



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SPECIAL MASTER

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

NRC STAFF'S ANSWER TO AAMODT MOTION TO
COMPEL STAFF AND LICENSEE TO PROVIDE ALL
DOCUMENTS RELATED TO I&E INTERVIEW OF
C. HUSTED OF SEPTEMBER 18, 1981

On Thursday, December 10, 1981, during the last day of hearing in this reopened proceeding concerning cheating-related issues, the Aamodts orally requested the Staff to produce all notes relating to the September 18, 1981, interview of Mr. C. Husted by R. Matakas of I&E. Upon Staff counsel's return to his office the next morning, Staff counsel requested Mr. Matakas, as well as I&E investigators Ward and Baci, to search their files for all documents related to Mr. Matakas' September 18th interview of Mr. Husted.^{1/} Only two documents were discovered as a result of those searches. Both are from Mr. Matakas' files and one of the documents is a personal, uncirculated, handwritten note belonging to Mr. Matakas. Mr. Matakas has agreed to provide those documents in response to the Aamodts' request and those documents are being sent today to the parties. It follows that the Aamodts' request for all

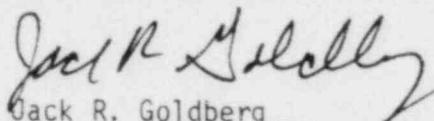
^{1/} Staff counsel telephoned Mrs. Aamodt and informed her that the Staff intended to voluntarily comply with her request and that a formal motion was not necessary. Mrs. Aamodt represented that therefore she would not file a motion. Notwithstanding that representation, the Aamodts filed this "Motion to Compel."

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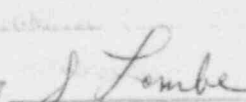
documents related to the I&E interview of C. Husted on September 18, 1981, is moot.^{2/}

As to Mr. Matakas' personal, uncirculated notes, the Staff would point out that such a document is considered to be the personal property of the employee and not an agency record which is in the possession or control of the NRC or NRC Staff. See 10 C.F.R. §§ 2.790, 2.744; Porter County Chapter of the Izaak Walton League v. AEC, 380 F.Supp. 630 (N.D. Ind. 1974). In this case, Mr. Matakas has voluntarily agreed to make his notes available. His doing so should not be construed as a precedent or waiver of the Staff's right to object (in this case or others) to requests for documents not "agency records."

Respectfully submitted,


Jack R. Goldberg
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 22nd day of December, 1981

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^{2/} In the Staff's view, the Aamodts' Motion to Compel contains numerous misstatements of fact, mischaracterizations of the record, and baseless implications of wrongdoing. However, since the Staff has agreed to provide the documents requested by the Aamodts and the Aamodts' Motion to Compel is moot, the Staff will not respond to misstatements and mischaracterizations contained in the Aamodts' motion.

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER TO AAMODT MOTION TO COMPEL STAFF AND LICENSEE TO PROVIDE ALL DOCUMENTS RELATED TO I&E REVIEW OF C. HUSTED OF SEPTEMBER 18, 1981" dated December 22, 1981 in the above-captioned proceeding have been served on the following by deposit in the United States mail or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system this 22nd day of December, 1981:

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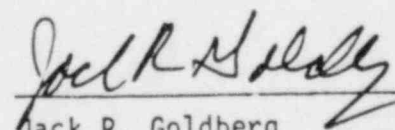
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