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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges  
Marshall E. Miller, Chairman  
Glenn O. Bright  
Elizabeth B. Johnson

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In the Matter of  
  
LONG ISLAND LIGHTING COMPANY  
  
(Shoreham Nuclear Generating Plant,  
Unit 1)

Docket No. 50-322-OL-4  
(Low Power)

August 17, 1984

PROTECTIVE ORDER

1. As used in this Protective Order:

(a) "Protected information" is (1) any form of the physical security plan for the licensee's Shoreham nuclear facility; or (2) any information obtained by virtue of these proceedings which is not otherwise a matter of public record and which deals with or describes features of licensee's physical security system or details of licensee's physical security plan.

(b) An "authorized person" is a person designated by this Board from lists furnished by the parties, who has executed an Affidavit of Non-Disclosure. Nothing in this definition shall be deemed to deny access by an officer, employee, or contractor of a party to information maintained in the normal course of business by that party, or to deny

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access to protected information by members of this Board, the cognizant Atomic Safety and Licensing Appeal Board, the Commission, their respective staffs, and appropriate law enforcement agencies.

(c) A "lead attorney or representative" is an individual designated by a party and approved by this Board to accept service of protected information, insure that it is distributed only to those persons authorized to receive it on behalf of that party, and to assume overall responsibility for the control and protection of sensitive information in the hands of that party.

(d) A "designated facility" is

(i) a facility approved by the Executive Director for Operations, the Executive Legal Director, the Atomic Safety and Licensing Board, the Atomic Safety and Licensing Appeal Board, or the Nuclear Regulatory Commission for the storage and use of protected information; or

(ii) a facility approved by LILCO for storage and use of protected information.

(e) A "designated office" is one office approved by each party for the preparation of written pleadings and testimony containing protected information and for the storage of protected information in the hands of that party.

2. Authorized persons shall not disclose protected information to anyone except another authorized person, unless that information has previously been disclosed in the public record of this proceeding.

Authorized persons shall safeguard protected information in written form (including any portions of transcripts of in camera hearings, filed testimony or any other documents that contain such information), so that it remains at all times under the control of an authorized person and is not disclosed to anyone else.

3. Authorized persons shall not reproduce any protected information by any means without the Board's express approval or direction except to the extent necessary to make required service on another party. So long as an authorized person possesses protected information, he or she shall continue to take these precautions until further order of the Board.

4. Authorized persons shall similarly safeguard and hold in confidence any data, notes, or copies of protected information and all other papers which contain any protected information by means of the following:

(a) review and use of any protected information only at designated facilities;

(b) prepare written pleadings and testimony containing protected information only at designated facilities or designated offices;

(c) keep and safeguard all such materials in a safe or locked filing cabinet to be located at all times in a designated facility or designated office; and

(d) perform necessary typing or reproduction services or other secretarial work connected with the preparation of papers containing protected information at designated facilities or designated offices.

5. Authorized persons shall use protected information only for the purpose of preparation for this proceeding or any further proceedings in this case dealing with security plan issues, and for no other purpose.

6. Lead attorneys or representatives shall keep a record of all protected information in the possession of their respective parties, including any copies of that information made by or for them. At the conclusion of this proceeding, they shall account to the Board or to a Commission employee designated by the Board for all the papers or other materials containing protected information in their possession. When they have finished using the protected information, but in no event later than the conclusion of this proceeding, they shall deliver those papers and materials to the Board (or to a Commission employee designated by the Board), together with all notes and data which contain protected information for safekeeping during the lifetime of the plant.

7. Authorized persons shall not corroborate to any unauthorized person the accuracy or inaccuracy of information obtained outside this proceeding by using protected information gained through the hearing process.

8. In order to keep the service list as limited as possible and thus to reduce the possibility of materials becoming lost or misplaced, copies of documents will be formally served on each Board member and only on the following, who shall be considered "lead counsel" for service purposes:

Suffolk County:	Karla J. Letsche, Esq. Kirkpatrick, Lockhart, Hill, Christopher, Phillips 1900 M Street, N. W. Washington, D. C. 20036
LILCO:	Donald P. Irwin, Esq. Hunton & Williams P. O. Box 1535 Richmond, Virginia 23212
State of New York:	Fabian Palomino, Esq. State Capitol, Room 229 Albany, New York 12224
NRC Staff:	Bernard Bordenick, Esq. U. S. Nuclear Regulatory Commission Washington, D. C. 20555

In addition, copies of documents shall be served upon Mrs. Inez Bailey, Chief, Records Services Branch, Division of Technical Information and Document Control, Nuclear Regulatory Commission, Washington, D. C. 20555. Service shall be accomplished by the means described in paragraph 13 of this Order.

9. There shall be a limit of two transcripts per party for any proceeding conducted on the record in which safeguards information is disclosed or discussed. Parties shall not photocopy these transcripts without the express prior approval of the Board.

10. At the conclusion of this proceeding (including any necessary appeals), the person designated to maintain the official NRC file of documents shall ensure that extra copies of documents to be kept during the lifetime of the plant are destroyed.

11. The County's counsel and experts/consultants may review safeguards information at a location made available by the NRC Staff in Silver Spring, Maryland, or at a facility on Long Island to be provided by LILCO. In addition, (a) any notes which designated Suffolk County representatives have made from their review of the safeguards information, and (b) copies of pleadings containing safeguards information, may be maintained by the following authorized persons at the following locations:

- Staff: (1) Office of Nuclear Materials Safety and Safeguards  
Silver Spring, Maryland
- (2) Office of the Executive Legal Director  
Maryland National Bank Building  
Bethesda, Maryland

Suffolk County and State of New York:

Kirkpatrick, Lockhard, Hill,  
Christopher, Phillips  
Washington, D. C.

Fabian G. Palomino, Esq.  
2 World Trade Center  
New York, New York 10047

12. Suffolk County and the State of New York and their above-named authorized representatives, in keeping safeguards information at the above-designated locations, shall take such protective measures and

procedures necessary to satisfy fully the specific requirements of 10 CFR §73.21. Such protective measures and procedures are as follows:

a. The buildings in which the safeguards information (i.e., notes and pleadings) will be maintained will qualify as controlled access buildings in that they are either attended around the clock or locked at night;

b. The safeguards information, when unattended, will be stored in a locked security storage container, such as a steel filing cabinet or map cabinet equipped with a locked bar and GSA-approved combination padlock. Access to the security storage container will be positively controlled by use of keys or other comparable means; and

c. While in use, the safeguards information will be under the sole control of an authorized individual.

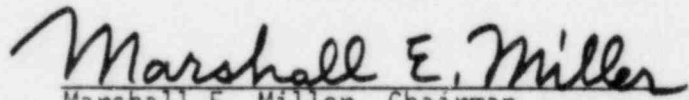
13. With respect to transportation of the safeguards information in question, procedures will be utilized which ensure compliance with regulatory requirements. Specifically, documents containing safeguards information, when transmitted outside an authorized place of use or storage, will be enclosed in two sealed envelopes or wrappers, with the inner envelope or wrapper containing the name and address of the intended recipient and marked on both sides, top and bottom, with the words "SAFEGUARDS INFORMATION." The outer envelope or wrapper will contain the intended recipient's name and address, with no indication that the document inside contains safeguards information. Safeguards information will be transported by registered or certified mail or by

other courier methods or hand delivery which ensure that a receipt is obtained to verify delivery or by an individual authorized access pursuant to 10 CFR §73.21(c). Any authorized individual transporting the safeguards information in question will be instructed to retain the documents in his personal possession at all times.

14. Anyone who has reason to suspect that documents containing protected information may have been lost or misplaced (for example, because an expected paper has not been received) or that protected information has otherwise become available to unauthorized persons shall notify this Board promptly of those suspicions and the reasons for them.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Marshall E. Miller, Chairman  
Administrative Judge

Dated at Bethesda, Maryland  
this 17th day of August, 1984.