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Wendell H. Marshall

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May 15, 1982

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

DOCKET NUMBER 50-329-040M
PROD. & UTIL FAC. 50-330-040M

ATTN: Administrative Judges,
Christine N. Kohl, Chairman
Dr. John H. Buck
Thomas S. Moore

RE: The matter of Consumers Power Company
Midland Plant Units 1 & 2
Dockets #50-329 OM, OL
Dockets #50-330 OM, OL

This is appeal from a Memorandum and Order dated May 5, 1982
(ALAB-674)

We believe that the remedy we have requested the board has
authorized because the NRC staff has, as always, the statutory
responsibility to protect the public health and safety and
certainly to protect the public interest, this, in spite of
10-C.F.R. 50-13.

When the public health and safety is involved then it becomes
inherent for the Nuclear Regulatory Commission to take the action
necessary to carry out its congressional mandated duties.

We, therefore, file this petition that the future O.L. proceedings
be increased to include the Electro Magnetic Problem. On December
6, 1979, the office of NRR and INS and ENF issued an order modify-
ing the Midland construction permits. Based on this we contend
~~that~~ modification to a construction contract that is within the
control of ASLB (10 C.F.R. 2.760A) - in fact, ASLB could admit the
Electro Magnetic issue is a contention of this Intervener and we
therefore petition.

Yours truly,

Wendell H. Marshall

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Midland, MI 48640

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cc: William D. Patton, Esq.
Michael Wilcove, Esq.