

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket Nos. 50-400 OL
50-401 OL

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4. The development of systems to manage and the management of our craft personnel data is of significant commercial importance to the Company.

5. As a part of its craft training employment activities, Daniel provides certain training to a number of craft employees, including some of the welders employed at the Shearon-Harris Nuclear Plant of Carolina Power & Light Company (CP&L).

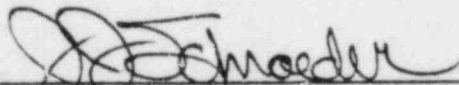
6. Daniel has invested substantial sums in the creation, development and administration of the training programs which it makes available to its projects, including the Shearon-Harris Plant.

7. A listing of the qualified welders employed by Daniel who have participated in the Daniel training program has proprietary value to Daniel.

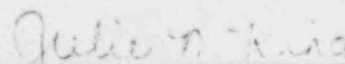
8. The information contained in our personnel files is not, to the best of my knowledge, found in public sources.

9. Public disclosure of information contained in Daniel's personnel files could be used in a manner which results in economic damage to the Company, its clients and/or the disruption of employment relationships involving the personnel in question.

IN WITNESS WHEREOF, I, JOHN J. SCHROEDER have set my hand this 11th day of January, 1984.


JOHN J. SCHROEDER

Subscribed and sworn to before me this 11th day of January, 1984.


Notary Public in and for
Greenville County, South Carolina

My Commission Expires: 4th January 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket Nos. 50-400 OL
and NORTH CAROLINA EASTERN)	50-401 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

APPLICANTS' PROPOSED PROTECTIVE ORDER

The Board has determined that Carolina Power & Light Company ("CP&L"), on behalf of itself and North Carolina Eastern Municipal Power Agency, the Applicants in this proceeding, and its constructor, Daniel International Corporation, possess information of a confidential and proprietary nature which intervenor Wells Eddleman seeks to discover and which the Board has ordered Applicants to provide to Wells Eddleman. The Board has also determined that this confidential and proprietary information is of commercial value to Daniel and CP&L and that it involves certain privacy interests of Daniel employees and former Daniel employees. Therefore the Board requires protection of this information from unauthorized disclosure, and it is ORDERED that:

1. The information provided in response to amended Interrogatories 41-1(1) and 41-1(m), except for the training and qualification information in 41-1(m) when used without revealing other protected information, is proprietary and confidential information (hereafter the "Employee Information").

2. Without limitation on disclosure to the Board and to personnel of CP&L and Daniel, as well as their counsel, CP&L shall provide the Employee Information to Wells Eddleman subject to protection under this Order and it may be disclosed only to the following persons:

A. Wells Eddleman;

B. Outside counsel for Wells Eddleman and their clerical and stenographic staff; and

C. A maximum of five persons employed or retained to assist in the preparation of Well Eddleman's case; provided, however, that each such person identified in subparagraphs A, B or C above (Authorized Recipients) to whom disclosure of the information is to be made shall, before disclosure is made to him/her execute an affidavit agreeing to be bound by the terms of this Order, in the form annexed hereto as Exhibit "A". Each such affidavit shall be provided to CP&L prior to the disclosure of the information to said person. The originals of such affidavits shall be filed with the Board by CP&L.

3. The Authorized Recipients will use the Welder Information only for purposes of discovery, preparations for, and participation in the adjudication of Eddleman Contention 41 in this Proceeding, and for no other purpose.

4. The Authorized Recipients will safeguard and hold in confidence the Employee Information, as well as all evaluations, data, or notes made in connection with use of the Employee Information, so that none of the Employee Information is disclosed to any person who is not authorized to receive it under this Order.

5. If testimony concerning the Employee Information is elicited by any party through deposition, counsel for CP&L may designate that testimony as confidential by advising the reporter of such designation. Such designation shall have the effect of making the transcript of that testimony a confidential document which shall be entitled to the protection afforded Employee Information by this Order, unless or until the Board rules otherwise upon motion by an interested party.

If CP&L makes such a designation during the taking of an oral deposition, then all persons to whom Employee Information may not be disclosed shall be excluded from attendance at the deposition, except for employees of the NRC's Office of Executive Legal Director who execute an affidavit, agreeing to be bound by the terms of this Order, in the form annexed hereto as Exhibit "A".

6. Each court stenographer before whom a deposition is taken shall be provided with a copy of this Order and shall execute an affidavit agreeing to be bound by the terms hereof in the form annexed hereto as Exhibit "A". If the deposition is to be transcribed by someone other than the reporter in attendance during the taking of the deposition, such additional person shall

likewise be provided with a copy of the Order and shall execute such an affidavit agreeing to be bound by the terms hereof.

7. During the prehearing conference held prior to, and to plan for, a hearing at which evidence is to be presented on Eddleman Contention 41, the parties will identify to the Board any plans for utilization at trial of the Employee Information. The Board will then consider, if the Employee Information is to be utilized at the hearing, appropriate action to prevent public disclosure of the Employee Information.

8. Within thirty (30) days of the Board's decision on Eddleman Contention 41, the Authorized Recipients shall account to the Board for all papers or other materials (including notes and papers prepared) containing Employee Information in their possession. The Authorized Recipients may either destroy the papers which do not need to be saved and certify that action in writing, or for papers which need to be saved for any appeal, identify them to the Board. When finished using the Employee Information they contain, but in no event later than the conclusion of the appeal process, the Authorized Recipients shall destroy those papers and materials and so account to CP&L.

IT IS SO ORDERED.

Exhibit A

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AFFIDAVIT

_____ of _____ (Title: Employer)

being duly sworn, deposes and says:

I have read the foregoing Protective Order dated
_____, 1983, and agree to be bound by the terms
thereof.

SWORN to [or affirmed] before me this
_____ day of _____, 1983

Notary Public

My Commission Expires: _____.

January 13, 1984

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CERTIFICATION OF COUNSEL

I hereby certify that prior to filing the accompanying Applicants' Motion for Protective Order, Applicants made the following efforts to resolve the discovery dispute between Applicants and Mr. Eddleman:

1. Counsel for Applicants discussed with Mr. Eddleman by telephone, in October, 1983, the desire of Applicants and Daniel International Corporation for protection from public disclosure of certain employee information on welders which, in response to Mr. Eddleman's motion to compel discovery, the Board had ordered Applicants to produce. It was agreed that Mr. Eddleman would consider and review a proposed consent protective order to be drafted by Applicants.

2. On November 14, 1983, I forwarded to Mr. Eddleman a draft proposed consent protective order.

3. In the ensuing weeks Mr. Eddleman and I had three telephone conversations in which we discussed the draft and attempted to reach agreement on its provisions. We were unable to resolve our differences.

Thomas A. Baxter
Thomas A. Baxter, P.C.
Counsel for Applicants

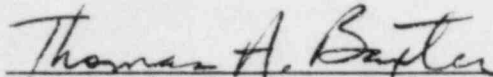
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion for Protective Order," "Affidavit of A. R. Pannill," "Affidavit of John J. Schroeder," "Applicants' Proposed Protective Order," and "Certification of Counsel" were served this 13th day of January, 1984, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.


Thomas A. Baxter, P.C.

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