

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 6, 1980

CONSENT CALENDAR ITEM
ADJUDICATORY

SECY-A-80-57B

To: The Commission

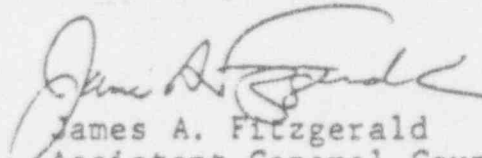
From: James A. Fitzgerald
Assistant General Counsel

Subject: Revised Diablo Canyon Order

Discussion: The Commission has reached an impasse on whether intervenors in the Diablo Canyon security plan proceeding should be required to secure clearance from the Appeal Board before publicly disseminating protected information gained outside of the hearing process. Chairman Ahearne and Commissioner Hendrie would require prior clearance with the Board. Commissioners Bradford and Gilinsky believe a clearance requirement is unconstitutional. Normally, a 2-2 vote results in a Commission decision not to review the Appeal Board order.

5 { OGC believes that

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James A. Fitzgerald
Assistant General Counsel

Attachment:
Order

CONTACT:
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Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5
FOIA 92-436

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Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Monday, June 9, 1980.

This paper is currently scheduled for affirmation at an Open Meeting on Tuesday, June 10, 1980.

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