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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

'84 JUN 14 A10:52

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Thomas S. Moore, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson

June 13, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SERVED JUN 14 1984

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

Docket Nos. 50-275
50-323

ORDER

The joint intervenors accompanied their June 11, 1984 reply to the applicant's and staff's responses to joint intervenors' motions to reopen the record on the issues of design and construction quality assurance with a motion for a protective order. The motion seems to seek a protective order confining disclosure of their reply exhibits 3, 4, 7 and 10 exclusively to the members of this Appeal Board. The affidavits comprising these exhibits, however, already have deleted from them the names of the purported affiant and certain other identifying information. Further, the certificate of service accompanying the joint intervenors' reply does not indicate that we received documents different from those served on the other parties, so the staff and the applicant already may have received these materials.

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The applicant and the staff shall respond to the joint intervenors' motion for a protective order. That response shall be in our hands by June 19, 1984. In addition to any other matters the applicant and staff may wish to address in responding to the joint intervenors' motion, the responses should address the following questions:

(1) What documents were served on the applicant and the staff as joint intervenors' reply?

(2) If the same documents, in the same form, as those served on the Appeal Board were received by the applicant and the staff, is there any need for a protective order?

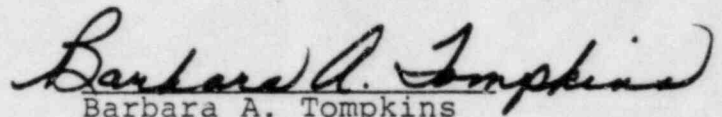
(3) Is the Commission's policy statement of August 5, 1983, 48 Fed. Reg. 36,358, applicable to joint intervenors' request for a protective order? If so, with what result?

(4) If the Commission's policy statement is not applicable, is the protective order sought by joint intervenors appropriate in the circumstances presented?

(5) If the protective order sought by joint intervenors is not appropriate, is a less encompassing order suitable?

It is so ORDERED.

FOR THE APPEAL BOARD

A handwritten signature in cursive script, reading "Barbara A. Tompkins". The signature is written in dark ink and is positioned above the typed name.

Barbara A. Tompkins
Secretary to the
Appeal Board

Dr. Buck did not participate in this order.