

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

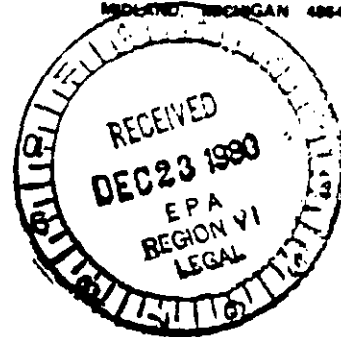


THE DOW CHEMICAL COMPANY

December 18, 1980

BENNETT BUILDING
2030 DOW CENTER
MIDLAND, TEXAS 79701

000239



Ms. Diana Dutton
Director
Enforcement Division
U.S. E.P.A., Region VI
1201 Elm Street
Dallas, TX 75270

Dear Ms. Dutton:

This letter is in regard to your letters of December 8, 1980, to the Oyster Creek and Texas divisions of Dow Chemical U.S.A. requesting information concerning waste disposal practices.

It is our good faith belief that the information request in these letters is not in compliance with the Federal Reports Act, 44 USC §3501 et seq. and Office of Management and Budget (OMB) Circular A-40, "Clearance Requirements Under the Federal Reports Act." The information request in question does not have an OMB approval number and was sent to more than ten persons. The Federal Reports Act, §3509, requires that such an information request must be submitted to OMB and that the information request may not be used without OMB approval.

Consequently, we feel compelled to refrain from answering the information request pending a determination of its legality under the Federal Reports Act. Any clarification you can give as to why this information request is lacking OMB approval would be appreciated.

Very truly yours,

William H. Herr
Attorney

cc: Dow Environmental Clearinghouse
Oyster Creek Division, Dow U.S.A.
Texas Division, Dow U.S.A.

983599



000239