

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

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BRANCH

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

MOTION FOR EXTENSION OF TIME

By a pleading dated August 27, 1982, the County of Monroe, Michigan, has petitioned for leave to intervene in this proceeding. The petition was not accompanied by a certificate of service. A copy of the petition was received by Peter A. Marquardt, Esq. at The Detroit Edison Company on August 30, 1982. The copy addressed to this firm, which, as the Atomic Safety and Licensing Board knows, represents the Applicants in this proceeding, was not received until September 7. The envelope in which our copy arrived was postmarked September 3.

Pursuant to 10 C.F.R. §§ 2.710 and 2.714(c), an answer to the petition may be filed within 15 days following the date on which it was served by mail. Fifteen days from September 3 is September 18, a Saturday, which means that Applicants' answer is due on September 20 if the time is calculated from the date upon which the document was mailed to counsel of record. We submit that it should be so calculated.

However, the fact that the document was served on Company counsel at an earlier time creates an ambiguity as to how the time to answer should be calculated. To remove the ambiguity, we therefore move that Applicants' time to answer be extended until Monday, September 20.

Monroe County's petition seeks to reopen a proceeding in which all hearings have long since been concluded and a decision by the Licensing Board is expected shortly. The petition, if it is granted, threatens to put the hearing process on the critical path for licensing. It is therefore imperative that counsel be afforded an opportunity to answer the petition fully and completely. Granting this motion will facilitate a complete answer.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

By Harvey H. Voigt

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September 10, 1982

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CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of  
September, 1982, served the foregoing document, entitled  
"Motion for Extension of Time" by mailing copies thereof,  
first class mail, postage prepaid, and properly addressed,  
to the following persons:

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Attention: Docketing and  
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