



Wisconsin Electric POWER COMPANY
231 W. MICHIGAN, P.O. BOX 2046, MILWAUKEE, WI 53201

November 1, 1984

Mr. H. R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. NUCLEAR REGULATORY COMMISSION
Washington, D. C. 20555

Attention: Mr. J. R. Miller, Chief
Operating Reactors, Branch 3

Gentlemen:

DOCKET NOS. 50-266 AND 50-301
METEOROLOGICAL MONITORING SYSTEM
CLASS A MODEL DESCRIPTION
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

Please find attached a copy of the "Software Design Report for the Class A Model, and the Meteorological, Radiological Effluent, and Dose Reports for Point Beach Nuclear Plant". This provides a description of the Class A model developed for us by Energy Impact Associates, Inc. (EIA) which will be used with the new meteorological monitoring system described in our October 1, 1984 letter.

The Software Design Report contains information which is proprietary to EIA. In conformance with the requirements of 10 CFR 2.790, we hereby apply for withholding of this information from public disclosure. In support of this application, please find attached the affidavit of Dr. James H. Wright, president of EIA. Included as Enclosure 1 and Attachment A to the affidavit are the procedures and criteria and standards utilized by EIA in determining whether information is proprietary. Both a proprietary version and a non-proprietary version of the report are included with this letter.

Should you have any questions concerning this information, please contact us.

Very truly yours,

Vice President, Nuclear Power

8411050392 841101
PDR ADDCK 05000266
P PDR

C. W. Fay

Attachments

Copy to NRC Resident Inspector (wo/a)

Change:
2 PDR } Non
NRC FOR } Prop
NTIS } Encl
PA01
1/1 Prop
1/1 Non Prop

general. EIA has expended much time and money in the development of this proprietary methodology. Approximately 21,500 man-hours of engineering effort has been applied to this work. The cost of the development expense to date is approximately \$1.3 million. This methodology and related information is of a type customarily held in confidence by EIA and not customarily disclosed to the public. EIA has a rational basis, described in this Affidavit, for treating the methodology and related information as confidential. The methodology and related information have been treated and protected by EIA as confidential proprietary matter. All portions of the above-referenced report which constitutes confidential proprietary matter have been clearly marked as such. EIA clients who have been provided with this information have contracted with EIA to protect this information as secret and confidential and signed confidentiality agreements have been obtained from such clients. This material is not available in any public source to the best of my knowledge and belief.

4. The proprietary material being submitted to the U. S. Nuclear Regulatory Commission is the product of the scientific and engineering expertise and judgment of EIA and its staff and is a valuable commercial asset of EIA. As noted above, EIA has invested over 21,500 man-hours of engineering effort and has spent approximately \$1.3 million in developing this proprietary methodology. This is a very significant investment for a small firm of the size of EIA. Possession of this proprietary information gives EIA a commercial advantage in marketing its environmental engineering services. Public disclosure of this information would substantially harm EIA's competitive position since EIA's unique background of theoretical and practical experience in this area made development of the methodology possible at great expense to the company. If this proprietary information were publicly disclosed, it would significantly enhance the ability of EIA's competitors to develop and sell a similar methodology without incurring commensurate development expenses. The EIA proprietary information is so detailed that if it were to be publicly disclosed, EIA competitors could copy EIA's very sophisticated modeling technique at virtually no cost and place EIA at a great competitive disadvantage in the marketplace.

5. The information identified in Paragraph 3 which EIA wants withheld from public disclosure was determined to be proprietary in accordance with the procedure described in Enclosure 1 entitled "Procedure of Energy Impact Associates, Inc. For Determining Whether Information Is Proprietary." The criteria and standards utilized by EIA in making that determination are set forth in Attachment A to that Enclosure.

Further, the deponent sayeth not.

J. H. Wright
James H. Wright

Sworn to and subscribed
before me this 16 day
of October, 1984.

Deana K. Waters
Notary Public

DEANA K. WATERS, NOTARY PUBLIC
FOREST HILLS BORO, ALLEGHENY COUNTY
MY COMMISSION EXPIRES NOV. 26, 1987
Member, Pennsylvania Association of Notaries

Enclosure 1

PROCEDURE OF ENERGY IMPACT ASSOCIATES, INC.
FOR DETERMINING WHETHER INFORMATION IS PROPRIETARY

In determining whether documents are to be classified as proprietary, the following procedure is used by Energy Impact Associates, Inc. ("EIA"): an initial determination as to whether a document contains information which should be classified as proprietary is made by the author of such document. The author generally is the person most knowledgeable with respect to the contents of such document, the nature of the sensitivity of information contained in the document, the state of the art and knowledge in the industry with respect to the subject matter of the document, and the usefulness of the information contained in the document with respect to assisting competitors of EIA or giving EIA a competitive advantage relating to such subject matter.

If a preliminary determination is made that a document contains proprietary material, the specific words, numbers, graphs or other items in the document which are proprietary are identified. Criteria and standards utilized by EIA in determining whether information is proprietary are those discussed in Attachment A. The initial determination with respect to proprietary contents is reviewed by the supervisor of the originator of the document. Finally, that determination is reviewed by Dr. James H. Wright, President of EIA. If, upon completion of such review, material contained in the document is determined to be proprietary, such material is classified as proprietary. At any stage of the review, communication may take place with legal or patent counsel.

Attachment A

Criteria and Standards Utilized by Energy Impact Associates, Inc., in Determining Whether Information is Proprietary

In determining whether information contained in a document or report is proprietary, the following criteria and standards are utilized by Energy Impact Associates, Inc. ("EIA"). Information is proprietary if any one of the following criteria are met:

(a) It reveals the distinguishing aspects of a process (or component, method, model, etc.) where prevention of its use by any of EIA's competitors without license from EIA constitutes a competitive economic advantage over other companies.

(b) It consists of supporting data, including test data, relative to a process (or component, method, model, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.

(c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

(d) It reveals cost or price information or commercial strategies of EIA, its customers or suppliers.

(e) It reveals aspects of past, present or future EIA development plans and programs of potential commercial value to EIA.

(f) It contains patentable ideas, for which patent protection may be desirable.

(g) It is not the property of EIA, but must be treated as proprietary by EIA according to agreements with the owner.