

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING APPEAL BOARD

82 MAY -3 14:00

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IN THE MATTER OF
CONSUMERS POWER COMPANY
(Midland Plant,
Units 1 & 2)

Docket Nos. 50-329 CP
50-330 CP



RESPONSE OF THE DOW CHEMICAL COMPANY
TO INTERVENOR SAGINAW VALLEY NUCLEAR STUDY GROUP'S
MOTION TO TERMINATE ORAL ARGUMENT

THE DOW CHEMICAL COMPANY, for its response to the Motion of
Intervenor Saginaw Valley Nuclear Study Group to Terminate Oral
Argument, says:

1. THE DOW CHEMICAL COMPANY (Dow) currently has pending
before this Board a Motion for Reconsideration of Appeal Board
Order dated April 13, 1982. In that Order, the Appeal Board re-
fused to allow Dow to file a brief responding to certain arguments
contained in the Brief filed by Consumers Power Company.

2. The thrust of the Motion of Intervenor Saginaw Valley
Nuclear Study Group is that this Board has all the information it
needs to render a decision because of (a) the record compiled below
and (b) the Briefs of the parties filed with this Board.

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3. Dow would agree with the position of Intervenor Saginaw Valley Nuclear Study Group if the Board grants Dow's Motion for Reconsideration and permits it to file a brief in response to arguments raised in the Brief of Consumers Power Company. If Dow's Motion for Reconsideration is granted, then all parties will have been permitted to file all briefs that they feel are necessary to fully present their position to this Appeal Board.

4. If Dow's Motion for Reconsideration is not granted, then Dow does not agree with the position of Intervenor Saginaw Valley Nuclear Study Group because it will have been deprived of the right to file a brief setting forth its position regarding certain statements and arguments contained in the Brief of Consumers Power Company. In that eventuality, the record before this Board will not be complete and Dow would demand oral argument so that it does have the opportunity to present its position to this Appeal Board.

5. In conclusion, if the Appeal Board grants Dow's Motion for Reconsideration of Appeal Board Order dated April 13, 1982, and allows Dow to file its reply brief, then Dow would agree with the position taken by Intervenor Saginaw Valley Nuclear Study Group in its Motion to Terminate Oral Argument. If the Appeal Board denies Dow's Motion for Reconsideration, then Dow disagrees

with the position of Intervenor Saginaw Valley Nuclear Study Group and contends that oral argument is necessary to ensure that its position is brought to the attention of this Board.

DATED: April 29, 1982

Respectfully submitted,

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Attorneys representing
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CERTIFICATE OF SERVICE

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I, WILLIAM C. POTTER, JR., hereby certify that a copy of the foregoing Response of The Dow Chemical Company to Intervenor Saginaw Valley Nuclear Study Group's Motion to Terminate Oral Argument was mailed by first class mail, postage fully prepaid, to each of the following on the 29th day of April, 1982:

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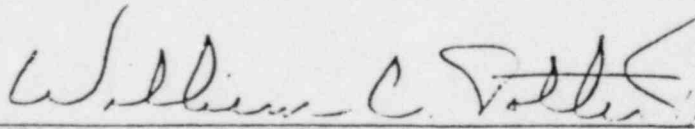
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DATED: April 29, 1982