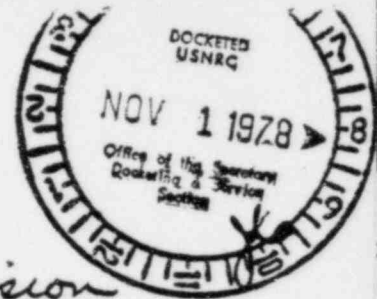


United States of America
Nuclear Regulatory Commission



Before the Atomic Safety + Licensing Board G

In the Matter of
The Detroit Edison Co.
(Term II)

Docket# 50-341-OL

CEE's Response to Applicant's Motion
For Leave to Commence Limited Discovery
Against Petitioners Drake + CEE and
Alternative Request For Waiver

On about October 23, CEE received applicant's motion above cited. The motion is not dated. In it, Applicant's attempts to reverse the Commission's revised rules related to petitions to intervene and the ordinary supporting affidavit which used to be submitted with the petition. The new rules were published FR 43:81 Wed April 26, 1978, p. 17798 and became effective on May 26, 1978.

"As proposed, the requirement that an affidavit is also abolished. Experience

accompany petitions to intervene has shown that such affidavits do not serve a useful purpose at this early stage in licensing proceedings. Furthermore,

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the seriousness and accuracy of petitioner's contentions are adequately ensured by the requirement that all testimony at the hearings must be given under oath." at p. 17799

On the other hand, applicant has failed to meet the new 10 day requirement to respond to petitions, instead they try to undermine the commission's new and more fair provisions and rules. We object very strongly to being subjected to any examination by deposition or other order mandated by this Board before the time allowed in the new rules. We point out that applicant has not specifically briefed their answers to petitions as required in FR 43:81
wed April 26, 1978 p 17799

"as proposed, the time allowed to answer petitions is increased to ten days for parties and to 15 days for the Staff."

Staff also has missed the time requirements, thus CEE points out that applicant has waived its right, along with staff, to respond to the petition until the beginning of hearings.

Dr. Robert G. Rysinger
Member of CEE acting with authority for CEE
in this instance. 517/1631-6227

United States of America
Nuclear Regulatory Commission

Before the Atomic Safety and Licensing Board

Form 2
Detroit Edison)

Docket # 50-341-04

Notice of Service

I, Robert D. Asperger, hereby state that I placed
"CEE's Response to Applicant's Motion for Leave
to Commence Limited Discovery Against Petitioners
...." pre paid in the first class rate of
U.S. postage to the following persons.

1. Charles Beckhaeffer, Esq
ASLB
U.S. Nuclear Regulatory Commission
Washington DC 20555

2. Dr. David R. Schink
Dept of Oceanography
Texas A + M University
College Station, Texas 77840

3. Mr. Frederick J. Shaw
ASLB
U.S. Nuclear Regulatory Commission
Washington DC 20555



4. Eugene B Thomas Jr.
1757 N Street, N.W.
Washington DC ~~20036~~
20036

5. Mrs. Martha Drake
230 Fairview
Petoskey, Mich 49770.

These documents were placed in the mail by
5:30 pm on October 27, 1978

Dr. Robert G. Asperger
12 Dennis Ct
Midland Mich 48640

P.S. Also

6. Mr. Frank Kuron
5739 Nelson Dr.
Newport, Mich 48166