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November 13, 1981

BY HAND

Gary J. Edles, Esq.  
Chairman, Atomic Safety and  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

BY HAND

Dr. John H. Buck  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

BY HAND

Christine N. Kohl, Esq.  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555



Re: Metropolitan Edison Company (Three Mile  
Island Nuclear Station, Unit 1) Docket  
No. 50-289 (Restart) (Reopened Proceeding)

Dear Madam and Sirs:

Late yesterday afternoon we obtained copies of  
1) the November 10, 1981 order of the Atomic Safety and  
Licensing Appeal Board granting a stay of the November 6,  
1981 decision of the Atomic Safety and Licensing Board  
and accepting our appeal thereof, and 2) Ms. Shoemaker's  
November 12 letter to Judge Milhollin concerning our  
appeal. In response, we are submitting herewith a copy  
of a Stipulation signed by the active parties to this  
proceeding and by counsel for the "involved individuals."  
(In the case of Mr. McBride of this office, the Stipula-  
tion was signed for Mr. McBride by Mr. Blake.) Although  
the enclosed copy has not been signed by the Special  
Master, we understand that he has approved it. We also  
understand that he will issue a protective order to  
facilitate enforcement of the Stipulation.

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Gary J. Edles, Esq.  
Dr. John H. Buck  
Christine N. Kohl, Esq.  
November 13, 1981  
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Of particular importance to the Appeal Board is paragraph 10 of the Stipulation. Pursuant to that paragraph, we and the Licensee must withdraw our respective appeals of the Licensing Board's November 6 decision with the exception of those portions that concern the conduct of counsel in presenting our Privacy Act arguments to the Licensing Board. Accordingly, we hereby withdraw our appeal to the extent contemplated in paragraph 10 of the Stipulation.

In our view, the Stipulation renders moot questions 1 and 2 as described in your November 10 order. However, to preserve our opportunity to defend the Privacy Act position we took in our brief to the Licensing Board, we believe that the Appeal Board should not consider its question 3 moot.

In light of the Stipulation, the expedited schedule for briefing and argument established by the Appeal Board for this matter appears to be unnecessary. We would suggest that 1) the stay imposed by your order be continued pending receipt by the Appeal Board of the Special Master's approval of the Stipulation and a suitable protective order issued by the Special Master, 2) the briefing and oral argument deadlines set forth in the Appeal Board's November 10 order be immediately rescinded, 3) the Appeal Board issue a further order either vacating the Licensing Board's order in whole or in part, establishing a further briefing schedule on the remaining issues, or both, and 4) oral argument be deferred.

When we have received copies of the Stipulation and protective order that have been signed by Special Master Milhollin, we will forward them to you.

We appreciate the prompt attention that the Appeal Board has given to these matters.

Very truly yours,

*Harry H. Vargo*

Enclosure

cc w/o enc.: Ivan W. Smith, Esq.  
Dr. Walter H. Jordan  
Hon. Gary L. Milhollin  
All Parties on Service List  
Dr. Linda W. Little

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
METROPOLITAN EDISON COMPANY  
(Three Mile Island Nuclear  
Station, Unit I)

DOCKET NO. 50-289  
(Restart)  
(Reopened Proceeding)

STIPULATION

The parties to this reopened proceeding, on their own behalf or by counsel, as indicated below, stipulate that

1. With the additional information provided pursuant to paragraph 3 below, it appears that the lettering system adopted by Licensee and used by the parties to date is capable of permitting an adequate evidentiary hearing on the issues in this proceeding and should be retained and used throughout this proceeding, including any appeals, except that the stipulation shall not pertain to the identity of any individual who has voluntarily agreed or hereafter agrees to make his/her identity known in this proceeding.

2. A Protective Order should be issued requiring non-disclosure of any name of any person who is identified by letter rather than by name, should that person's name be disclosed during this proceeding, including any appeals.

3. Subject to the Protective Order referred to in paragraph 2 above, Licensee shall provide to the Special

dupe of 8111100319

Master, counsel for the NRC staff, counsel for the Commonwealth, Mrs. Aamodt and counsel for the Aamodts and the two undersigned representatives of TMIA, a key which identifies by name and job title all Licensee employees and ex-employees (excepting "YY") which heretofore have been designated by letter or number. This key shall be provided exclusively for use by participants in this captioned proceeding before the Special Master and appeals therefrom. The key provided shall be retained by the undersigned representatives and counsel for their use and the use of those assisting them in the course of this proceeding. In order to assure the effectiveness of this stipulation, no copies of the keys shall be made and their use by those other than the undersigned shall be restricted to the absolute minimum necessary for hearing preparation and for subsequent appeals. Licensee further agrees to drop the lettering system throughout the proceeding for all employees other than its past and present control room operators, shift foremen, shift supervisors, shift technical advisors, and individual "VV" and with respect to these individuals, each individual's job classification will be identified. Licensee further agrees to review all documents it has provided in the course of discovery and to provide as soon as possible to all participants in the proceedings, subject to the Protective Order referred to in paragraph 2 above, material (other than names and job classifications) which has been deleted, such as dates, in the maintenance of the lettering system.

4. If those persons identified in the Licensee's lettering system as "O", "VV" and "W" (and such other persons as may be subsequently determined by the Special Master to merit an in camera proceeding for their testimony) are called to testify in this reopened proceeding, their testimony will be taken in camera, without public notice, and at a place to be agreed on by the parties and the Special Master, so as to minimize risk of disclosure of their identities.

5. When in camera sessions of this proceeding are scheduled, the parties shall not disclose the fact, time and place of such sessions to anyone, before or during the session.

6. Such in camera sessions will be conducted before Special Master Milhollin.

7. The testimony in the in camera sessions would continue the use of the lettered system and the transcripts of in camera sessions would be made available to the public without restriction.

8. Should the name of any person who is identified by letter or by number in the Licensee's lettering system be disclosed during testimony of any witness, that person's name will be excised from the record and will not be disclosed by any party or the NRC staff.

9. The NRC staff or any of its employees or subordinate bodies will not disclose the name of any person



identified by letter in the Licensee's lettering system in use in this proceeding without the consent of that person.

10. The individuals designated as "O", "V" and "W" hereby waive any objections previously stated in this proceeding to further testimony in this proceeding by each of them, subject to the other provisions of this stipulation. The involved individuals and the Licensee agree that they will withdraw their appeal of the Licensing Board's November 6, 1981 decision, except for those portions of the opinion characterizing conduct of counsel.

Respectfully submitted,

*Michael F. McBride*

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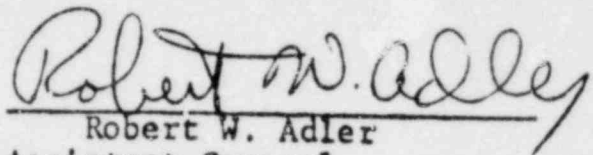
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Approved:

Date Approved:

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Gary L. Milhollin

Administrative Judge and

Special Master