

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:
Sheldon J. Wolfe, Chairman
Dr. David L. Hetrick
Dr. James C. Lamb, III

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NRC

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OFFICE OF SECRETARY
REGULATORY & SERVICE
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In the Matter of)	
)	ASLBP Docket No. 83-491-04 OLA
METROPOLITAN EDISON COMPANY, <u>ET AL.</u>)	(NRC Docket No. 50-289)
)	(Steam Generator Repair)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	March 2, 1984

PROTECTIVE ORDER

It is hereby ORDERED that the Licensee shall not be compelled to respond to Intervenor TMIA's Document Request 22, set forth in TMIA's Request For Production of Documents filed on December 30, 1983.

It is further ORDERED, however, that for the duration of these proceedings Licensee shall disclose the proprietary information described below to Ms. Joanne Doroshow and Ms. Louise Bradford ("Recipients"), subject to the following conditions:

1. The proprietary information to be disclosed to Recipients is contained in the documents listed in Appendix I to this order.
2. Recipients shall employ all reasonable efforts to maintain proprietary information disclosed to them secret and confidential.
3. Recipients shall not use the proprietary information for any purpose except as nec-

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essary for Recipients' participation in the above-captioned proceeding in connection with contentions, involving repair of steam generator tubes at Three Mile Island Nuclear Station Unit 1, admitted therein.

4. Recipients shall not transmit or further disclose proprietary information furnished hereunder to any other person, including parent organizations of Recipients, sister organizations of Recipients, subsidiaries of Recipients, consultants of Recipients, or subcontractors of Recipients. Provided, however, that any member of TMIA or bona fide independent expert working with TMIA may obtain access to the information by submitting an affidavit to the Board stating that he or she agrees to be personally subject to the jurisdiction of the Board as an agent of TMIA, and agrees to abide by the terms of this order.
5. Recipients shall not make any copy or in any way reproduce, excerpt, transcribe or disclose the proprietary information to be held in confidence hereunder except as necessary to provide members of the Board or

other parties with summary disposition briefs and/or copies of exhibits introduced into evidence in accordance with numbered paragraph 8 below.

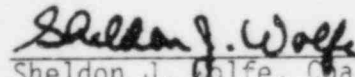
6. This order is not intended to infringe in any manner on the exclusive rights, title, and interest of Licensee and Babcock & Wilcox in and to the proprietary information transmitted under this order. Nor does this order imply any rights under any Letters Patent to Recipients.
7. Nothing herein contained shall apply to any information:
 - a. which is now generally known or available on an unrestricted basis to the trade or public or which becomes so known or available on an unrestricted basis without the fault of Recipients;
 - b. which is already possessed by Recipients in writing without restriction to disclosure or use prior to its receipt from B&W or Licensee;
 - c. which is disclosed in any issued patent, publication, or other source from and after the time it becomes general-

- ly available to the public; or
 - d. which is acquired on an unrestricted basis from any third party, provided that Recipients do not know or have reason to know and are not informed, subsequent to disclosure by such third party and prior to further
 - u. restricted disclosure by Recipients, that such information was acquired under an obligation of confidentiality.
8. In the event that Recipients determine it is necessary to use, introduce, or present the proprietary information in summary disposition proceedings and/or in evidentiary hearings in the above-captioned proceeding, the Recipients will provide reasonable notice of their intent to the Board and the Licensee. All papers filed in this proceeding (including summary disposition submissions, and testimony) that contain any protected information shall be segregated and shall be:
- a. served only on members of the Board, a single representative of each party

- subject to this order (in the case of parties represented by counsel, on the lead counsel), and the appropriate representative of the NRC involved in this proceeding who is entitled to access to protected information; and
- b. served in a heavy, inner envelope bearing the name of addressee and the statement "PRIVATE, TO BE OPENED BY ADDRESSEE ONLY." Addressees shall take all necessary precautions to ensure that they alone will open envelopes so marked. All prehearing and/or hearing sessions during which proprietary information will be discussed or introduced shall be held in camera, and the transcript of such sessions shall be sealed.
9. Upon final termination of the proceedings, Recipients shall immediately return to Licensee all data regarded as proprietary,

including all extracts, summaries, transcriptions and copies thereof.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Sheldon J. Wolfe, Chairman
ADMINISTRATIVE JUDGE

Dated this 2nd day of March, 1984.

APPENDIX I

LIST OF PROPRIETARY REFERENCE DOCUMENTS*

1. Foster Wheeler test report: "Qualification Testing of Block A 10-Tube Mock-Up," referenced as 58-1017513-00, FW, 5054-IR-7, Rev. 0.
2. Foster Wheeler test report: Qualification Testing of Block B 10-Tube Mock-Up," referenced as 58-1017505-00, FW, 5054-IR-4, Rev. 0.
3. Foster Wheeler test report: "Qualification Testing of Block B 10-Tube Mock-Up," referenced as 58-1017499-01, FW, 5054-IR-1, Rev. 1.
4. Foster Wheeler test report: "Qualification Testing of Block D 10-Tube Mock-Up," referenced as 58-1017506-00, FW, 5054-IR-2, Rev. 0.
5. Foster Wheeler test report: "Qualification Testing of Block E 10-Tube Mock-Up," referenced as 58-1017507-00, FW, 5054-IR-3, Rev. 0.
6. Foster Wheeler test report: "Qualification Testing of Block G 10-Tube Mock-up," referenced as 58-1017510-00, FW, 5054-IR-5, Rev. 0.
7. Foster Wheeler test report: "Qualification Testing of Block H 10-Tube Mock-Up," referenced as 58-1017509-00, FW, 5054-IR-6, Rev. 0.
8. Foster Wheeler test report: "Qualification Testing of Block SP-1 10-Tube Mock-Up," referenced as 58-1017511-00, FW, 5054-IR-8, Rev. 0.
9. Foster Wheeler test report: "Qualification Testing of Annulus Size Effects Single Tube Mock-ups," referenced as 58-1017518-00, FW, 5054-IR-11, Rev. 0.
10. Foster Wheeler test report: "Qualification Testing of Corroded Crevice Single Tube Mock-Ups," referenced as 58-1017517-00, FW, 5054-IR-12, Rev 0.

* Number listed is number given to document in Licensee's Answer to TMIA's First Set of Interrogatories and Request For Production of Documents.

12. Foster Wheeler test report: "Qualification Testing of Induced Strain Blocks," referenced as 58-1017508-00, FW, S051-IR-9, Rev. 0.
18. GPUN-TDR-007: "Three-Mile Island Unit 1 Once-Through Steam Generator Repair Kinetic Expansion Technical Report," referenced as 77-1141709-01, B&W-UPGD, TDR-007.
19. "TMI-1 OTSG Kinetic Expansion Repair Structural Justification," referenced as 51-1141584-00, B&W-UPGD.
20. "OTSG Kinetic Expansion Qualification - Evaluation of Pullout and Leakage Data," referenced as 32-1139261-01, B&W-UPGD.
21. Foster Wheeler test report: "15 Year Life Extended Testing of Blocks J&K," referenced as 58-1017555-00, FW, S090-IR-1, Rev. 1.
22. Foster Wheeler test report: "15 Year Life Extended Qualification Testing of Block L," referenced as 58-1017556-00, FW, S090-IR-2, Rev. 0.
27. Foster Wheeler test report: "Prequalification change Sizing for TMI-1 Steam Generator Tube Expansions," referenced as 58-1017488-00, B&W-UPED.
33. GPUN-TDR-341: "TMI-1 OTSG Failure Analysis Report," referenced as GPUN, TDR-341.
35. Letter: Stanek to Slear, GPUN-82-359, 10/22/83, Quality Assurance Data Package for First Shipment Explosive Charge Assembly.
36. NPGD Quality Assurance Certificate of Conformance, 23-1138065-21, Contract No. 582-7239.
37. Manufacturing Specification 27-1137838-01 for [], 10/27/82.
38. R&D Technical Report, "Chemical Cleaning of Nuclear Parts and Components []," Murphy to Birks, 8/29/75.
39. ARC Report RDD:83:5170-01:01, Monter to Carey, "TMI-1 [] Corrosion Tests," May 10, 1983.
40. ARC Report RDD:83:5156-01-01:01, Rovder to Carey, "Assessment of Samples Used in the Investigation of Various Cleaning Methods for Removal of Explosive Expansion Contamination from O.T.S.G. Tube Surfaces," March 9, 1983.
41. B&W Technical Document, "Operating Specification 64-1140812-00 for GPUN Automatic Tube Flushing System."

42. Memo: Lamanna and Phillips to Distribution, "TMI-1 OTSG Flush," PAS-09, March 18, 1983.
47. GPUN Specification SP-1101-22-C08, Rev. 2, "Long Term Corrosion Testing," October 24, 1983.
48. B&W letter GPUN 83-005, January 6, 1983.
49. B&W letter GPUN 83-110, March 10, 1983.
58. Westinghouse Electric Corporation, "Long Term Corrosion Test Program of Nuclear Steam Generator Tubing Samples from TMI Unit 1," First Interim Report, October 1983.
59. GPUN TDR 83-506, "Final Report on RCS, Hydrogen Peroxide Cleaning."
60. Barnes, Wensky and Lathouse, "Overview of Progress in the TMI-1 Tube Cleaning Experiment," Battelle Columbus Laboratories, January 31, 1983.
61. GPUN Specification SP-1101-08-001, "Chemical Requirements for [] Flush," Rev. 6, April 11, 1983.
62. A.K. Agrawal, W.N. Stiegelmeyer and W.E. Berry, "Short Term Corrosion Evaluation of Kinetically Expanded Tubes in Mockup Tube Sheets," Battelle Columbus Laboratories, November 21, 1983.

Topical Report 008, "Assessment of TMI-1 Plant Safety for Return to Service After Steam Generator Repair," Rev. 3.