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April 23, 1976

Margaret E. Du Flo
Secretary to the Appeal
Board
Atomic Safety and
Licensing Appeal Board

Re: Consumers Power Company
Midland Plant Units 1
and 2, NRC Dkt. Nos.
50-329A, 50-330A

Dear Ms. Du Flo:

In accordance with the Atomic Safety and Licensing Appeal Board's Order of March 4, 1976, the Staff hereby advises the Appeal Board that Robert J. Verdisco will be presenting the argument for the Nuclear Regulatory Staff in the above captioned proceeding.

The Staff will rely primarily on the following authorities:

- (1) Fashion Originators Guild v. FTC, 312 U.S. 457 (1940).
- (2) FTC v. Cement Institute, 333 U.S. 683 (1947).
- (3) FTC v. Motion Picture Advertising Services Co., Inc., 344 U.S. 392 (1953).
- (4) Atlantic Ref. Co. v. FTC, 381 U.S. 357 (1965).
- (5) FTC v. Brown Shoe Co., 304 U.S. 316 (1966).
- (6) FTC v. Sperry and Hutchison Co., 405 U.S. 233 (1972).
- (7) Golden Grain Macaroni v. FTC, 492 F.2d 832 (9th Cir. 1971)
(cert. denied 412 U.S. 918, 1973).
- (8) L.G. Balfour Company v. FTC, 442 F.2d 1 (1971).

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- (9) Otter Tail Power Co. v. U.S., 410 U.S. 366 (1973).
- (10) Jacob Siegal Company v. FTC, 327 U.S. 608 (1946).
- (11) FTC v. National Lead Company, et al., 352 U.S. 419 (1957).
- (12) Ford Motor Co. v. U.S., 405 U.S. 562 (1972).
- (13) In the Matter of Louisiana Power and Light Company
(Waterford Steam Electric Generating Station, Unit 3)
6 AEC 48 (1973).
- (14) In the Matter of Louisiana Power and Light Company
(Waterford Steam Electric Generating Station, Unit 3)
6 AEC 619 (1973).
- (15) In the Matter of Kansas Gas and Electric Company
and Kansas City Power and Light Company (Wolf Creek
Generating Station, Unit No. 1) ALAB-279, NRCI-75/6, 559.
- (16) Report, Joint Committee on Atomic Energy, No. 91-1247, 91st
Congress, 2d Session, Sept. 30, 1970.

In addition to the above cited authorities, the Staff has advised all other parties that the following authorities which have not been heretofore referenced in our briefs may be relied on by the Staff in its oral presentation:

- (1) La Peyre v. FTC, 366 F.2d 117 (5th Cir. 1966).
- (2) Rader v. Balfour, 440 F.2d 469 (7th Cir. 1971).

(3) The Toledo Edison Company et al., (The Davis-Besse Nuclear Power Station, Unit No. 1) (ALAB-223) April 14, 1976.

Sincerely,

Robert J. Verdisco
Counsel for NRC Staff

cc: Robert A. Jablon, Esq.
William Warfield Ross, Esq.
Forrest Bannon, Esq.

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