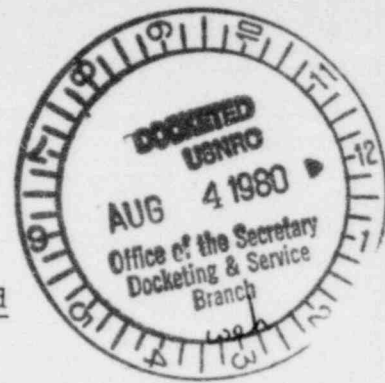


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



_____)
In the Matter of)
)
CONSUMERS POWER COMPANY) Docket Nos. 50-329-OM
) 50-330-OM
(Midland Plant, Units 1 and 2))
_____)

ANSWER OF CONSUMERS POWER COMPANY TO
PETITION FOR LEAVE TO INTERVENE
OF WENDELL H. MARSHALL

Consumers Power Company ("Consumers Power"), pursuant to the Rules of Practice of the Nuclear Regulatory Commission, hereby answers the petition to intervene filed by Wendell H. Marshall. For the reasons explained below, while Consumers Power does not at this time oppose the petitioner's intervention, it reserves the right to oppose the participation of petitioner in subsequent proceedings in this docket, contingent on the adequacy of the contention which he is required to submit pursuant to 10 C.F.R. §2.714(b) and this Atomic Safety and Licensing Board's ("Board") Memorandum and Order Ruling Upon Standing to Intervene ("Intervention Order") dated July 24, 1980.

I. Introduction

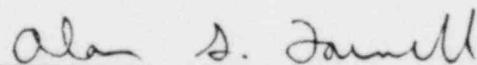
In its Intervention Order, at page 3, the Board has construed a letter from Mr. Marshall to Mr. A. Schwencer of the Nuclear Regulatory Commission Staff ("Staff") to be a

petition to intervene and has given Consumers Power the opportunity to respond to that petition within 10 days following service of that order. This answer is Consumers Power's response.

II. Discussion

The Board has apparently agreed with the Staff's assumption that Mr. Marshall has incorporated portions of the February 23, 1979 Operating License "Special Prehearing Conference Order" into his petition to intervene. Based on this assumption, and the decision of the Atomic Safety and Licensing Board in Consumers Power Company (Palisades Nuclear Plant), LBP-79-20, 10 NRC 108 (1979), Consumers Power agrees with the Staff that Mr. Marshall's residence within one and one-half miles of the Midland plants and his interest in the settling of the diesel generator building are adequately alleged facts sufficient to establish the requisite interest for intervention under 10 C.F.R. §2.714.

However, Consumers Power reserves the right to oppose the participation of Mr. Marshall in the subsequent proceeding in this docket, dependent upon the substance and specificity of the supplemental contention he is required to file pursuant to 10 C.F.R. §2.714(b), and the Board's Intervention Order.

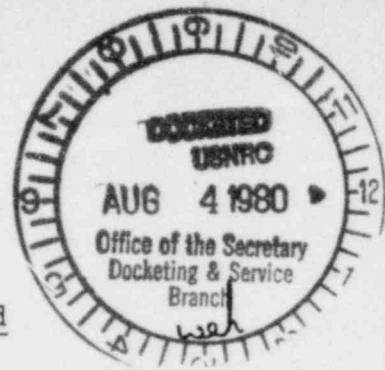


Alan S. Farnell
Counsel for Consumers Power Company

ISHAM, LINCOLN & BEALE
One First National Plaza
Suite 4200
Chicago, Illinois 60603
312/558-7500

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



In the Matter of)

CONSUMERS POWER COMPANY)

(Midland Plant, Units 1 and 2))

) Docket Nos. 50-329-OM
) 50-330-OM

CERTIFICATE OF SERVICE

I, Alan S. Farnell, hereby certify that a copy of Answer of Consumers Power Company to Petition For Leave to Intervene of Wendell H. Marshall was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 31st day of July, 1980.

Alan S. Farnell

Alan S. Farnell

SERVICE LIST

Frank J. Kelley, Esq.
Attorney General of the
State of Michigan
Stewart H. Freeman, Esq.
Assistant Attorney General
Gregory T. Taylor, Esq.
Assistant Attorney General
Environmental Protection Div.
720 Law Building
Lansing, Michigan 48913

Myron M. Cherry, Esq.
One IBM Plaza
Suite 4501
Chicago, Illinois 60611

Mr. Wendell H. Marshall
RFD 10
Midland, Michigan 48640

Ivan W. Smith, Esq.
Atomic Safety & Licensing Bd.
U.S. Nuclear Regulatory Com.
Washington, D.C. 20555

Dr. Frederick P. Cowan
6152 N. Verde Trail
Apt. E-125
Boca Raton, Florida 33433

Mr. Gustave A. LInnenberger
Atomic Safety & Licensing Bd.
U.S. Nuclear Regulatory Com.
Washington, D.C. 20555

Carroll E. Mahaney
Babcock & Wilcox
P. O. Box 1260
Lynchburg, Virginia 24505

Patrick A. Race
1004 N. Sheridan
Bay City, Michigan 48706

George C. Wilson, Sr.
4618 Clunie
Saginaw, Michigan 48603

Sandra D. Reist
1301 4th St.
Bay City, Michigan 48706

Grant Merritt, Esq.
Thompson, Nielsen, Klaverkamp & James
4444 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402

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

Mr. C. R. Stephens
Chief, Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ms. Mary Sinclair
5711 Summerset Street
Midland, Michigan 48640

William D. Paton, Esq.
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Barbara Stamiris
5795 North River Road
Route 3
Freeland, Michigan 48623

William A. Thibodeau
3245 Weigel Road
Route 5
Saginaw, Michigan 48603

Sister Carol Gilbert
St. Joseph Convent
903 N. Seventh Street
Saginaw, Michigan 48601

Terry R. Miller
3329 Glendora Drive
Bay City, Michigan 48706

Sharon K. Warren
636 Hillcrest
Midland, Michigan 48640

Michael A. Race
2015 Seventh Street
Bay City, Michigan 48706