

DOCKETE  
USNRC

Westinghouse  
Electric Corporation

'81 NOV 16 P3:03

*era*  
OFFICE OF SECY  
DOCKETING & SL  
BRANCH

Law Department

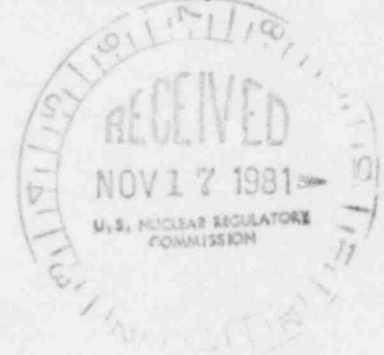
Westinghouse Building  
Gateway Center  
Pittsburgh Pennsylvania 15222

Monroeville Nuclear Center  
P. O. Box 355  
Pittsburgh, PA 15230  
(412) 373-4558

Peter B. Bloch, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
Panel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

November 13, 1981

Re: Wisconsin Electric Power Company  
Point Beach Nuclear Plant, Units 1 & 2  
Docket Nos. 50-266 and 50-301  
Operating License Amendment



Dear Judge Bloch:

Enclosed are the Affidavit of R. A. Wiesemann and the Supplement thereto, submitted pursuant to 10 CFR §2.790(b)(1)(ii)(1981) addressing why the Westinghouse proprietary information submitted heretofore in this proceeding should be withheld from public disclosure. The affidavit and its supplement address cost data and competitive considerations, including two issues raised by the Board: "1) The extent to which the parts of the sleeving process are unusual, and therefore especially valuable to Westinghouse, and 2) a representation as to the market, that is, how they [Westinghouse] would be harmed by the release of the information" (Tr. 95).

Memorializing a conversation you and I had yesterday, I wish to assure the Board that I became aware of these latter two issues for the first time yesterday, November 12, 1981. We in the Westinghouse organization have striven to answer them as quickly as possible. To the extent the Board wishes them to be addressed further, please let me know.

Because the Affidavit and Supplement are proprietary in their own right, we are mailing the Supplement to only the three members of the Board and to the staff counsel, and not to the other parties to the proceeding. In this regard, I draw your attention to this excerpt addressing §2.790(b)(1)(ii) from a Federal Register Notice adopting amendments to the Commission's regulations implementing the Freedom of Information Act (5 U.S.C. 552):

*DS03  
S  
11/1*

8111180437 811113  
PDR ADOCK 05000266  
G PDR

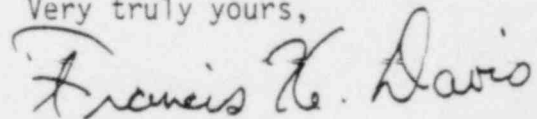
November 13, 1981

Should the owner not wish to reveal the supporting information to a third party who has been furnished the basic information and has incorporated it into a license application, the owner may submit the affidavit directly to the Commission, and it will be protected in accordance with the provisions of 10 CFR Part 9.

41 Fed. Reg. 11808, at 11809. March 22, 1976.

I am confident that they will not be distributed outside the Commission and will be held confidential.

Very truly yours,



Francis X. Davis  
Attorney

FXD:mjl

cc: Judge Hugh C. Paxton-(w/enclosure)  
Judge Jerry R. Kline- "  
Stuart Treby, Esq. - "  
All others on attached-(w/o enclosure)  
Service List

SERVICE LIST

Peter B. Bloch, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
Panel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Hugh C. Paxton  
Administrative Judge  
1229 - 41st Street  
Los Alamos, New Mexico 87544

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board  
Panel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Kathleen M. Falk, Esq.  
Wisconsin's Environmental Decade  
114 North Carroll Street  
Madison, Wisconsin 53703

Stuart A. Treby, Esq.  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Francis X. Davis, Esq.  
Westinghouse Electric Corporation,  
Appearing Specially  
P. O. Box 355  
Pittsburgh, PA 15230

Atomic Safety and Licensing Appeal  
Board  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing Board  
Panel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Bruce Churchill, Esq.  
Gerald Charnoff, Esq.  
Shaw, Pittman, Potts & Trowbridge  
1800 M Street N.W.  
Washington, D.C. 20036