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Dear Administrative Judges:

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

This letter is in response to the inquiry made by Judge Bloch in his telephone conversation of April 5, 1982, with my partner, John Kenrick. In that telephone conversation, Judge Bloch directed our attention to the last paragraph of my letter to the Licensing Board dated March 30, 1982, wherein I called the Board's attention to the Westinghouse suggestion that it might be beneficial to the Board and the parties if the Board took a view or tour of the Westinghouse facilities in Pittsburgh, Pennsylvania, where the tests and processes relating to the sleeving for steam generator tubes were conducted. I noted the Westinghouse belief that such a viewing would help place the nature of the test program and the test results in a better perspective for the Board and the parties. Judge Bloch requested that we advise the Board in writing



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whether the suggestion of a tour was being made as an offer as part of the evidentiary record on the proprietary issues. He also requested further information with respect to the relevance of such a tour to the proprietary issues before him and how important such a tour would be to a resolution of the issues involved in the proprietary question.

The suggestion by Westinghouse that a facilities tour take place was for the purpose of presenting to the Board information of an evidentiary nature concerning the sleeving process, the test facility, and the use of test results in process design and operation. Accordingly, we intended the offer to be a request to present demonstrative evidence as part of the evidentiary record on the proprietary issues.

We believe that by actually viewing the facilities and observing their operation, the Board can make a more realistic evaluation of the value of the test facility and its relationship to the Westinghouse competitive position. Thus, the view will provide substantial evidence of the value of the proprietary information, the amount of effort expended by Westinghouse in developing the information, and the difficulty involved for Westinghouse competitors to properly acquire or duplicate the information. The view of the facilities should also enable greater understanding of the Westinghouse and NRC Staff's responses to certain of the questions raised by the Board.

We note that a tour of a facility is an accepted NRC practice. Licensing boards frequently tour the sites of nuclear power facilities which are the subject of permit or license applications. In the Offshore Power Systems Manufacturing License Proceeding, the Licensing Board on more than one occasion toured the manufacturing facility of the applicant for that license. Where, as here, the proprietary nature of the results of a test program is under Board consideration, Westinghouse believes that a tour of the test and related facilities would be of substantial importance to the resolution of the proprietary issues.

We note that when Westinghouse suggested a tour of its facilities during the March 4, 1982 conference call, the Applicant supported that suggestion and the NRC Staff stated that it had no objection to such a tour (Tr. 1106-1110).

Very truly yours,

/s/ Barton Z. Cowan
Barton Z. Cowan
Counsel for Westinghouse
Electric Corporation,
Appearing Specially

cc: Service List

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