

TRIAL LAWYERS FOR PUBLIC JUSTICE, P.C.

COUNSELLORS AT LAW

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RELATED CORRESPONDENCE

August 1, 1984⁸⁴ AGO -6 A11:47

Secretary Chilk
United States Nuclear
Regulatory Commission
Washington, DC 20555

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BRANCH

Dear Secretary Chilk:

I am writing to express our extreme outrage that the name of a CASE witness who gave a deposition in the Comanche Peak licensing proceedings under a protective order, with a promise of confidentiality, was openly available to the public in the public document room of the NRC for at least six days. A copy of the transcript of the deposition, on microfiche, was also openly available to the public (accession #8407240312). The name of the witness and the microfiche copy of the transcript were removed from the public document room yesterday, only after one of our interns discovered that they were available and informed a staff worker. The publication of the witness's name and transcript constitutes a serious breach of the protective order.

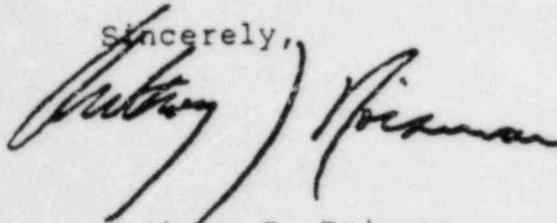
We hold the Secretary of the Commission directly responsible for this serious breach. In the event that any adverse consequences result to this or any other witness whose confidentiality has been breached, we intend to hold the Secretary and his office directly liable under the Federal Tort Claims Act. In addition, we will hold the individual or individuals responsible for this matter liable in tort.

To protect our witness from damage from this serious breach, we expect within one week, a report from the Commission containing the following information:

- 1) when and how the breach occurred;
- 2) who was responsible for it;
- 3) what has been done to recover all copies of the transcript and of the witness's name;
- 4) what is being done to determine who had access to the transcript and to the witness's name;
- 5) a list of all those who may have obtained a copy of the witness's name and transcript;

- 6) what is being done to ensure that the names and transcripts of the testimony of other witnesses who testified under a protective order are not made available to the public;
- 7) the identity of the person or persons responsible for all of the protected documents; and
- 8) what changes in procedure are being implemented to ensure that such breaches do not occur in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anthony Z. Roisman". The signature is written in dark ink and is positioned above the typed name.

Anthony Z. Roisman
Executive Director

cc: Chairman, Atomic Safety
and Licensing Board