July 12, 1982



SECY-82-28B

## ADJUDICATORY ISSUE

For:

The Commissioners

From:

Leonard Bickwit, Jr. General Counsel

Forrest J. Remick Director, OPE

Subject:

DIABLO CANYON PHYSICAL SECURITY -PURGING OF CLASSIFIED MATERIAL IN ALAB-653

Discussion:

In SECY-82-28 OGC and OPE discussed the existence of classified material in ALAB-653. Subsequently a majority of the Commissioners indicated a preference for purging the classified material from the opinion and the underlying record if this could legally be done. A memo was sent to Thomas S. Moore, Diablo Canyon Physical Security Appeal Board Chairman, requesting his views on whether this information should be purged. His reply stated that it could not legally be purged.

Contact: Rick Levi, OGC 41465 John Montgomery, OPE 43295

9403070294 930525 PDR FDIA GILINSK92-436 PDR Information in this record was deleted in accordance with the Freedom of Information Act, exemptions

FOIA 92-436

5/2

Recommendation: ECBCS. Leonard Bickwit, Jr. General Counsel

> Forrest J. Remick Director, OPE

- Enclosures: (1) Draft order
  - (2) Draft memo

Commissioners' comments should be provided directly to the Office of the Secretary by c.o.b. Monday, July 26, 1982.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Monday, July 19, 1982, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open/Closed Meeting during the Week of July 26, 1982. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION: Commissioners OGC OPE OIA SECY

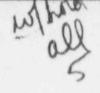
ATTACHMENT 1

ATTACHMENT 2



## NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555



MEMORANDUM FOR:

William J. Dircks, Executive

Director for Operations

FROM:

Samuel J. Chilk, Secretary

SUBJECT:

CLASSIFIED MATERIAL IN ALAB-653 (DIABLO CANYON

PHYSICAL SECURITY)

The Commission has directed that all persons who have had access to classified material in the Diablo Canyon physical security proceedings be briefed on the implications and responsibilities of having had such access. They are not to be informed of which material is classified. The staff is also directed to determine which portions of the underlying record of the proceeding contain classified national security information and to collect those documents from the applicant and the document rooms established for use of the intervenors. Expurgated copies of the documents and ALAB-653 are to be substituted within two days of the date of this memo.