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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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BEFORE ADMINISTRATIVE JUDGES:

Helen F. Hoyt, Chairperson  
Dr. Richard F. Cole  
Dr. Jerry Harbour

OFFICE OF THE SECRETARY  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20545

SERVED MAR 22 1985

In the Matter of	}	Docket Nos. 50-352-0L
PHILADELPHIA ELECTRIC COMPANY	}	50-353-0L
(Limerick Generating Station, Units 1 and 2)	}	(ASLBP No. 81-465-07-0L)
		March 20, 1985

PROTECTIVE ORDER

Counsel and representatives of the parties<sup>1</sup> to this proceeding who have executed an Affidavit of Non-Disclosure in the form attached shall be permitted access to "protected information"<sup>2</sup> upon the following conditions:

<sup>1</sup> For the purpose of this Protective Order reference to parties is limited to the Graterford Inmates, Commonwealth of Pennsylvania, Philadelphia Electric Company, and the NRC Staff.

<sup>2</sup> 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) concerning the treatment of protected information.

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1. Only counsel and representatives of the parties who have executed an Affidavit of Non-Disclosure may have access to protected information. All executed Affidavits of Non-Disclosure or copies shall be provided to the Licensing Board and the parties.

2. Counsel and representatives who receive any protected information (including transcripts of in camera hearings, filed testimony or other documents that reveals protected information) shall maintain its confidentiality as required by the attached 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 purposes of participation in matters directly pertaining to this proceeding and any further proceedings in this case 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 counsel for the staff in this proceeding in accordance with the Affidavit of Non-Disclosure that each has executed.

5. 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:

Counsel for Inmates: Angus B. Love, Esq.  
Montgomery County Legal Aid  
107 East Main Street  
Norristown, Pennsylvania 19401

Counsel for Commonwealth  
of Pennsylvania, Department  
of Corrections: Theodore G. Otto, III, Esq.  
Department of Corrections  
Commonwealth of Pennsylvania  
P.O. Box 598  
Camp Hill, Pennsylvania 17011

Counsel for Governor's  
Energy Council: Zori Ferkin, Esq.  
Governor's Energy Council  
P.O. Box 8010  
1625 N. Front Street  
Harrisburg, Pennsylvania 17105

Philadelphia Electric: Troy Conner, Jr., Esq.  
Mark J. Wetterhahn, Esq.  
Robert Rader, Esq.  
Conner and Wetterhahn  
1747 Pennsylvania Avenue, N.W.  
Washington, DC 20006

NRC Staff: Donald F. Hassell, Esq.  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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

7. Authorized persons may review at a designated facility the RERP as modified by Order of this Licensing Board. In addition, (a) any notes which authorized persons have made from their review of the RERP, (b) copies of pleadings and testimony containing protected information,

may be maintained by authorized persons at the following designated offices:

Staff: Donald F. Hassell, Esq.  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Commonwealth  
of Pennsylvania: Zori Ferkin, Esq.  
Governor's Energy Council  
P.O. Box 8010  
1625 N. Front Street  
Harrisburg, Pennsylvania 17105

Theodore G. Otto, III, Esq.  
Department of Corrections  
Commonwealth of Pennsylvania  
P.O. Box 598  
Camp Hill, Pennsylvania 17011

Counsel for  
Inmates: Angus B. Love, Esq.  
Montgomery County Legal Aid  
107 East Main Street  
Norristown, Pennsylvania 19401

Philadelphia  
Electric: Troy Conner, Jr., Esq.  
Conner and Wetterhahn  
1747 Pennsylvania Avenue, N.W.  
Washington, DC 20006

8. Counsel for Inmates, in keeping protected information at the above-designated office, shall take such protective measures and procedures as follows:

(a) The building in which the protected 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. 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.

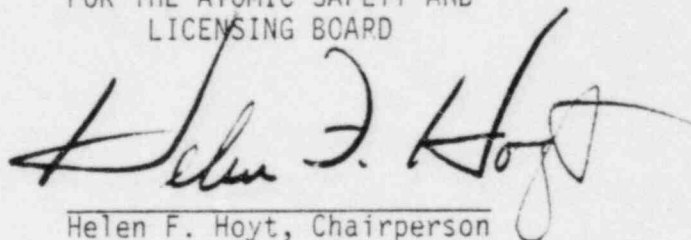
9. With respect to transportation of the protected information in question, procedures will be utilized which ensure compliance with this order. Specifically, documents containing protected information, when transmitted outside an authorized place of use or storage, will be enclosed in two sealed envelopes 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 this order. Any authorized individual transporting the protected information in question will be instructed to retain the documents in his personal possession at all times.

10. 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.

11. Counsel, representatives, or any other individuals 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

A handwritten signature in dark ink, appearing to read "Helen F. Hoyt", is written over a horizontal line. The signature is fluid and cursive.

Helen F. Hoyt, Chairperson  
Administrative Judge

Dated at Bethesda, Maryland  
this 20th day of March, 1985.

Attachment: Affidavit of Non-Disclosure

ATTACHMENT

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES:

Helen F. Hoyt, Chairperson  
Dr. Richard F. Cole  
Dr. Jerry Harbour

In the Matter of	}	Docket Nos. 50-352-OL
PHILADELPHIA ELECTRIC COMPANY	}	50-353-OL
(Limerick Generating Station, Units 1 and 2)	}	(ASLBP No. 81-465-07-OL)

AFFIDAVIT OF NON-DISCLOSURE

I. I, being duly sworn state:

1. As used in this Protective Order:

a. "Protected information" is (1) any form of the Pennsylvania Bureau of Correction Radiological Emergency Response Plan (Appendix E-Annex 1 (RERP)); and (2) any information obtained by virtue of this proceeding which is not otherwise a matter of public record and which deals with or describes features of the RERP.

b. "Authorized person" is (1) 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 the inmates of the State Correctional Institute at Graterford (Counsel for Inmates) and any expert who has been determined to be qualified by the Licensing Board, (2) an employee of the Nuclear Regulatory Commission

entitled to access to protected information, (3) any other person so designated by the Licensing Board as having a need to review the protected information. 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, 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 the State Correctional Institute at Graterford or the offices of the Commonwealth of Pennsylvania, Department of Corrections, at Camp Hill, Pennsylvania.

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. I 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 (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. I 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 an authorized person possesses protected information, he or she shall continue to take these precautions until further order of the 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. reviewing and using the document constituting the RERP (which shall not be photocopied or otherwise reproduced) only at a designated facility, and 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. I shall use protected information only for the purpose of preparation for this proceeding or any further proceedings in this case dealing with evacuation of the State Correctional Institute at Graterford, and for no other purpose.

6. I shall keep a record of all protected information in my possession and in the possession of any authorized person acting on behalf of the party I represent 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 Counsel of the Pennsylvania Department of Correction), together with all notes and data which contain protected information.

7. I 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.

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[Title]