

Case No. LWJ-0004

DECISION AND ORDER

OF THE DEPARTMENT OF ENERGY

Protective Order

Name of Petitioner: Westinghouse Hanford Company

Date of Filing: May 31, 1994

Case Number: LWJ-0004

On February 28, 1994, Helen "Gai" Oglesbee filed a request for hearing under the Department of Energy's Contractor Employee Protection Program, 10 C.F.R. Part 708. This request has been assigned Office of Hearings and Appeals (OHA) Case No. LWA-0006. On May 31, 1994, Westinghouse Hanford Company (WHC) filed a request that the OHA issue a Protective Order concerning certain documents which the company has agreed to provide to the Government Accountability Project (GAP) and Thad M. Guyer, counsel for Ms. Oglesbee.

In conjunction with the request, WHC has submitted a Stipulated Protective Order, attached to this Decision, to which WHC, GAP and Mr. Guyer have agreed to be bound.*/ The Order states, inter alia, that GAP and Mr. Guyer shall not make use of nor disclose any information in the documents provided by WHC except for purposes related to the present proceeding, and that upon the termination of the proceeding shall either destroy the documents or return them to WHC.

We have reviewed the attached Stipulated Protective Order and have concluded that it should be issued as an Order of the Department of Energy. This Order is issued pursuant to the authority given the Hearing Officer under the Part 708 regulations to "arrange . . . for the production of specific documents or other physical evidence, provided a showing of the necessity for such . . . evidence has been made to the satisfaction of the Hearing Officer." 10 C.F.R. ' 708.9(e).

It Is Therefore Ordered That:

The attached Stipulated Protective Order is hereby issued as a final Order of the Department of Energy.

Thomas O. Mann

Hearing Officer

Office of Hearings and Appeals

Date:

*/ Charles K. MacLeod, Senior Labor Counsel, WHC, and Alene Anderson, GAP, have signed the Order. In a May 30, 1994 telephone conference, Thomas G. Carpenter, GAP, stated that Ms. Anderson was authorized to sign the Order on behalf of Mr. Carpenter and GAP, and Mr. Guyer stated that he agrees to be bound to the Order to the same extent as is GAP.