



DOCKET NUMBER
PROD. & UTIL. EAC. 50-

Westinghouse Electric Corporation

Power Systems

Box 355
Pittsburgh Pennsylvania 15230

RAW-260

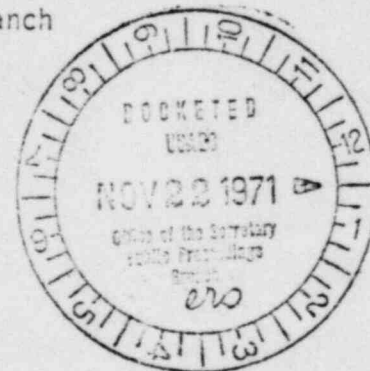
November 18, 1971

✓ Secretary
United States Atomic Energy Commission
Washington, D. C. 20545

Attention: Chief, Public Proceedings Branch

Director of Regulation
United States Atomic Energy Commission
Washington, D. C. 20545

Arthur W. Murphy, Esq.
Columbia University School of Law
Box 38
435 West 116th Street
New York, New York 10027



Re: Atomic Safety Licensing Board Hearing-In the Matter
of Consumers Power Company (Midland Plant),
Docket Nos. 50-329, 50-330

Gentlemen:

Reference is made to our letter dated June 18, 1971 (RAW-177), in which we asked that appropriate objection be made to the disclosure of certain Westinghouse proprietary reports in the above captioned hearing, which hearing does not involve a Westinghouse nuclear steam supply system. In our letter, we further requested that if the Director of Regulation plans to authorize production of the reports or the Atomic Safety and Licensing Board plans to consider the issuance of an order requiring such production, Westinghouse be furnished reasonable advance notice of such proposed action and the opportunity to be heard in connection with this matter.

We now have been advised by the office of the General Counsel, Atomic Energy Commission, that in connection with the above captioned hearing the ASLB proposes to enter an order which, inter alia, would call for an evidentiary hearing on the underlying question of the proprietary nature of the documents. We wish to reiterate that Westinghouse does not authorize the production of the reports involved, which reports have been designated proprietary by Westinghouse.

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

8007151006

G

Secretary USAEC
Director of Regulation, USAEC
RAW-260
November 18, 1971
Page Two

The reports and information contained therein were given to and received by the AEC in confidence, exclusively for use in evaluating applications utilizing Westinghouse systems. They contain material which is customarily held in confidence by Westinghouse. Accordingly, under applicable law, AEC regulations, and the recent Atomic Safety and Licensing Appeals Board ruling they are exempt from disclosure.

If, notwithstanding the above, the ASLR plans to issue an order calling for a hearing on the question of the proprietary nature of the documents involved, we request reasonable advance notice and the opportunity to avail ourselves of administrative procedures contemplated by law and the regulations.

Very truly yours,

s/ Robert A. Wiesemann /vep
Robert A. Wiesemann, Manager
Special Licensing Projects

/vep

cc: A. W. Vadnais, Esq.
Westinghouse Electric Corporation
17B2 Westinghouse Building
Gateway Center
Pittsburgh, Pennsylvania 15222

B. Z. Cowan, Esq.
Eckert, Seamans, Cherin & Mellott
10th Floor, Porter Bldg.
Sixth Avenue & Grant Street
Pittsburgh, Pennsylvania 15219

H. Smith

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
CONSUMERS POWER COMPANY)
(Midland Plant, Units 1 and 2))

11-18-71
Docket No. 50-329, 330

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter from Westinghouse to Murphy, Director of Regulation, and Secretary, dated November 18, 1971 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 23rd day of November 1971:



Arthur W. Murphy, Esq., Chairman
Atomic Safety and Licensing Board
Columbia University School of Law
435 West 116th Street, Box 38
New York, New York 10027

Richard G. Smith, Esq.
Smith & Brooker, P.C.
703 Washington Avenue
Bay City, Michigan 48706

Dr. Clark Goodman
Professor of Physics
University of Houston
3801 Cullen Boulevard
Houston, Texas 77004

Harold P. Graves, Esq.
Vice President and General
Counsel
John K. Restricks, Esq.
Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201

Dr. David B. Hall
Los Alamos Scientific Laboratory
P. O. Box 1663
Los Alamos, New Mexico 87544

Mr. R. C. Youngdahl
Senior Vice President
Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201

Dr. Stuart G. Forbes
100 Tennessee Avenue, Apt. 37
Redlands, California 92373

Honorable Frank Olds, Chairman
Midland County Board of
Supervisors
623 St. Charles Street
Midland, Michigan 48640

Thomas F. Engelhardt, Esq.
David E. Kartalia, Esq.
Robert Newton, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Honorable Jerome Maslowski
Assistant Attorney General
State of Michigan
Seven Story Office Building
525 West Ottawa
Lansing, Michigan 48913

Robert Lowenstein, Esq.
Jerome E. Sharfman, Esq.
Lowenstein, Newman & Reis
1100 Connecticut Avenue, N. W.
Washington, D. C. 20036

Heary

Honorable Curtis G. Beck
Assistant Attorney General
State of Michigan
Seven Story Office Building
525 West Ottawa
Lansing, Michigan 48913

Myron M. Cherry, Esq.
Suite 1005
109 North Dearborn Street
Chicago, Illinois 60602

Anthony Z. Roisman, Esq.
Berlin, Roisman and Kessler
1910 N Street, N. W.
Washington, D. C. 20036

James A. Kendall, Esq.
Currie and Kendall
135 North Saginaw Road
Midland, Michigan 48640

Dr. Wayne E. North, Chairman
Midland Nuclear Power Committee
P. O. Box 335
Midland, Michigan 48640

Milton R. Wessel, Esq.
J. Richard Sinclair, Esq.
Allen Kezsbom, Esq.
Kaye, Scholer, Fierman, Hays
and Handler
425 Park Avenue
New York, New York 10022

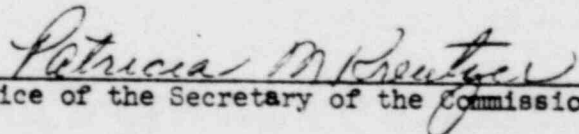
William A. Groening, Jr., Esq.
James N. O'Connor, Esq.
The Dow Chemical Company
2030 Dow Center
Midland, Michigan 48640

William J. Ginster, Esq.
Merrill Building, Suite 4
Saginaw, Michigan 48602

Mr. Wendell H. Marshall
RFD No. 10, Mapleton
Midland, Michigan 48640

Irving Like, Esq.
Reilly, Like and Schneider
200 West Main Street
Babylon, New York 11702

Honorable William H. Ward
Assistant Attorney General
State of Kansas
Topeka, Kansas 66612


Office of the Secretary of the Commission

cc: Mr. Murphy
Mr. Engelhardt
Mr. Wells
N. Brown
H. Smith