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September 24, 1971

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In the Matter of Consumers Power
Company Midland Plant, Units 1 and 2
Docket Nos. 50-329 and 50-330

Dear Chairman Murphy:

I am writing to object to the Mapleton Intervenor's application for a further extension of time to take certain action beyond September 30, 1971, about which Mr. O'Connor and I just learned from clippings appearing in the September 17 and September 18 Tri-City area newspapers, copies of which are enclosed.

Although Dow's position in opposition to any such Mapleton application may be clear from the earlier record, so that a fuller statement would be unnecessary, obviously I cannot comment further with regard to the Mapleton letter to you because I have not seen it.

This is now the third time the Mapleton Intervenor's have sought relief from the Board without furnishing copies to us, in violation of the Regulations, §§ 2.701(b) and 2.730(a), all rules of practice and common courtesy -- suggesting that the oversight may not be inadvertent. Copies of our two earlier protests are attached.

We have objected to the stated Mapleton practice of using publicity rather than lawful procedure to make their

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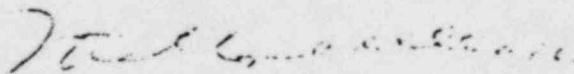
Arthur W. Murphy, Esq.

September 24, 1971

points and advance their cause (see Dow Exhibit 1 for identification), although to no avail. But surely the Board should take action to preclude the releasing of formal applications to the press, while at the same time denying them to some of the other parties.

In addition to opposing any application by the Mapleton Intervenor to extend the September 30 deadline, we request that the Board direct the Mapleton Intervenor to comply with the Regulations and other requirements of law by furnishing copies of all papers filed in this proceeding to all other parties at the time of filing, and that the Board not consider any Mapleton statement unaccompanied by a certification in form similar to that attached to this letter, Regs. §§ 2.701(b) and 2.712(e), identifying specifically to whom and when copies of the document were furnished, and signed by a party or member of the bar over whom the Board has control, Regs. §§ 2.713(b) and (c), 2.718. The Board should no longer accept Mapleton statements such as "cc all parties" or "cc other counsel."

Respectfully,



Milton R. Wessel

MRW:skl
Enclosures

cc: As per attached
Certificate of Service

CERTIFICATE OF SERVICE

I, Milton R. Wessel, Esq., a member of the firm of Kaye, Scholer, Fierman, Hays & Handler, Hearing counsel to The Dow Chemical Company in this matter, hereby certify in accordance with the provisions of 10 C.F.R. § 2.712(c)(2) that on February 9, 1972, I served a copy of the attached letter to Arthur W. Murphy, Esq. by postage prepaid mail, upon the persons whose names and addresses are listed below:

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