

Westinghouse Electric Corporation  
 Pittsburgh, Pa.  
 Robert A. Wiseman

CONTROL NUMBER  
**3915**

FILE LOCATION

DATE OF DOCUMENT  
**11/19/71**

ACTION COMPLETION DEADLINE

TO  
**Dir. of Regulation**

ACTION PROCESSING DATES

PREPARE FOR SIGNATURE OF:

Acknowledged \_\_\_\_\_

\_\_\_\_\_  
 Chairman

Interim Report \_\_\_\_\_

\_\_\_\_\_  
 Director of Regulation

Final **12/8/71**

DESCRIPTION **TWX**  Original  Copy  Other **(S) (L) (M)**

REMARKS **re DR-3510**

Requests Westinghouse be given reasonable advance notice of ASLB plans to issue an order for disclosure of Westinghouse proprietary documents in connection with hearings on the Midland Plant, and an opportunity to be heard in the matter

REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE RECOMMENDED?
<b>Shapar</b> <b>f/action</b>	<b>11/19/71</b>	_____
Cys: <b>Muntzing</b> <b>Henderson</b>		

DO NOT DETACH THIS COPY

DIRECTOR OF REGULATION  
 COMMUNICATIONS CONTROL

Form HQ-32 (6-70)  
 USA EC

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TLX NR 162

USAEC HQS GTWN

WU WSH

TLXB002 (19)PA107

P PGA053 GO NL PD PITTSBURGH PENN 18  
DIRECTOR OF REGULATION, UNITED STATES ATOMIC ENERGY COMMISSION  
WASH DC 20545

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 SYSTEM SUPPLY SYSTEM. IN OUR LETTER,  
WE FURTHER REQUESTED THAT IF THE DIRECTOR OF REGULATIONS 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.

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, NOT WITH STANDING THE ABOVE, THE ASLB 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,

ROBERT A WIESEMANN, MANAGER SPECIAL LICENSING PROJECTS.

K(1012A NOV 19)

USAEC HQS GTWN

DR-3915

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Rec'd. Off. Dir. of Reg.

Date 11/19/71