

MENDELL W MARSHALL
ROUTE 10
MIDLAND MI 42640



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POOR ORIGINAL

DOCKETING AND SERVICE SECTION,
OFFICE OF THE SECRETARY
US NUCLEAR REGULATORY COMMISSION
WASHINGTON DC 20555



IN THE MATTER OF CONSUMERS POWER COMPANY MIDLAND PLANTS UNITS 1 AND 2
DOCKETS NUMBERS 50-329 OM AND OL
50-330 OM AND OL

IN RESPONSE TO N.R.C. STAFF 88-22-81 ANSWER TO JUNE 1 1981 LETTER MR. STEVE J. GADLER, A TECHNICAL CONSULTANT TO THE MAPLETON INTERVENORS, THE FILED REQUEST WITH THE LICENSING BOARD CHAIRMAN TO SUSPEND ALL CONSTRUCTION ACTIVITIES, AT THE MIDLAND SITE, THE N.R.C. STAFF ATTORNEY IS ERRONEOUS, "THE REASONS PURPORT TO BE ADDITIONAL CONTENTIONS" CORRECTION, MR. GADLER, PROFESSIONAL ENGINEER, FOR AND UPON BEHALF OF THE MAPLETON INTERVENORS HAS REDUNDANTLY, THROUGHOUT THE ENTIRE LITIGATION FROM ITS INCEPTION UNTIL THE LETTER HAS STATED THESE CONTENTIONS THE QUESTION OF "MAGNETIC PULSE" ITS DANGERS, AND HOW THEY INTENDED TO DEAL WITH THIS DANGER WAS RAISED BY GADLER UPON THE HEARINGS TIME AFTER TIME, AND THE RECORDS WILL SO SHOW, MOREOVER THE QUESTIONS OF JURISDICTION, OVER THE SOIL, CONGRESSIONAL DELEGATION IN THE INSTANT CASE MAPLETON INTERVENORS BELIEVES IS DELEGATED BY CONGRESS TO THE E.P.A. IS A MATTER FOR DISCUSSION ALSO, THE MAPLETON INTERVENORS CONTEND THAT JURISDICTION BY CONGRESS, WAS DELEGATED TO N.R.C. FOR APPLICANTS BENEFICIAL USE OF THE SURFACE OF THIS PARTICULAR PARCEL OF FLOOD PLAIN, ON A NAVIGABLE STREET AND THE AQUATIC SOIL OF SAID FLOOD PLAIN AND "THE FEE SIMPLE INTEREST IN THIS PARCEL," WAS DELEGATED BY CONGRESS TO THE EPA AS TO JURISDICTION, THAT THE ADMINISTRATRIX IN PARTICULAR AND NOT THE SECRETARY OF THE ARMY CORP OF ENGINEERS CALL IT A MOOT QUESTION IF YOU WILL, THE MAPLETON INTERVENORS BELIEVES JURISDICTION OVER THE SOIL IN THE INSTANT CASE IS DELEGATED BY THE PREVAILING AUTHORITY OF CONGRESS AND CONFERRED ON THE EPA WHO TO DATE HAS FAILED TO EXERCISE AND DISCHARGE THEIR DUTY ACCORDINGLY, IN COMPLIANCE AND CONFORMITY WITH SUCH DELEGATION OF POWER AND DISCHARGE THEIR OBLIGATION TO DATE IN THE INSTANT CASE, THE MAPLETON INTERVENORS TAKE EXCEPTION, TO STAFF ALLEGATION OF COL GADLER'S "UNTIMELY FILING", RESPECTFULLY REQUEST THE COURT TO HOLD IN ABEYANCE UNTIL STAFF CAN SHOW PROOFS SATISFACTORILY THAT THEY CAN SUBSTANTIATE THEIR ALLEGATIONS ACCORDINGLY COL GADLER PROFESSIONAL ENGINEER HAS STATED, CONTENDED AND RE-CONTENDED, THE DANGERS TO THE HEALTH AND SAFETY AND GENERAL WELFARE OF THE PUBLIC AT LARGE UNLESS A MEANS COULD BE SATISFACTORILY AGREED UPON, TO ALLEVIATE THE DANGERS OF "MAGNETIC PUMPS", THIS IS NOT, AN ADDITIONAL CONTENTION, BY NO STRETCH OF THE IMAGINATION.

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CONCLUSION

THERE IS THEREFORE IN COMPLIANCE WITH THE FOREGOING, THE MAPLETON INTERVENORS REQUEST THE COURT TAKE THIS MATTER UNDER ADVISEMENT UNTIL STAFF CAN FURNISH BETTER BASIS TO REQUEST THE COURT TO DENY. THE CONTENTIONS OF COL GADLER THE RECORDS WILL REFLECT COL GADLERS CONTENTIONS AS ABOVE STATED, AND MOREOVER THEY MUST BE DEALT WITH IN THE INTEREST OF PUBLIC HEALTH AND SAFETY, AGAIN I URGE YOU TO TAKE THIS MATTER UNDER ADVISEMENT.

RESPECTFULLY SUBMITTED.

I AM AND REMAIN VERY TRULY YOURS,

(SIGNED) WENDELL MARSHALL, PRESIDENT MAPLETON INTERVENORS ROUTE 10 MIDLAND MI 48640

CC: ADMINISTRATIVE JUDGE RALPH S DECKER, ROUTE 4 BOX 1900 CAMBRIDGE MD 21613

DR FREDERICK P COWAN, 6152 NORTH VERDE TRAIL APT B-125, BOCA RATON FL 33433

FRANK J KELLEY, ATTORNEY GENERAL STATE MICHIGAN, STEWARD H. FREEMAN, ASST GEN GEN ENVIRONMENTAL PROTECTION DIV, 720 LAW BLDG LANSING, MI 48913,

MS MARY SINCLAIR 5711 SUMMERSET ST MIDLAND MI 48640

MICHAEL I MILLER, ESG,

RONALD G ZAMARIN, ESG

ALAN S FARNELL, ESG

ISHAM, LINCOLN AND BEALE, 1 FIRST NATIONAL PLAZA 42 FL CHICAGO IL 60603

ATOMIC SAFETY AND LICENSING BOARD PANEL U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

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DOCKETING AND SERVICE SECTION, OFFICE OF THE SECRETARY U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON DC 20555

JAMES E BRUNNER, ESG CONSUMERS POWER CO 212 WEST MICHIGAN AVE JACKSON MI 49201

MS BARBARA STAMIRIS, 5795 NORTH RIVER FREELAND MI 48623

MR STEVE GADLER, ESG 2120 CARTER AVE ST PAUL MN 55108

WENDELL H MARSHALL, VICE PRESIDENT MIDWEST ENVIRONMENTAL PROTECTION ASSOC ROUTE 10 MIDLAND 10 48640

JAMES R KATES 203 SOUTH WASHINGTON AVE SAGINAW MI 48605

JEANN LINSLEY BAY CITY TIMES 311 S ST BAY CITY MI 48706

PAUL C RAU DAILY NEWS 124 MC DONALD ST MIDLAND MI 48640

MS ELLEN M BROWN COUSEL FOR NRC STAFF NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

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