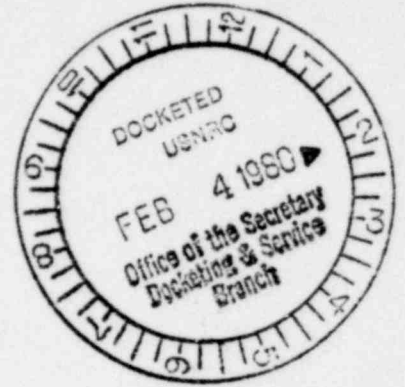


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Sheldon J. Wolfe, Esquire, Chairman
Dr. E. Leonard Cheatum, Member
Gustave A. Linenberger, Jr., Member



In the Matter of)
HOUSTON LIGHTING AND POWER COMPANY)
(Allens Creek Nuclear Generating)
Station, Unit 1))

Docket No. 50-466 CP

PROTECTIVE ORDER
(February 4, 1980)

On November 21, 1979, Intervenor John F. Doherty filed his Eighth Request for Documents from Applicant. In this request, Mr. Doherty listed NEDE 21175-1-P, "BWR/6 Fuel Assembly Evaluation of Combined Safe Shutdown Earthquake and LOCA Loadings, Amendment #2." Both HL&P and the General Electric Company are willing to produce this document to Mr. Doherty for his inspection and copying. However, General Electric believes that certain parts of the document relate to or contain information which is of a confidential or proprietary nature, the release or disclosure of which to third parties could seriously impair the General Electric Company's relationships with its competitors. Mr. Doherty has not challenged the assertions that the document is proprietary in nature and he has advised that he has no objection to the entry of a Protective Order protecting the confidentiality of the following described document and the information contained therein.

WHEREFORE, IT IS ORDERED that the document entitled "BWR/6 Fuel Assembly Evaluation of Combined Safe Shutdown Earthquake and LOCA Loadings (NEDE 21175-1-P,

Amendment #2)," and the information contained therein, shall be accorded confidential treatment and subject to the following restrictions:^{1/}

1. The foregoing document and information contained therein shall not be disclosed to any person other than (a) counsel for parties to this proceeding, including necessary secretarial and clerical personnel assisting such counsel; (b) qualified persons taking testimony involving such document or information and necessary stenographic and clerical personnel thereof; (c) independent consultants and technical experts and their staff who are engaged directly in this litigation; and (d) the Commission, the Board, the presiding officer, or Commission's staff.

2. The foregoing document and information contained therein above shall not be made available to any person designated in paragraph 1(c) unless they shall have first read this order and shall have agreed, in writing (a) to be bound by the terms thereof; (b) not to reveal such document or information to anyone other than another person designated in paragraph one; and (c) to utilize such document and information solely for purposes of this proceeding.

1/ It should be noted that in its Motion For Protective Order filed on January 11, 1980, Applicant stated that the information and document requested by Mr. Doherty relates to or contains information in the possession of its vendor, the General Electric Company, which regards this document to be confidential and proprietary and believes that public disclosure of this information could seriously impair its relationship with its competitors.

Absent objection by any party, we herewith grant Applicant's request for a Protective Order in the interest of obtaining the document without further delay in this case. In so doing, however, we explicitly decline to find either that Applicant, upon the behalf of General Electric, or General Electric itself has met the burden of showing that the document in question and the information contained therein are proprietary in character and entitled to protection from public disclosure under the standards set forth in Kansas Gas and Electric Company (Wolf Creek Nuclear Generating Station, Unit No. 1), ALAB-327, 3 NRC 408, 416-18 (1976).

3. If the Commission or the Board orders that access to or dissemination of the foregoing document and information contained therein shall be made to persons not included in paragraph 1 above, such matters shall only be accessible to, or disseminated to, such persons based upon the conditions pertaining to, and obligations arising from this order, and such persons shall be considered subject to it.

4. Any portion of a transcript in connection with this proceeding containing the foregoing document or information contained therein shall be examined in camera and shall be bound separately and filed under seal. If said document or information are included in an authorized transcript of a deposition or exhibits thereto, arrangements shall be made with the court reporter taking the deposition to bind such portions and separately label them "(Company's Name), BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER". Before a court reporter receives any such document or information, he or she shall have first read this order and shall have agreed in writing to be bound by the terms thereof.

5. Any document or information defined above is to be accorded confidential treatment within the meaning of 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905, subject to a final Commission ruling, after notice, under the Freedom of Information Act or 10 C.F.R. § 2.790.

6. If said document or information are disclosed to any person other than in the manner authorized by this protective order, the person responsible for the disclosure must immediately bring all pertinent facts relating to such disclosure to the attention of counsel for the General

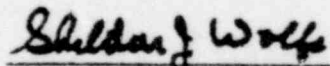
Electric Company and Houston Lighting & Power Company and the presiding officer and, without prejudice to other rights and remedies of the General Electric Company and Houston Lighting & Power Company, make every effort to prevent further disclosure by it or by the person who was the recipient of such information.

7. Nothing in this order shall affect the admissibility into evidence of the foregoing document or information contained therein, or abridge the right of any person to seek judicial review or to pursue other appropriate judicial action with respect to any ruling of the Commission concerning the availability to the public of said business information.

8. Upon final termination of this proceeding, each person that is subject to this order shall assemble and return to counsel for Houston Lighting & Power Company all documents and information defined above, including all copies of such matter which may have been made, but not including copies containing notes or other attorney's work product that may have been placed thereon by counsel for the receiving party. All copies containing notes or other attorney's work product shall be destroyed. This paragraph shall not apply to the Commission, the Board, the presiding officer or the Commission's staff, which shall retain such material pursuant to statutory requirements and for other record keeping purposes, but may destroy those additional copies in its possession which it regards as surplusage.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Sheldon J. Wolfe, Esquire
Chairman

Dated: February 4, 1980