



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 18, 1981

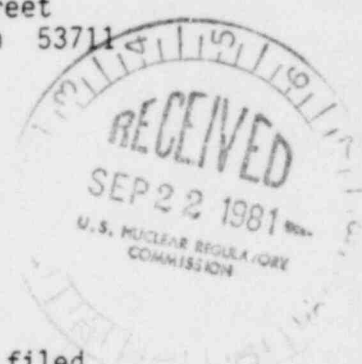
Ivan W. Smith, Esq.
Administrative Judge
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Walter H. Jordan
Administrative Judge
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Dr. Linda W. Little
Administrative Judge
5000 Hermitage Drive
Raleigh, North Carolina 27612

Gary L. Milhollin, Esq.
Administrative Judge
1815 Jefferson Street
Madison, Wisconsin 53711

In the Matter of
METROPOLITAN EDISON COMPANY, ET AL.
(Three Mile Island, Unit 1)
Docket No. 50-289 (Restart)



Dear Administrative Judges:

Enclosed please find (1) unexpurgated copies of all previously filed board notifications, (2) Enclosure 1 to the IE Report, (3) information concerning seating diagrams and listings of the proctors and relief proctors, and (4) the response of the Executive Director for Operations to the OIA Report. The Staff is filing these documents with the Licensing Board and Judge Milhollin in response to the Board's "Memorandum and Order" dated September 11, 1981.

Service of these documents has not yet been effected on the parties to this proceeding. The Staff believes that disclosing the names of the senior reactor operators involved in this incident, without any protective arrangement, could be a violation of their privacy rights. Consequently, the Staff suggests that the Board issue a protective order, under which these specific documents would be served, which precludes any party to this proceeding from divulging the names of the individuals concerned outside of the hearing process.

To this end, the Staff has drafted a protective order, a copy of which is attached, for the Board's consideration. If the Board does decide to issue a protective order which would prevent the parties from revealing the private information contained in the documents, then the

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DESIGNATED ORIGINAL

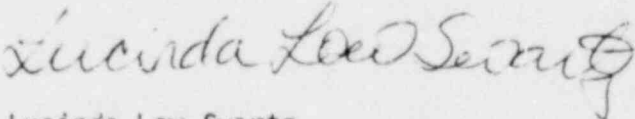
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Staff will serve the unexpurgated documents, which are being served on the Board today, on the parties involved in the hearing on the cheating incident.

Sincerely,

A handwritten signature in cursive script that reads "Lucinda Low Swartz".

Lucinda Low Swartz
Counsel for NRC Staff

Enclosures
cc: (w/o enclosures)
Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Ivan W. Smith, Esq., Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little

In the Matter of)
METROPOLITAN EDISON COMPANY, ET AL.) Docket No. 50-289
(Three Mile Island, Unit 1)) (Restart)

PROTECTIVE ORDER

The parties participating in the reopened TMI-1 restart proceeding^{1/} shall be permitted to review unexpurgated copies of (1) the Office of Inspection and Enforcement (OIE) report entitled "TMI-1, Unit 1 - Investigation of Alleged Cheating on Operator Licensing Examinations," (2) the Office of Inspector and Auditor (OIA) report entitled "Alleged Cheating on Operator Examinations for Restart of Three Mile Island Unit 1," (3) the views of the OIE investigators, and (4) the response of the Executive Director of Operations to the OIA Report, under the following terms and conditions:

1. Only the individuals who are participating in the hearing to be held concerning the cheating incident may have access to the private information^{2/} contained in the documents described above. These individuals are limited to: Mrs. Aamodt, Ms. Phelps of ANGRY,

^{1/} The parties permitted to participate in the reopened TMI-1 restart proceeding are: Mrs. Aamodt, ANGRY, TMIA and the Commonwealth of Pennsylvania. These parties actively participated in the management phase of the restart proceeding.

^{2/} The term "private information" is defined as the names or other identifying characteristics of the two senior reactor operators who were involved in the cheating incident.

Ms. Bradford of TMIA, and Mr. Adler representing the Commonwealth of Pennsylvania.

2. No one having access to the private information contained in the specified documents may disclose that information to any other individual or group outside of the hearing process.

3. No one having access to the private information contained in the specified documents may reproduce or cause to be reproduced any portion of those documents.

4. Persons who receive the private information contained in the specified documents may use that information solely for the purpose of participation in matters directly pertaining to the hearing to be held with respect to the cheating incident and any further proceedings in this case directly involving the issue of cheating, and for no other purposes.

5. Any person who has reason to believe that the terms and conditions outlined above are not being followed is directed to

notify this Licensing Board promptly of those suspicions and the reasons for them.

Ivan W. Smith, Esq.
Chairman

Dr. Walter H. Jordan
Administrative Judge

Dr. Linda W. Little
Administrative Judge

Dated at Bethesda, Maryland
this 18th day of September, 1981.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
METROPOLITAN EDISON COMPANY,)
ET AL.)
(Three Mile Island, Unit 1))
Docket No. 50-289
(Restart)

CERTIFICATE OF SERVICE

I hereby certify that copies of an NRC letter to the Licensing Board and Judge Milhollin and an attached protective order, dated September 18, 1981, have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, or, as indicated by a double asterisk, by hand-delivery, and that copies were delivered to private delivery services for service to Judges Milhollin, Jordan, and Little, this 18th day of September, 1981:

* Ivan W. Smith, Esq., Administrative Judge
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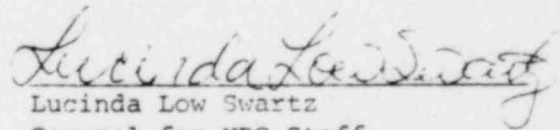
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