

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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Public Service Electric and)
Gas Company)
(Hope Creek Generating)
Station))

Docket No. 50-354-OL

JOINT MOTION FOR ISSUANCE OF A PROTECTIVE ORDER
REGARDING PERSONNEL INFORMATION

Pursuant to the Atomic Safety and Licensing Board's Order of December 31, 1984, Applicants and the Public Advocate have conferred in an effort to reduce the scope and number of documents requested pursuant to the Public Advocate's Request IV.25 in its Second Set of Interrogatories and Request for Production of Documents to Applicants, dated December 13, 1984. After several telephone conversations, on January 7, 1985, Applicants and the Public Advocate agreed that Request IV.25 is limited to all writings relating to the evaluation or assessment of the job performance of the employees or categories of employees listed in Request IV.25 subsections a through q and subsections t through w for the time period of three years prior to the events of February 22 and 25, 1983 to the present.

The Public Advocate and the NRC Staff have also agreed to the attached Protective Order Regarding Personnel

Information, and the Affidavit of Non-Disclosure annexed thereto, in fulfillment of the Board's Order of December 31, 1984. Thus, Applicants and the Public Advocate move that the Board issue this Protective Order Regarding Personnel Information, with the Affidavit of Non-Disclosure attached to it. This Motion has been discussed with NRC Staff counsel who has no objection.

Respectfully submitted,
CONNER & WETTERHAHN, P.C.

Jessica H. Laverty
Jessica H. Laverty
Counsel for Applicants

January 7, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges
Marshall E. Miller, Chairman
Dr. Peter A. Morris
Dr. David R. Schink

_____)
In the Matter of) Docket No. 50-354-OL
)
PUBLIC SERVICE ELECTRIC) (ASLBP No. 83-492-05 OL)
AND GAS COMPANY)
ATLANTIC CITY ELECTRIC) January __, 1985
COMPANY)
)
(Hope Creek Generating Station)
_____)

PROTECTIVE ORDER REGARDING PERSONNEL INFORMATION

Counsel for Intervenor Public Advocate (Intervenor), Intervenor's experts, and NRC Staff members who have executed an Affidavit of Non-Disclosure in the form attached, shall be permitted access to "personnel information"^{1/} upon the following conditions:

1. Only Intervenor counsel, Intervenor's experts, and NRC Staff members may have access to personnel information on a "need to know" basis.

^{1/} As used in this order, "personnel information" has the same meaning as used in the Affidavit of Non-Disclosure, annexed hereto.

2. Counsel and experts who receive any personnel information (including transcripts of in camera hearings, filed testimony, or any other document that reveals personnel 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 experts who receive any personnel information shall use it solely for the purpose of participation in matters directly involving Contention 2 in this proceeding and for no other purposes.

4. Counsel and experts shall keep a record of all documents containing personnel information in their possession and shall account for and deliver that information to the Licensing Board (or to an NRC employee designated by the Board) in accordance with the Affidavit of Non-Disclosure that they have 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 personnel 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, experts or any other individual who has reason to suspect that documents containing personnel information may have been lost or misplaced (for example, because an expected paper has not been received) or that personnel 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 LICENSING BOARD

Marshall E. Miller, Chairman
Administrative Judge

January __, 1985

AFFIDAVIT OF NON-DISCLOSURE

I, _____, being duly sworn, state:

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

(a) "Personnel information" is (1) all written reports, memos, letters, analyses or other writings relating to the evaluation or assessment of the job performance of the employees or categories of employees listed in Question IV.25, subsections a through q and t through w of the Public Advocate's Second Set of Interrogatories and Request for Production of Documents to Applicants, dated December 13, 1984, for the time period of three years prior to the events of February 22, and 25, 1983 to the present; or (2) any information obtained by virtue of this proceeding which is not otherwise a matter of public record and which deals with or describes the evaluation or assessment of the job performance of the employees or categories of employees listed in Question IV.25, subsections a through q and t through w of the Public Advocate's Second Set of Interrogatories and Request for Production of Documents to Applicants, dated December 13, 1984.

(b) An "authorized person" is (1) counsel for Intervenor, Intervenor's experts or NRC Staff members who have executed a copy of this Affidavit; or (2) counsel or experts for or a person employed by Public Service Electric & Gas Company, the applicant, and authorized by it.

2. I shall not disclose personnel information to anyone except an authorized person, unless that information has previously been disclosed in the public record of this proceeding. I will safeguard personnel 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. I will not reproduce any original personnel information by any means without the express approval or direction of the Licensing Board or authorized person employed by Public Service Electric and Gas Company.

4. If I possess personnel information, I shall continue to take these precautions so long as I possess it until further order of the Licensing Board.

5. I shall similarly safeguard and hold in confidence any data, notes, or copies of personnel information and all other papers which contain any personnel information by means of the following:

(a) My inspection of the personnel information will be in the office of Richard Fryling, Jr., Esq., or such other place specifically designated by him at 80 Park Plaza, Newark, New Jersey.

(b) At the conclusion of my inspection of the personnel information, I will return all originals of such information to a person designated by Public Service

Electric and Gas Company so that such information is retained on the premises of the facility at all times.

(c) Any secretarial or clerical work involving personnel information will be performed under my supervision by an individual who has executed an Affidavit of Non-Disclosure and who Public Service Electric and Gas Company has reasonably determined is acceptable on the basis of its review of the individual's resume.

6. I will not provide papers containing personnel information to any other individual helping me prepare for this proceeding unless that person is authorized to receive such information and has executed an Affidavit of Non-Disclosure and has agreed to abide by its terms. Copies of such affidavit will be filed with the Licensing Board and counsel for Public Service Electric and Gas Company before I reveal any personnel information to any such person.

7. I shall use the personnel information only for the purpose of preparation for this proceeding and for no other purpose.

8. I shall keep a record of all personnel 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 an NRC employee designated by the Board) for all the papers or other materials containing personnel information in my possession and deliver them as provided herein. When I have finished using the personnel 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 an NRC employee designated by the Board), together with all notes and data which contain personnel information, for destruction.

9. I will not corroborate the accuracy or inaccuracy of information obtained outside this proceeding by using personnel information gained through the hearing process.

Subscribed and sworn to before
me this __ day of __ 1985.

Notary Public

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

Public Service Electric and)
Gas Company)
(Hope Creek Generating) Docket No. 50-354-OL
Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Joint Motion for Issuance of a Protective Order Regarding Personnel Information," dated January 7, 1985 in the captioned matter have been served upon the following by deposit in the United States mail on this 7th day of January, 1985:

- | | |
|---|--|
| * Marshall E. Miller, Esq.
Chairman
Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 | Atomic Safety and
Licensing Appeal Panel
U.S. Nuclear Regulatory
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| * Dr. Peter A. Morris
Atomic Safety and
Licensing Board Panel
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Commission
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| * Dr. David R. Schink
Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 | Docketing and Service
Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 |

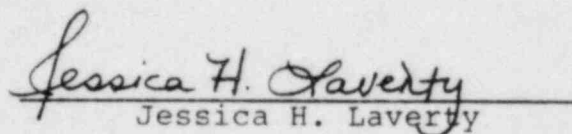
* Hand Delivery

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