

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

NOV 30 P3:37

ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Administrative Judges:

Stephen F. Eilperin, Chairman
Thomas S. Moore
Dr. Reginald L. Gotchy

SERVED NOV 30 1982

In the Matter of)

THE DETROIT EDISON COMPANY)

(Enrico Fermi Atomic Power Plant,)
Unit 2))

Docket No. 50-341 OL

ORDER

November 30, 1982

Our Order to Show Cause inquired whether the appeal of Citizens for Employment and Energy (CEE) from the Licensing Board's October 29, 1982 initial decision should be dismissed for failure to file proposed findings of fact and conclusions of law with the licensing board. In its answer, CEE has asserted, among other things, that:

CEE's attorney who reached the decision not to file proposed findings did so without consulting the client intervenors. He also did not inform his co-counsel and predecessor in the case, Kim Siegfried, of his decision not to file proposed findings.

Answer at 7.

Before we decide what importance might attach to that representation, we want to be certain that we are fully

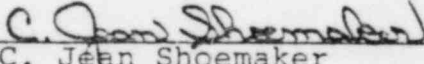
informed of the facts. Consequently, it is

ORDERED that David Howell, Esq., and the person or persons in CEE who dealt with Mr. Howell file affidavits regarding that representation by December 10, 1982.

The time of the applicant and NRC staff to respond to the Answer to Order to Show Cause is extended until seven (7) days and fourteen (14) days respectively from the filing of those affidavits.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board