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August 21, 1979

Marshall E. Miller, Esq.
Chairman, Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. J. Venn Leeds, Jr., Esq.
Atomic Safety and Licensing Board
10807 Atwell
Houston, Texas 77096

Dr. Emmeth A. Luebke
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: In the Matter of
Consumers Power Company
(Midland Plant, Units 1 & 2)
Docket Nos. 50-329 & 50-330
(Remand Proceeding)



Dear Chairman Miller, Dr. Leeds and Dr. Luebke:

Subsequent to the closing of the record in this matter, and at the request of the attorneys for the Staff, Consumers Power Company attorneys produced a memorandum dated September 21, 1976. The memorandum is one prepared by a lawyer in the firm of Dykema, Gossett, Spencer, Goodnow & Trigg and relates to a conversation she had with Mr. Bacon at the time that the law firm was retained to prepare certain opinions for Consumers. Counsel for Consumers, the Staff and Dow believe that the memorandum is both relevant and material and should be made a part of the record.

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I therefore transmit herewith the Motion of The Dow Chemical Company to reopen the record and to admit this memorandum as Dow Exhibit 4. As the motion indicates, I have conferred with Messrs. Olmstead and Reynolds and both have authorized me to state that they have no objection to the motion.

Very truly yours,


William C. Potter, Jr.

WCPjr:ap
Enclosure

cc's: William J. Olmstead, Esq.
Counsel for NRC Staff (with enclosure)

Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission (with enclosure)

Brad Reynolds, Esq.
Shaw, Pittman, Potts & Trowbridge (with enclosure)

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