



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING APPEAL PANEL  
WASHINGTON, D.C. 20555

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May 2, 1980



Bruce Norton, Esquire  
Norton, Burke, Berry & Junck  
Suite 300  
3216 North Third Street  
Phoenix, Arizona 85012

In re Pacific Gas and Electric Co.  
(Diablo Canyon Nuclear Power Plant, Units 1 & 2)  
(Docket Nos. 50-275 & 50-323) (Security Plan)

Dear Mr. Norton:

The Chairman of the Appeal Board has asked me to respond to your letter of April 28, 1980. In that letter you state that your office received two copies of the transcript of the April 2, 1980 closed prehearing conference held in San Luis Obispo, California and that the "copies were received in a normal mailing envelope." You further state that the transcript was not marked to identify it as reporting an in camera hearing or to show that the transcript was not available for public disclosure. You then state "that such treatment of security plan matters could lead to an inadvertent placement of such a transcript in public document rooms, etc." Finally, you request that arrangements with the court reporter be made to insure "proper treatment of such transcripts."

Your interest in protecting the Diablo Canyon physical security plan and other sensitive material about that plan is shared by the Board (and, we are certain, by all other parties to this proceeding). Please be assured that the Board has taken all necessary measures to insure that protected information remains confidential.

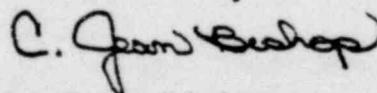
The transcripts you received were not sent by the court reporter who transcribed the conference. Rather, on the specific instructions of the Chairman, the court reporter delivered a single copy of the transcript to the Appeal Board and distributed no other copies. After receiving the transcript, the Board had it reproduced and delivered

a single copy to the staff's lead counsel. He was instructed to make two additional copies, one for delivery to intervenor's lead counsel and one to you. No copy was furnished the docketing and service section of the Commission Secretary's office to insure that no unauthorized persons might mistakenly be given access to the transcript.

A second copy of the transcript was mailed to you by staff counsel at the Chairman's direction. This was done following your telephone conversation with the Chairman in which you requested an additional business day for filing stay papers with the Commission, in part, because you indicated in that conversation that you had not yet received the transcript. (See April 11, 1980 Second Prehearing Conference Order, p. 22, fn. 12). Because the transcript contained no "protected information" or other sensitive material concerning the security plan, staff counsel was not directed to follow any special procedures in mailing the transcripts to you.

In this regard, you will recall it was generally agreed at the prehearing conference that neither the security plan itself, any "sanitized version" of it, or detailed information about it would be sent through the mail. Rather, such materials would be hand-delivered. (Tr. 112-113). However, the Chairman instructed counsel to work out among themselves the details of how other materials in this proceeding should be delivered and to inform the Appeal Board of the procedures adopted. (Tr. 114). At this writing, this Board has not received any communication from you or any of the other lead counsel concerning such arrangements. The Board therefore asks that you take the lead on this matter and, after discussions with the other lead counsel, submit an appropriate stipulation to govern the future service of papers. The Board thanks you in advance for your cooperation.

Very truly yours,



C. Jean Bishop  
Secretary to the  
Appeal Board

cc: James R. Tourtellotte, Esquire  
Yale I. Jones, Esquire