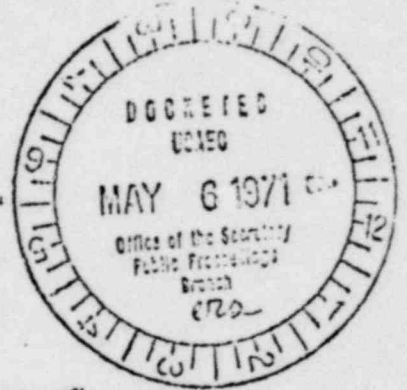


DOCKET NUMBER
PROD. & UTIL. FAC. 50-329,330

May 4, 1971

Lynn S. Castner, Esq.
Stephenson and Castner
Law Center Building
1625 Park Avenue South
Minneapolis, Minnesota 55404



Re: Matter of Consumers Power Company
(Midland, Michigan Plant)
Docket Nos. 50-329 & 50-330

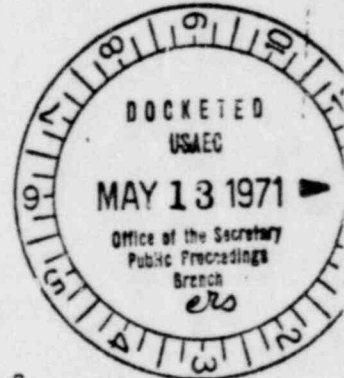
Dear Mr. Castner:

This is in response to your letter of April 21, 1971, with respect to the request of Mr. Steve J. Gadler to make a limited appearance in this proceeding.

You seem to be under the erroneous impression that the rules "guarantee" a person making a timely request for a limited appearance the right to make an oral presentation.

§ 2.715 of the Commission's rules of practice (to which you refer in your letter) states:

(a) A person who is not a party may, in the discretion of the presiding officer, be permitted to make a limited appearance by making oral or written statements of his position on the issues within such limits and on such conditions as may be fixed by the presiding officer, but he may not otherwise participate in the proceeding. (Emphasis added)



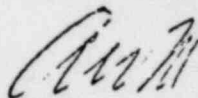
A number of intervenors -- represented by three sets of counsel -- have been admitted in opposition to the application for the construction; and it seems unlikely that they will fail to bring to the attention of the Board any matters of significance with respect to safety or to the extent at issue in this proceeding, environmental matters.

In the circumstances, it seems appropriate to adhere to my earlier decision that Mr. Gadler not be permitted to make an oral presentation. He is, however, free to make a written presentation if he

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to discuss. Please advise Mr. Geller that the individual members of the board will read his statement. However, it must be understood that material presented by way of limited appearance, whether written or oral, is not evidence in the proceeding.

Very truly yours,



Arthur W. Murphy
Chairman, Atomic Safety
and Licensing Board

AMM:zm

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
CONSUMERS POWER COMPANY)
(Midland Plant, Units 1)
and 2))

Docket Nos. 50-329, 330

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter from Murphy to Castner dated May 4, 1971, regarding limited appearance, request of S. Gadler in the captioned matter have been served on the following by deposit in the United States Mail, first class or air mail, this 6th day of May 1971:

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Office of the Secretary
of the Commission

cc: Mr. Murphy
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/ Mr. Yare
N. Brown
H. Smith