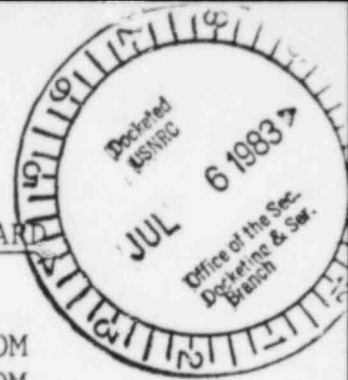


June 28, 1983

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



|                             |   |                       |
|-----------------------------|---|-----------------------|
| In the Matter of:           | ) | Docket Nos. 50-329 OM |
|                             | ) | 50-330 OM             |
| CONSUMERS POWER COMPANY     | ) | Docket Nos. 50-329 OL |
| (Midland Plant, Units 1 & 2 | ) | 50-330 OL             |

To the Board, in general, and  
To Chief Judge Charles Bechhofer, in particular:

Confirming our telephone conversation regarding a speaker, either Ms Barbara Stamiris or her consul, Ms Lynne Bernabei of the Mapleton Intervenor, the following re-recitation starting with the United States Army Corp of Engineers decided to establish "dynamite depot" situated just outside the city of Detroit, Michigan, on an island in the Detroit River with Canada on the opposite bank. The Michigan citizenry of the city of Detroit do not wish to live with this constant threat of danger. The citizens of Michigan engaged the services by complaint to the Attorney General of Michigan to prosecute this matter in an attempt to remove this danger. The Attorney General took this case to the United States Supreme Court. The United States Supreme Court, speaking through Justice Fields, held that there was sufficient concern among the citizenry of Michigan to determine this to be, where they were concerned, "mental anguish" which they concluded to be cruel and unusual punishment, thereby unconstitutional.

Accordingly, they issued an order, reluctantly, forcing the removal of the dynamite by the United States Army Corp of Engineers.

Recently, before this board, at which time and place the president of the Mapleton Intervenor was present, the following things happened:

1. A declaration was made and is contained in the record that the Midland Nuclear Plant, contrary to the Nuclear Regulatory Commission rules and regulations, is sited in a "densely populated area". It is the contention of the Mapleton Intervenor that the Nuclear Regulatory Commission is absolutely held bound by their own rules and regulations.

2. Moreover, the record will reflect before this board, under oath, that Dr. Ros Landsman, a Federal Government Inspector, testified time and time and time again as to the figures in workmanship and material and the departures from compliance and conformity with the construction, the material, rules and regulations in the construction to date of the Midland Nuclear Plant as well as to making recommendations officially as to parties whom, in his opinion, could by their removal and replacement have a tendency to overcome

8307070198 830628  
PDR ADDCK 05000329  
PDR

DS03

these problems.

3. Simultaneously, testifying before this board on the same subject and subject matter was the resident agent Federal Inspector, Ronald Cook, who verified, practically encompassed and confirmed everything that Dr. Ros Landsman had said but on several different occasions before this A.S.L.B. board, Inspector Cook summed it up as "shoddy workmanship". Several buildings at the Nuclear Plant site evidenced before this board contain cracks of such importance that the cracks extend to and include the containment wall.

At this point right now, I might just add that these cracks are of sufficient significance to enjoy the undivided attention of the citizenry of Midland, Michigan and together with this board comparable to the significance attached to the crack in the United States Liberty Bell which was occasioned, occurring during the tolling of it at the funeral of the Father of the United States Supreme Court Chief Justice John Marshall. In the previous hearings before this board, the President of the Mapleton Intervenors, Wendell H. Marshall, spoke to the question of making it a mandatory requirement that anybody wishing to sign to license this Nuclear Plant should be compulsorily forced to work eight hours a day merely sitting in leg irons chained to that Nuclear Plant. Upon hearing this, applicant's chief lawyer present in court before the board, the transcript will recite, Mr. Miller, objected upon the grounds of cruel and unusual punishment, thereby rendering it unconstitutional to which the official transcript will further recite that Chief Judge Bechhoefer concurred with Mr. Miller in holding this to be "cruel and unusual punishment". I have no quarrel with this finding but merely wish to inquire of Judge Bechhoefer on the record, if it isn't true that the scope of this ruling which now stands at this "res-adjudicata" is broad enough in scope to take into this decision the parties occupying the opposing North bank of the navigible stream in the same identical area which this order was made, namely and too-witt, the chemical workers of Dow Chemical Company who for 75 years have occupied the North bank as a work place, who for generation after generation have worked under a discipline handed down from one generation to another, "leg irons", imaginary discipline. The safety of the surrounding communities for 75 years have depended on the Dow Chemical Company workers' discipline. That is why this is the head location of the largest chemical factory of its kind in the entire world and the safety of the public at large in the Saginaw Valley and surrounding area is and has been for 75 years dependent upon it -- the self discipline.


Now, Chairman Bechhoefer, in view of the previously recited United States Supreme Court decision in the Detroit River of Michigan, together with the siting of the Nuclear Plant itself in a densely populated area, beyond the control of the Midland Chemical Workers' Association, can we now conclude Mr. Miller's objection as to cruel and unusual punishment and your adjudication confirming this be broad enough in scope to apply and be applicable to and further to incorporate your decision of cruel and unusual punishment together with mental anguish to the north bank of the Tittabawassee River occupants, the Dow Chemical Company workers of Midland, Michigan, U.S.A. At this point, I wish to recite, having already stated that the Nuclear Regulatory Commission, as to siting in a densely populated area are held bound by their own rules and regulations. I wish to recite here and now, verbatim, a summation which stands today in full force and effect as when it was made by the United States Chief Justice John Marshall who said, "No state shall make any law contrary to the Constitutional Law and any such law is notwithstanding."

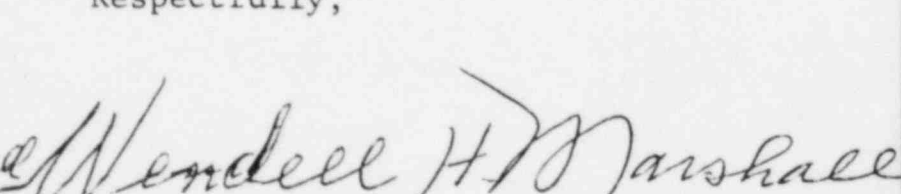
By reason of the siting of the Nuclear Plant in one of the most densely populated areas within a 360 degree circumference of 60 miles we believe (the Mapleton Intervenors) that at best there could be no better than a contract "defacto" and no contract "de Jure". I wish this to be entered into the record and depend upon the propriety of the Chief Judge Bechhoefer to weigh the Constitutional issues involved with great diligence in an attempt to arrive at the proper disposition using the best skills in the proper propriety that there no longer remains in this connection a moot question. I would just like to say in conclusion, Judge Bechhoefer, it has been said in the past, "Be diligent in your business and some day you may stand before Kings."

In conclusion, I just want to state that the party delivering this before the board is acting in conjunction with and under the auspices of the Mapleton Intervenors with the authorization of Chief Judge Bechhoefer, chairman of this A.S.L.B. board. I merely regret that I am unable to appear before the board and make it personally at this time.

As regards the Bechhoefer ruling, as to the objection raised by Mr. Miller as to cruel and unusual punishment, I submit that the Dow Chemical Workers, operators, chemists, scientists, etc. harnessed to their employment within the Dow Chemical Company across the river, that this rule should be universal in its interpretation and its application to all.

Respectfully,

  
Wendell H. Marshall  
Attorney, pro se

  
Wendell H. Marshall, President of the  
Mapleton Intervenors