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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'99 MAR 24 P2:59

Before Administrative Judge:

Thomas S. Moore, Presiding Officer

OFFICE OF THE
RULING
ADJUDICATING STAFF

SERVED MAR 24 1999

In the Matter of

NORTH ATLANTIC ENERGY SERVICE
CORP. et al.

(Seabrook Station, Unit 1)

Docket No. 50-443-LT

ASLBP No. 99-764-OI-LT

March 24, 1999

PROTECTIVE ORDER

By Memorandum and Order dated March 5, 1999, CLI-99-06, 49 NRC __, __ (1999), in the above-captioned docket, the Nuclear Regulatory Commission ("NRC") directed that a hearing be held in accordance with 10 C.F.R. Part 2, Subpart M on the issue of whether the Montaup-to-Little Bay License Transfer Application meets the NRC rules for financial qualifications regarding Seabrook's operating expenses.

The License Transfer Application, submitted September 29, 1998, and a Supplement, thereto, submitted March 8, 1999, included the submission of Proprietary Data for consideration by the NRC.

As directed by Commission Order CLI-99-06, the Participants submitted a proposed joint Protective Order regarding the

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Proprietary Data accompanying the License Transfer Application and the Supplement thereto as well as any other Proprietary Data that may be included in the Participants' written submissions and oral testimony to the Presiding Officer.

In response to this request, the Presiding Officer hereby issues the following Protective Order:

This Protective Order shall apply to and govern all Proprietary Data contained in the License Transfer Application and the Supplement thereto or contained in any of the Participants' written submissions and oral testimony.

This Order shall govern the use of all such Proprietary Data by the Participants to the proceeding: New England Power Company, and its representatives; Little Bay Power Corporation, and its representatives; and Montaup Electric Company, and its representatives. It shall also apply to the following two Entities and their representatives who are permitted by Commission Order CLI-99-06 to submit amicus curiae briefs in this proceeding to the extent that such Proprietary Data may be provided to them: North Atlantic Energy Service Corporation and the United Illuminating Company.

All proprietary Data shall be treated as confidential and shall be maintained by each Participant or Entity in a secure place. Access to Proprietary Data shall be limited to the designated counsel for each such Participant or Entity and to the

designated experts or witnesses who may testify in this proceeding and to those persons who assist the designated expert or witness in the preparation of such testimony, provided that no such person employed by New England Power Company and/or New England Power Service Company shall be engaged in the trading of electricity at wholesale, and that the identities of any such persons, and their positions of employment, are furnished beforehand to the owner of such Proprietary Data.

Except for the owner of the Proprietary Data, no Participant or Entity having access to such Proprietary Data may use such information of any purpose other than the preparation of written submissions and testimony to the Presiding Officer in this proceeding.

All copies of all documents containing Proprietary Data, including any documents filed with the Commission, the Presiding Officer, or any court of law, shall be appropriately marked "Proprietary Data Subject to Protective Order." Any such documents filed with the Commission, Presiding Officer, or court of law shall be filed and served in sealed envelopes bearing prominent markings indicating the contents include Proprietary Data subject to this Protective Order; electronic filings of such documents shall similarly indicate prominently in the subject heading and/or message that the attached documents contain Proprietary Data subject to this Protective Order. Service of

documents containing Proprietary Data (both hard copy and electronic) shall be limited to NRC officials and personnel and the Participants' designated counsel. Redacted copies deleting such Proprietary Data shall be served in accordance with the Service List and requirements provided for by Commission Order CLI-99-06.

Within fifteen days after the date on which an Order terminating this proceeding becomes no longer subject to judicial review, the Participants and the Entities, above listed, including their representatives, shall return such Proprietary Data to the owners thereof, and shall destroy any other documents containing such Proprietary Data.

The NRC shall protect such Proprietary Data in accordance with the provisions of 10 C.F.R. § 2.790.

It is so ORDERED.

Presiding Officer



Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 24, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

NORTH ATLANTIC ENERGY SERVICES CORP.
AND MONTAUP ELECTRIC COMPANY
(Seabrook Station, Unit No. 1)

Docket No.(s) 50-443-LT

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB PROTECTIVE ORDER DTD 3/24 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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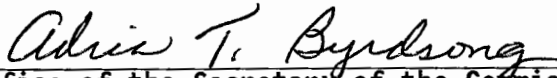
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LB PROTECTIVE ORDER DTD 3/24

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Dated at Rockville, Md. this
24 day of March 1999


Office of the Secretary of the Commission