

UNITED STATES OF AMERICA
Nuclear Regulatory Commission



9/15/78

Before the Commission
and
The Atomic Safety and Licensing Board

The Detroit Edison Co. }
Enrico Fermi Unit II }

Docket 50-341

For Publishing of a Non-Defective
Notice of Hearing for an Operating License

The recent Notice of Hearing and newspaper ads reflecting the point that citizens, as individuals, can intervene in the Noticed Operational Hearings for the Fermi II plant are all defective in at least the following way, and must be re-published:

10 CFR 2.715C (see FR 43:81, Wed., April 26, 1978, page 17800, column I at 46) now allows and encourages participation in licensing matters by states and all local units of government to be affected by the action noticed. Nowhere in the notice is this right brought to the attention of local units of government. This is one of the first notices published in Michigan since the rule change, yet the NRC has not notified the concerned governmental units of their standing as a matter of right.

I therefore move that the Notice of Hearing be re-noticed (re-published), and that ads also be re-published which reflect the rule that local units of government have standing as a matter of right (or state it however you wish, as long as it follows the new Commission's rules, effective May 26, 1978, as partially cited earlier). This is important, since at least five counties in Northern Michigan in the service area of the Co-operatives in the Notice of Hearing, Northern and Wolverine, have passed resolutions in public sessions opposing the Co-ops' participation in the Fermi II project. Various school boards have also so resolved, due to loss in tax base and local jobs and the very high cost of electrical power to be gotten from this expensive lemon, to oppose purchase by the Co-ops.

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To not notice these units of governments to the same degree as you are noticing individual citizens will pose long-standing legal problems, hampering any small scale start-up of this plant.

Since re-publication will cause essentially no delay in the proceedings for a plant whose Applicant voluntarily stopped construction for three years, this two- or three-day extension for due process is justified and in order.

Respectfully submitted,

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Acting with the authorization
of CEE

P.S. Please send me a copy of any notices regarding the operating license of Fermi II which are printed in the FR or local newspapers. I so move that copies be furnished