

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

Before Administrative Judges:

James L. Kelley, Chairman  
Dr. Richard F. Foster  
Dr. Paul W. Purdom

In the Matter of  
DUKE POWER COMPANY, et al.  
(Catawba Nuclear Station,  
Units 1 and 2)

Docket Nos. 50-413  
50-414

ASLBP No. 81-463-06 0L

October 2, 1984

REVISED PROTECTIVE ORDER

Counsel and representatives of the parties to this proceeding who have executed an Affidavit of Non-Disclosure in the form attached shall be permitted access to "protected information" \* upon the following conditions:

1. Only counsel and representatives of the parties from whom the Licensing Board has accepted an Affidavit of Non-Disclosure may have

\* As used in this order, "protected information" has the same meaning as used in the affidavit of Non-Disclosure, attached hereto. The provisions of this Protective Order do not apply to Nuclear Regulatory Commission employees; they are subject to internal requirements (see NRC Manual Appendix 2101, Part IV) concerning the treatment of protected information.

access to protected information on a "need to know" basis.

2. Counsel and representatives who receive any protected information (including transcripts of in camera hearings, filed testimony or any other document that reveals protected information) shall maintain its confidentiality as required by the annexed Affidavit of Non-Disclosure, the terms of which are hereby incorporated into this protective order.

3. Counsel and representatives who receive any protected information shall use it solely for the purpose of participation in matters directly pertaining to this hearing and any further proceedings in this case directly involving quality assurance and quality control matters, and for no other purposes.

4. Counsel and representatives shall keep a record of all documents containing protected information in their possession and shall account for and deliver that information to the Commission official designated by this Board in accordance with the Affidavit of Non-Disclosure that each has executed.

5. In addition to the requirements specified in the Affidavit of Non-Disclosure, all papers filed in this proceeding (including testimony) that contain any protected information shall be segregated and:

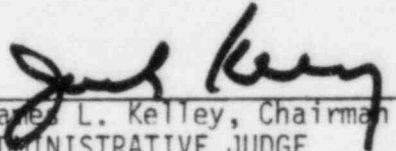
(a) served on lead counsel and the members of this Board  
only:

(b) served in a heavy opaque inner envelope bearing the name

of the addressee and the statement "PRIVATE" "TO BE OPENED BY ADDRESSEE ONLY." Addressees shall take all necessary precautions to ensure that they alone will open envelopes so marked.

6. Counsel, representatives or any other individual who has reason to suspect that documents containing protected information may have been lost or misplaced (for example, because an expected paper had 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.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
James L. Kelley, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
October 2, 1984

AFFIDAVIT OF NON-DISCLOSURE

\_\_\_\_\_, being duly sworn, states:

1. As used in this Affidavit of Non-Disclosure.

(a) "protected information" means the names, addresses and telephone numbers of employees and former employees of the Duke Power Company that are provided by Duke or the NRC to the Intervenors in the Catawba operating license proceeding pursuant to the Revised Protective Order of October 2, 1984 and related Licensing Board Orders in relation to the Welder B or "Foreman override" concerns; "protected information" also means any document or information specifically so designated by the Licensing Board.

(b) An "authorized person" is (1) an employee of the NRC, or (2) a person who, at the invitation of the Licensing Board has executed a copy of this Affidavit.

(c) "appropriate confidential fashion" is action designed to keep protected information from disclosure to unauthorized persons.

(d) "appropriate confidential location" is a location designed to keep protected information from disclosure to unauthorized persons.

2. (a) 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.

2(b) If I use protected information for the purpose of contacting a person whose home is protected, I will inform him that I obtained his name, address and/or telephone number under the Revised Protective Order of October 2, 1984 and related Licensing Board Orders and that I may not disclose his name, address and/or telephone number to any person who has not signed an affidavit of non-disclosure, unless that person knowingly waives his right to protection against such disclosure.

3. Reproduction of any protected information by any means shall be conducted in appropriate confidential fashion. 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 and all other papers which contain any protected information by means of the following:

(a) My use of the protected information will be made at an appropriate confidential location.

(b) I will keep and safeguard all such material in an appropriate confidential fashion.

(c) Any secretarial work performed at my request or under my supervision will be performed in appropriate confidential locations by secretaries of my designation.

(d) All mailings by me involving protected information shall be made by me directly to the United States Postal Service or by personal delivery.

5. If I prepare papers containing protected information in order to participate in further proceedings in this case, I will assure that any secretary or other individual who must receive protected information in order to help me prepare those papers has executed an affidavit like this one and has agreed to abide by its terms. Copies of any such affidavit will be filed with and accepted by the Licensing Board before I reveal any protected information to any such person.

6. I shall use protected information only for the purpose of preparation, including any investigations which may be necessary, for this proceeding or any further proceedings in this case dealing with quality assurance and quality control issues, and for no other purpose.

7. I will avoid disclosure of protected information to the best of my ability. However, it must be recognized that in the course of conducting investigations in connection with this proceeding, certain protected information may be independently discerned incident to that investigation which might result in the inadvertent disclosure of protected information.

8. I shall keep a record of all protected information in my possession, including any copies of that information made by or for me. At the conclusion of this proceeding, I shall account to the Licensing Board or to a Commission employee designated by that Board for all the papers or other materials containing protected information in my

possession and 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, I shall deliver those papers and materials to the Licensing Board (or to a Commission employee designated by the Board) together with all notes and data which contain protected information for safekeeping until further order of the Board.

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Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_ 1984.

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Notary Public