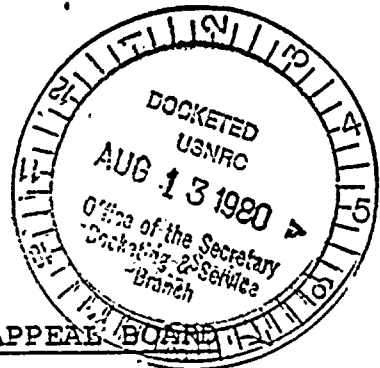


8-13



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of
PACIFIC GAS AND ELECTRIC COMPANY
(Diablo Canyon Nuclear Power Plant,
Units 1 and 2)

Docket Nos. 50-275 O.L.
50-323 O.L.

MOTION OF GOVERNOR EDMUND G. BROWN, JR.
FOR REVISION OF NON-DISCLOSURE AFFIDAVIT
AND FOR REVISION OF THE PREHEARING SCHEDULE

Governor Edmund G. Brown, Jr. hereby moves this Board to revise the schedule established in the Board's Fourth Prehearing Conference Order ("Order"), dated August 8, 1980, and to modify certain provisions in the non-disclosure affidavit, all as set forth below.

1. The Board's Order required us to review the security plan and to submit, by August 25, specific issues of concern. We assumed, as apparently did the Board, that PG&E would make its entire security plan available to us. However, PG&E has not done so. We have not been given access to either the safeguards contingency plan required by Part 73 (particularly Sections 73.40 and 73.55(h)), or to a critical chapter of the security plan. From our point of view, these are among the most important aspects of PG&E's security system. Thus, it is essential that we review them.

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On August 11, we requested the NRC Staff to provide us access to the contingency plan and Chapter 8. Staff counsel, who declined our request pending his consultation with PG&E, has not yet given us such access. Accordingly, since we still have not been permitted to review the entire plan, we request an extension of the August 25 filing date on a day-to-day basis; that is, an extension of one "business day" for each business day of delay in providing us the plan. (We require "business day" extensions because the Staff prefers that we view the plan only during the NRC's normal business hours.)

2. We request that the Board modify certain procedures required by the Board's Protective Order and the Affidavit of Non-Disclosure. We signed the affidavit in good faith, and on August 11 and 12 worked under the prescribed restrictions. Now, with the benefit of such actual working experience, we bring to the Board's attention the fact that these restrictions are unworkable. Aside from the unnecessary inconvenience, it is now clear that being precluded from taking our notes from the NRC's or PG&E's office cripples our efforts to analyze necessary materials, to discuss these materials among co-counsel and our expert witnesses and to develop, draft and review required and anticipated pleadings and testimony. Indeed, the restrictions impose burdens on us which are inconsistent with our ethical obligations to represent our client zealously within the bounds of the law. See Code of Professional Responsibility, Canon 7 and EC 7-39. Accordingly, we suggest several procedural modifications which we urge the Board to adopt.

a. We request authorization to take our notes from the NRC's or PG&E's offices on the condition that such notes and materials developed from such notes shall be kept in a safe in our office at all times other than when in our personal possession. The Staff and PG&E may verify the security of our office and safe. (While we would prefer to have the security plan itself at our office, we are prepared to continue the inconvenience of reviewing the plan at the NRC or at PG&E. It is our hope that this provides a meaningful basis of compromise that will be agreeable to PG&E.)

b. We request that our personal secretaries, each of whom has executed non-disclosure affidavits (the affidavits and resumes are enclosed herewith), be permitted to type our pleadings and other materials at our office rather than at the NRC. This request, of course, naturally flows from our first request to be able to use notes and prepare materials in our offices.

c. We request that our expert consultants/witnesses be permitted to take their notes from PG&E's offices and to keep them in a safe at all times that such materials are not in their personal possession. This is essential if these witnesses are to confer with us and to prepare testimony for this proceeding. The NRC and PG&E may verify the security arrangements for each witness.

3. We request the Board to fix, after conferring with all participants at a prehearing conference, the necessary schedule to allow prehearing discovery. From our review of the portion of PG&E's plan already available to us, it has become clear that additional information will be required in order to assess the

adequacy of PG&E's plan. These data, particularly PG&E's procedures implementing the plan and analyses underlying certain conclusions set forth in the plan, can be most expeditiously obtained through discovery, rather than time-consuming subpoenas at the hearing itself. We are prepared to submit initial discovery requests immediately in an effort to move this proceeding forward, but are barred by Section 2.740(b)(1) until this Board first has ruled on contentions and issues. Accordingly, we ask the Board to permit us immediately to commence discovery.

We have served all parties either by hand delivery or by Federal Express. We respectfully request an early ruling on these matters.

Respectfully submitted,



Herbert H. Brown
Lawrence Coe Lanpher
HILL, CHRISTOPHER AND PHILLIPS, P.C.
1900 M Street, N.W.
Washington, D.C. 20036

Byron S. Georgiou
Deputy Legal Affairs Secretary

Attorneys for Governor Edmund G. Brown, Jr

Company, the licensee, and authorized by it in accordance with Commission regulations to have access to protected information.

2. I shall not disclose protected information to anyone except an authorized person, unless that information has previously been disclosed in the public record of this proceeding. I will safeguard protected information in written form (including any portions of transcripts of in camera hearings, filed testimony or any other documents that contain such information), so that it remains at all times under the control of an authorized person and is not disclosed to anyone else.

3. I will not reproduce any protected information by any means without the Appeal Board's express approval or direction. So long as I possess protected information, I shall continue to take these precautions until further order of the Appeal Board.

4. I shall similarly safeguard and hold in confidence any data, notes, or copies of protected information and all other papers which contain any protected information by means of the following:

- (a) my use of the protected information will be made at a facility in San Francisco to be made available by Pacific

Gas and Electric Company.

(b) I will keep and safeguard all such material in a safe to be obtained by intervenors at Pacific Gas and Electric Company's expense, after consultation with Pacific Gas and Electric Company and to be located at all times at the above designated location.

(c) Any secretarial work performed at my request or under my supervision will be performed at the above location by one secretary of my designation. I shall furnish Pacific Gas and Electric Company, the Board and Staff an appropriate resume of the secretary's background and experience.

(d) Necessary typing and reproduction equipment will be furnished by Pacific Gas and Electric Company.

(e) All mailings by me involving protected information shall be made from the facility furnished by Pacific Gas and Electric Co.

5. If I prepare papers containing protected information in order to participate in further proceedings in this case, I will assure that any secretary or other individual who must receive protected information in order to help me prepare those papers has executed an affidavit like this one and has agreed to abide by its terms. Copies of any such affidavit will be filed with the Appeal Board before I reveal any protected information to any such person.

6. I shall use protected information only for the purpose of preparation for this proceeding or any further proceedings in this case dealing with security plan issues, and for no other purpose.

7. I shall keep a record of all protected information in my possession, including any copies of that information made by or for me. At the conclusion of this proceeding, I shall account to the Appeal Board or to a Commission employee designated by that Board for all the papers or other materials containing protected information in my possession and deliver them as provided herein. When I have finished using the protected information they contain, but in no event later than the conclusion of this proceeding, I shall deliver those papers and materials to the Appeal Board (or to a Commission employee designated by the Board), together with all notes and data which contain protected information for safekeeping during the lifetime of the plant.

8. I make this agreement with the following understandings:
(a) I do not waive any objections that any other person may have to executing an affidavit such as this one; (b) I will not corroborate the accuracy or inaccuracy of information obtained outside this proceeding by using protected information gained through the hearing process.

Georgina D. Thurman

Subscribed and sworn to before me
this 13th day of August, 1980.

Roselyn E. Vaccaro
Notary Public

GEORGINA S. THURMAN

POSITION DESIRED: Secretary or Administrative Assistant
Speed: Shorthand 80 wpm; Typing 80 wpm

ADDRESS: 1672 Chimney House Road
Reston, Virginia 22090

TELEPHONE: (703) 437-8205

CIVIL STATUS: Married, 2 grown children

HEALTH: Excellent

CITIZENSHIP: U.S.A.

FOREIGN LANGUAGE: Spanish, Excellent -- written & spoken;
Excellent English language skills

EDUCATION:

Sept. 1929 - June 1935 St. Thomas Aquinas School
(Skipped 2 yrs.) San Juan, Puerto Rico

Sept. 1935 - June 1939 Central High School
San Juan, Puerto Rico

Sept. 1939 - June 1941 Ramirez Business College
San Juan, Puerto Rico

EXPERIENCE:

June 1941 - Feb. 1944 United States War Department
Puerto Rico District
San Juan, Puerto Rico

Title: Assistant Head, Correspondence, Mail & Records Section

Immediate Supervisor: B. J. Jane

Duties & Responsibilities: Assisted Head of Section in supervising the work of 35 employees engaged in handling of incoming and outgoing mail, including classifying and indexing the correspondence; preparation of mail concerning correspondence procedure; assisting in supervising the messenger service; assisting in supervising the file section. The Correspondence, Mail & Records Section served a central office of over 600 persons.

Reason for leaving: To move to the U. S.

Feb. 1944 - Feb. 1947 Consulate General of Colombia
444 Madison Avenue
New York, N. Y. 10022

Title: Secretary to the Consul General and to two Auxiliary Consuls General

Immediate Supervisors: Simon Arboleda
Bernardo Santa Coloma
Eduardo Anjel

Duties & Responsibilities: Composed letters in English and in Spanish for the Consul's signature. Received visitors to the Consul's office. Received purchase orders from the various ministries in Colombia, translated them, selected the names of manufacturers in the U. S. from the Thomas Guide, requested bids, placed orders, and wrote letters as required to the manufacturers and to the ministries in Colombia regarding these orders. In order that the degree of my responsibility may be appreciated, it is pointed out that the men whom I served lacked a working knowledge of the English language and so the responsibility for dealing and corresponding with U. S. manufacturers rested solely with me.

Reason for leaving: To go to Greece under contract with the U. S. Department of the Army.

March 1947 - July 1949 American Mission for Aid to Greece
U. S. Department of the Army
Athens, Greece

Title: Secretary to Head, Personnel Division

Immediate Supervisor: Jack Blasor

Duties & Responsibilities: Took dictation of and transcribed letters, memos and endorsements to the Head of Mission, Washington, and to other districts; assisted my supervisor in the classification of positions for American personnel and in obtaining job descriptions for Greek employees where appointments, transfers or promotions were concerned.

Reason for leaving: Completion of contract

Aug. 1949 - Aug. 1951 Standard Oil Company (N. J.)
30 Rockefeller Plaza
New York, N. Y. 10022

Title: Secretary to the Assistant Manager, Public Relations Department

Immediate Supervisor: William B. Brown

Duties & Responsibilities: Took dictation, typed letters and memos. Composed some of the correspondence for Assistant Manager's signature. Translated newspaper articles in Spanish from Latin American affiliate publications into English, and articles in English from the parent company house organ, into Spanish, for publication in Latin American affiliate publications. Acted as interpreter and hostess when representatives from Latin American affiliate offices visited the parent company in New York.

Reason for leaving: To go to Morocco under contract with the U. S. Department of the Army.

Sept. 1951 - Feb. 1953

Army Corps of Engineers
U. S. Department of the Army
Nouasseur Air Force Base, Morocco

Title: Secretary to Head, Personnel Division

Immediate Supervisor: Bernadine M. Wilson .

Duties & Responsibilities: Took dictation, typed letters, memos and endorsements; composed some of the correspondence for Head of Division's signature; reviewed job applications and interviewed "local hire" American and French personnel for possible employment; traveled to Paris with Assistant Head, Personnel Division to interview applicants and to hire more than 100 of them for work in Morocco in professional and non-professional capacities; reviewed U. S. Government job description sheets.

Reason for leaving: To have my first child, having married in 1952.

1953 - 1964

Upon return to the U.S. in 1953, I dedicated myself primarily to child rearing, homemaking, Scout and church activities. In addition, I managed all family business affairs and acted as my husband's secretary at home. He is an architect and during those years used to "moonlight" regularly. I typed all his specifications, letters and contracts.

1964 - 1965

Sutton Research Corporation
Santa Monica, California

Title: Secretary to the President

Immediate Supervisor: Theodore Briskin, President

Duties & Responsibilities: On this job I was entrusted with the running of a small office that served a chemical laboratory engaged essentially in the production of a non-carcinogenic cigarette. I wrote letters for the President's signature; reviewed invoices and checked them against receipt of materials and supplies; wrote checks for the President's signature; did the weekly payroll; prepared quarterly tax reports to the U. S. Government; took dictation of President's personal correspondence and paid his bills.

Reason for leaving: To join my husband in Hawaii

1966 - Did not work

1967

- 1968

Philco-Ford Corporation
Research & Development Program
Bangkok, Thailand

Title: 1) Secretary to Program Director, then promoted to
2) Head, Typing/Messenger Pool

Immediate Supervisors: Dr. Wilfred J. Smith
Paul J. Maynard

Duties & Responsibilities: As Secretary to the Program Director I composed letters for his signature; took dictation of and transcribed letters and monthly reports to the Home Office; kept files; was recording secretary at staff meetings and conferences. As Head of the Typing/Messenger Pool I allotted and supervised the work of six to eight American and Thai typists and of three to four messengers.

Reason for leaving: To join my husband in Iran

1969

- Traveled abroad, returned to the States, did not work.

1970

- 1971

Michael S. Horwatt, Attorney at Law
Reston International Center
Reston, Virginia 22090

Title: Secretary

Immediate Supervisor: Michael S. Horwatt

Duties & Responsibilities: As my children were still in school, I worked only part time for Michael S. Horwatt, who was then just starting his law practice. As his business grew and he acquired more partners, he required the services of a full-time secretary and, after trying it for a while, I decided I did not want to continue working full time, so in 1971 I resigned.

Reason for leaving: Was not willing to work full time at the time and wished to open my own secretarial business at home.

1971

- 1977

Self-employed, at home (off and on)

Title: Executive Secretary

Duties & Responsibilities: Typing of specifications, reports, proposals, letters, etc., for architects, engineers, consultants, attorneys, historians, etc.

November 1977 to Present

Hill, Christopher and Phillips, P. C.
1900 M Street, N. W.
Washington, D. C. 20036

Title: Secretary

Immediate Supervisor: Herbert H. Brown

Duties & Responsibilities: General secretarial duties.

REFERENCES:

Kurt N. Pronske

Civil Engineer

1414 Aldenham Lane
Reston, Va. 22090
437-3606

Dexter MacBride

Executive
Vice President

American Society of Appraiser.
11800 Sunrise Valley Dr.
Reston International Center
Reston, Va. 22070
620-3838

Jack Williamson

Architect/
Planner

1274 Kay Drive E.
Cherry Hill, N. J. 08034
(609) 795-1388

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Docket Nos. 50-275
50-323

I, Pauline H. H. H., being duly sworn, state:

1. As used in this Affidavit of Non-Disclosure,
- (a) "Protected information" is (1) any form of the physical security plan for the licensee's Diablo Canyon Nuclear Power Plant, Units 1 and 2; or (2) any information obtained by virtue of these proceedings which is not otherwise a matter of public record and which deals with or describes details of the security plan.
- (b) An "authorized person" is (1) an employee of the Nuclear Regulatory Commission entitled to access to protected information; (2) a person who, at the invitation of the Atomic Safety and Licensing Appeal Board ("Appeal Board"), has executed a copy of this affidavit; or (3) a person employed by Pacific Gas and Electric

Company, the licensee, and authorized by it in accordance with Commission regulations to have access to protected information.

2. I shall not disclose protected information to anyone except an authorized person, unless that information has previously been disclosed in the public record of this proceeding. I will safeguard protected information in written form (including any portions of transcripts of in camera hearings, filed testimony or any other documents that contain such information), so that it remains at all times under the control of an authorized person and is not disclosed to anyone else.

3. I will not reproduce any protected information by any means without the Appeal Board's express approval or direction. So long as I possess protected information, I shall continue to take these precautions until further order of the Appeal Board.

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Gas and Electric Company.

(b) I will keep and safeguard all such material in a safe to be obtained by intervenors at Pacific Gas and Electric Company's expense, after consultation with Pacific Gas and Electric Company and to be located at all times at the above designated location.

(c) Any secretarial work performed at my request or under my supervision will be performed at the above location by one secretary of my designation. I shall furnish Pacific Gas and Electric Company, the Board and Staff an appropriate resume of the secretary's background and experience.

(d) Necessary typing and reproduction equipment will be furnished by Pacific Gas and Electric Company.

(e) All mailings by me involving protected information shall be made from the facility furnished by Pacific Gas and Electric Co.

5. If I prepare papers containing protected information in order to participate in further proceedings in this case, I will assure that any secretary or other individual who must receive protected information in order to help me prepare those papers has executed an affidavit like this one and has agreed to abide by its terms. Copies of any such affidavit will be filed with the Appeal Board before I reveal any protected information to any such person.

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Patricia Hamilton

Subscribed and sworn to before me
this 13th day of August, 1980.

Rosario E. Vicari
Notary Public

PAULETTE HAMILTON
693 Arlington Drive, #202
Alexandria, Virginia 22300

703-765-5270

EDUCATION: Henderson Institute
Henderson, North Carolina 27536 Graduated June 1967

North Carolina Agricultural & Technical University
Greensboro, North Carolina 27411

Graduated June 1971- B.S. Office Administration

Hunter College
New York City, New York

1973 to 1974 masters program in business education

EMPLOYMENT HISTORY:

Mainzer Minton Co., Inc.
437 Fifth Avenue
New York, New York

Administrative Secretary 1971 to 1975

Superior Career Institute
116 West 14th Street
New York City, New York

Administrative Assistant 1975 to 1979

Hill, Christopher & Phillips, P.C.
1900 M Street, N.W.
Washington, D.C. 20036

Legal Secretary - Presently employed with this law firm.

CLERICAL SKILLS:

-Typing Speed 85/90	-Dictaphone skills
-Shorthand Speed 90/100	-Able to do own correspondence
-Experienced in Litigation	-Some bookkeeping skills
-Interviewing of clerical applicants for jobs	-Energy law and criminal law

PERSONAL REFERENCES CAN BE SUBMITTED UPON YOUR REQUEST.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon Nuclear Power Plant,
Units 1 and 2))

Docket Nos. 50-275 O.L.
50-323 O.L.

CERTIFICATE OF SERVICE

I hereby certify that copies of the "MOTION OF GOVERNOR EDMUND G. BROWN, JR. FOR REVISION OF NON-DISCLOSURE AFFIDAVIT AND FOR REVISION OF THE PREHEARING SCHEDULE" in the above-captioned proceeding have been served on the following in the manner and on the date indicated below.

Richard S. Salzman, Esq., Chairman *
Atomic Safety and Licensing Appeal Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. W. Reed Johnson *
Atomic Safety and Licensing Appeal Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555


Mr. Thomas S. Moore, Member *
Atomic Safety and Licensing Appeal Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

William J. Olmstead, Esq. *
Executive Legal Director's Office
Nuclear Regulatory Commission
Washington, D. C. 20555

Andrew Baldwin, Esq. **
601 California Street
Suite 2100
San Francisco, CA 94108

Mr. Harry M. Willis **
601 California Street
Suite 2100
San Francisco, CA 94108

2.



Herbert H. Brown
Lawrence Coe Lanpher
HILL, CHRISTOPHER AND PHILLIPS, P. C.
1900 M Street, N. W.
Washington, D. C. 20035

August 13, 1980

- * By hand on August 13, 1980
- ** By Federal Express on August 13, 1980

