

Wendell H. Marshall
MAPLETON INTERVENORS
RFD 10
Midland, Michigan 48640

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April 21, 1982

Atomic Safety & Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

ATTN: Administrative Judges,
Christine N. Kohl, Chairman
Dr. W. Reed Johnson
Gary J. Edles

Re: The matter of Consumers Power Company
Midland Plant Units 1 & 2
Dockets #50-329 and #50-330



Dear Members of the Safety & Licensing Appeals Board:

Wendell H. Marshall, President of the Mapleton Intervenor, is moving for leave to file an appeal in this case.

On December 16, 1981, Mr. Wendell H. Marshall, a party to the pending operating license proceedings of the Midland Nuclear Plant, filed a letter with the Atomic Safety & Licensing Board to stop construction of the Midland Nuclear Power Plant, pending resolution of an unresolved generic safety issue concerning effects of Electro Magnetic Pulse (EMP) on nuclear power plants.

On January 21, 1982 and February 23, 1982, the Mapleton Intervenor, through Mr. Marshall, provided more information on the Electro Magnetic Pulse effects on nuclear plants. In all of these letters and motions, the Mapleton Intervenor requested the Board to halt construction of the Midland Nuclear Plant pending resolution of the serious EMP threat.

Further, on March 22 and 25, the Mapleton Intervenor, through Mr. Marshall, reiterated previous requests to stop construction on the Midland Nuclear Facility.

Based on 10 C.F.R. Chapter 50-13, the Atomic Safety and Licensing Board denied the request to stop further construction of the Midland Nuclear Plant, pending the resolution of the generic safety problems - in this instance, Electro Magnetic Pulse.

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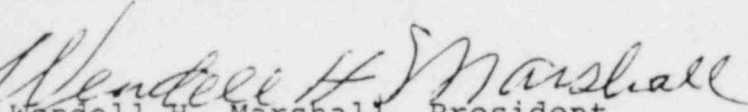
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Atomic Safety & Licensing Appeal Board
Administrative Judges
April 21, 1982
Page Two

Notwithstanding 10 C.F.R. Chapter 50-13, the Nuclear Regulatory Commission is the regulatory agency charged with public health and safety and the regulation of these plants and the NRC Staff and the NRC Commission, as always, has the statutory responsibility to protect the public interest. Therefore, by this motion, the Mapleton Intervenor appeal the EMP decision to your Board.

For the Mapleton Intervenor,


Wendell H. Marshall, President

cc: Charles Bechhoefer, Esq.
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WHM/nm