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September 20, 1984

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FILE NO. V-8-50-20-55-1
DIRECT DIAL NO. 804 788-8372

Sheldon J. Wolfe, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Virginia Electric and Power Company
(North Anna Power Station, Units 1 and 2)
Docket No. 50-338/339 -- OLA-1

Dear Judge Wolfe:

Enclosed are drafts of (a) a proposed Protective Order dealing with the Applicant's physical protection system for spent fuel shipments and (b) an Affidavit of Nondisclosure. These drafts have been agreed upon by the Applicant, CCLC and the Staff.

It may be helpful to elaborate on one matter. Upon your entry of a protective order and the execution and filing of an Affidavit of Nondisclosure by Mr. Dougherty, Mr. Dougherty may review the physical protection system at Vepco's facility in Richmond or at an NRC office in Bethesda. Mr. Dougherty will decide on the basis of that review whether he wishes to review the system further with expert help. If he does, he will select an expert that he believes qualified on the issues in which he is interested. Upon identifying that expert, Mr. Dougherty will share his qualifications with counsel for the Applicant and the Staff. If we can agree that the expert is qualified, we will do so and advise the Board. If we cannot, Mr. Dougherty will present the qualifications of the expert he has selected to the Board. At that point, of course, the Applicant and the Staff would want

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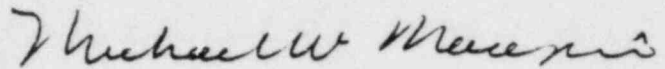
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an opportunity to challenge the qualifications of the proffered witness.

Yours very truly,



Michael W. Maupin

42/341

Enclosures

cc: Secretary, U.S. Nuclear
Regulatory Commission
ATTENTION: Chief, Docketing
and Service Section

Dr. Jerry Kline

Dr. George A. Ferguson

Henry J. McGurren, Esq.

James B. Dougherty, Esq.

Atomic Safety and Licensing Board Panel

Atomic Safety and Licensing Appeal Board

DOCKETED
USNRC

Draft

'84 SEP 24 A10:21

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF GENERAL
INVESTIGATION & SERVICE

Sheldon J. Wolfe, Chairman
Jerry Kline
George A. Ferguson

In the Matter of)	Docket Nos. 50-338/
)	339-OLA-1
VIRGINIA ELECTRIC AND POWER COMPANY)	
)	
(North Anna Power Station,)	September __, 1984
Units 1 and 2)	

PROTECTIVE ORDER

1. As used in this Protective Order:

(a) "Protected information" is (1) any form of the physical protection system, including the physical protection system document, for Vepco's shipments of spent nuclear fuel; and (?) 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 Vepco's physical protection system.

(b) "Authorized person" is (a) a person designated by this Board from lists furnished by the parties who has executed an Affidavit of Non-Disclosure and filed it with the Board, including counsel for Concerned Citizens of Louisa County (CCLC) and any CCLC expert who has qualified in accordance with the requirements of Pacific Gas and

Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-410, 5 NRC 1398 (1977), (b) an employee of the Nuclear Regulatory Commission entitled to access to protected information, (c) a person employed by Vepco and authorized by it in accordance with Commission regulations to have access to protected information and (d) counsel for Vepco. Nothing in this definition shall be deemed to deny or affect 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 or affect access to protected information by members of this Board, the Cognizant Atomic Safety and Licensing Appeal Board, the Commission, their respective staffs,¹ 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.

¹The provisions of this Protective Order do not restrict Nuclear Regulatory Commission employees; they are subject to internal requirements (see NRC Manual Appendix
(Footnote Continued)

(d) A "designated facility" is One James River Plaza, Richmond, Virginia and Maryland National Bank Building, Bethesda Maryland.

(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 photocopy 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

(Footnote Continued)
2101, part XVII) concerning treatment of protected safeguards information.

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) reviewing and using the document constituting the Vepco physical protection system (which shall not be photocopied or otherwise reproduced) only at a designated facility, but such persons may make notes with respect to the document and remove such notes to a designated office;

(b) preparing written pleadings and testimony containing protected information only at a designated facility or a designated office;

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

(d) performing necessary typing or reproduction services or other secretarial work connected with the preparation of papers containing protected information at a designated facility or a designated office.

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;

CCNC: James B. Dougherty, Esq.
3045 Porter St., NW
Washington, D.C. 20008

Vepco: Michael W. Maupin, Esq.
Hunton & Williams
P. O. Box 1535
Richmond, Virginia 23212

NRC Staff: Henry J. McGurren
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. Authorized persons may review at a designated facility Vepco's physical protection system document. In addition, (a) any notes which authorized persons have made from their review of the system, and (b) copies of pleadings and testimony containing protected information, may be maintained by authorized persons at the following designated offices:

Staff: Office of the Executive Legal Director
Maryland National Bank Building
Bethesda, Maryland

Vepco: 707 East Main Street
Richmond, Virginia 23219

CCLC: 3045 Porter St., N.W.
Washington, D.C. 20008

12. CCNC and its above-named authorized representative, in keeping protected information at the above-designated office, 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 building in which the safeguards information (i.e., notes and pleadings) will be maintained will qualify as a controlled access building in that it is either attended around the clock or locked at night;

b. The protected 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 protected information will be under the sole control of an authorized person.

13. With respect to transportation of the protected information in question, procedures will be utilized which ensure compliance with regulatory requirements. Specifically, documents containing protected 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 "PROTECTED INFORMATION." The outer envelope or wrapper will contain the intended recipient's name and address, with no indication that the document inside contains protected information. Protected 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

Sheldon J. Wolfe, Chairman
Administrative Judge

Dated at Bethesda, Maryland
this ___ day of September, 1984.

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'84 SEP 24 A10:22

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF PUBLIC
DOCKETING & SERVICE
BRANCH

Before Administrative Judges
Sheldon J. Wolfe, Chairman
Jerry Kline
George A. Ferguson

In the Matter of)
)
VIRGINIA ELECTRIC AND POWER COMPANY) Docket Nos. 50-338/
) 339-OLA-1
)
(North Anna Power Station,)
Units 1 and 2))

AFFIDAVIT OF NON-DISCLOSURE

I, _____, being duly sworn,
state:

1. As used in this Affidavit of Non-Disclosure,
(a) "protected information: is (1) any form of the physical
protection system, including the physical protection system
document, for Vepco's spent fuel shipments; and (2) any
information obtained by virtue of these proceedings which
is not otherwise a matter of public record and which deals
with or describes details of the protection system; (b) an
"authorized person" is (1) an employee of the Nuclear
Regulatory Commission entitled to access to protected
information; (2) a person who, at the invitation of the
Atomic Safety and Licensing Board ("Licensing Board"), has

executed a copy of this Affidavit and filed it with the Board; (3) a person employed by Vepco, the Applicant, and authorized by it in accordance with Commission regulations to have access to protected information, and (4) counsel for Vepco.

2. I shall not disclose protected information to anyone except an authorized person, unless that information has previously been disclosed in the public record of this proceeding. I will 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. It is understood that any secretaries having access to protected information shall execute Affidavits of Non-Disclosure and shall have such access solely for the purpose of necessary typing and other support services.

3. I will not reproduce any protected information by any means without the Licensing Board's express approval or direction. It is understood, however, that pleadings which are necessary to be prepared in this proceeding can be reproduced, provided that each copy thereof is maintained in confidence as required by the Board's Protective Order described hereafter. So long as I possess protected information, I shall continue to take these precautions until further order of the Licensing Board.

4. I shall similarly safeguard and hold in confidence any data, notes, or copies of protected information by means of the following:

(a) Except as otherwise permitted in paragraph 4 of the Board's Protective Order entered September __, 1984, my use of the protected information will be made at a designated facility.

(b) Except as otherwise permitted in the Board's Protective Order entered September __, 1984, I will keep and safeguard all protected information in a locked file cabinet to be located at all times at the designated facility.

(c) Except as otherwise permitted in the Board's Protective Order entered September __, 1984, any secretarial work performed at my request or under my supervision will be performed at a designated facility either (1) by a secretary provided by Vepco, or (2) by a secretary of my designation who has been authorized by the Board to perform such work.

(d) Necessary typing and reproduction equipment will be furnished Vepco when secretarial work is performed at Vepco.

5. I shall use protected information only for the purposes of participation in matters directly pertaining to Concerned Citizens of Louisa County Revised Contention 4 and any hearings that may be held or any further

proceedings in this case dealing with physical protection system issues, and for no other purpose.

6. At the conclusion of this proceeding, I shall account to the Licensing Board or to a Commission employee designated by that Board for all papers or other materials (including notes and papers prepared by me) containing protected information in my possession. I may either destroy the papers which do not need to be saved (such as unimportant notes) and certify that action in writing, or for papers which need to be saved (such as transcripts), may deliver them as provided herein. When I have finished using the protected information they contain, but in no event later than the conclusion of this proceeding (including any necessary appeals), I shall deliver those papers and materials that were not destroyed to the Licensing Board (or to a Commission employee designated by the Board), for safekeeping during the lifetime of the plant.

7. I make this agreement with the understanding that I will not corroborate the accuracy or inaccuracy of information obtained outside this proceeding by using protected information gained through participation in matters directly pertaining to CCIC's Revised Contention 4 and any hearing that may be held or any further proceedings in this case dealing with security plan issues.

Subscribed and sworn to before me this

_____ day of _____, 1984.
