edison
Company

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NOTICE OF APPEARANCE

In accordance with § 2.713(a) of the Rules of Practice of the Nuclear Regulatory Commission, the following attorney herewith enters an appearance in the above-captioned matter:

Name:	Eugene B. Thomas, Jr.
Address:	LeBoeuf, Lamb, Leiby & MacRae 1757 N Street, N.W. Washington, D.C. 20036
Telephone:	(202) 457-7500
Admission:	Member of the Bar of the United States Court of Appeals for the District of Columbia Circuit
Name of Parties:	The Detroit Edison Company Northern Michigan Electric Cooperative, Inc. Wolverine Electric Cooperative, Inc.



Eugene B. Thomas, Jr.

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In accordance with § 2.713(a) of the Rules of Practice of the Nuclear Regulatory Commission, the following attorney herewith enters an appearance in the above-captioned matter:

Name:	Harry H. Voigt
Address:	LeBoeuf, Lamb, Leiby & MacRae 1757 N Street, N.W. Washington, D.C. 20036
Telephone:	(202) 457-7500
Admission:	Member of the Bar of the United States Court of Appeals for the District of Columbia Circuit
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Harry H. Voigt
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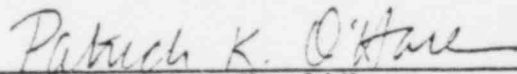
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NOTICE OF APPEARANCE

In accordance with § 2.713(a) of the Rules of Practice of the Nuclear Regulatory Commission, the following attorney herewith enters an appearance in the above-captioned matter:

Name:	Patrick K. O'Hare
Address:	LeBoeuf, Lamb, Leiby & MacRae 1757 N Street, N.W. Washington, D.C. 20036
Telephone:	(202) 457-7500
Admission:	Member of the Bar of the United States Court of Appeals for the District of Columbia Circuit
Name of Parties:	The Detroit Edison Company Northern Michigan Electric Cooperative, Inc. Wolverine Electric Cooperative, Inc.



Patrick K. O'Hare

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CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day
of October, 1978, served the foregoing documents entitled:

- 1) Applicants' Motion for Leave to Commence
Limited Discovery Against Petitioners Drake and CEE
and Alternative Request for Waiver;
- 2) Applicants' Motion for Extension of Time;
- 3) Affidavit in Support of Applicants' Motion
for Leave to Commence Limited Discovery Against
Petitioners Drake and CEE and Alternative Request for
Waiver; and

4) Notices of Appearance for Eugene B. Thomas,
Jr., Harry H. Voigt, and Patrick K. O'Hare
by mailing copies thereof, first class mail, postage
prepaid, and properly addressed, or by personal delivery,
as so indicated, to the following persons:

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Chairman, Atomic Safety and
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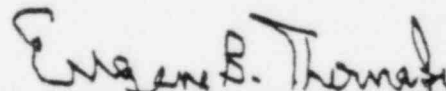
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Eugene B. Thomas, Jr.

LeBOEUF, LAMB, LEIBY & MacRAE
Attorneys for Applicants