

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

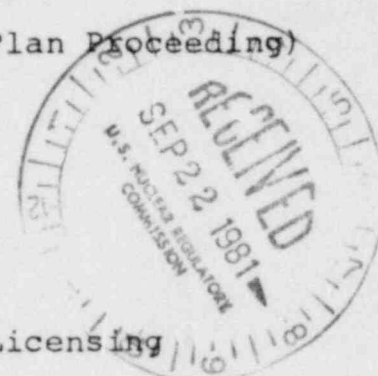


BEFORE THE COMMISSION

In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY)
(Diablo Canyon Nuclear Power)
Plant, Unit Nos. 1 and 2)

Docket Nos. 50-275 O.L.
50-323 O.L.

(Security Plan Proceeding)



MOTION OF GOVERNOR EDMUND G. BROWN JR.
FOR ADDITIONAL COUNSEL AND SECRETARY

On September 9, 1981, the Atomic Safety and Licensing Appeal Board issued its decision, ALAB-653, concerning the sufficiency of Pacific Gas and Electric Company's ("PG&E") security plan for Diablo Canyon under the Atomic Energy Act of 1954, as amended, and the Commission's security regulations. The Appeal Board's decision is subject to review by the Commission under either 10 C.F.R. § 2.786 or § 2.762. Accordingly, this Motion is directed to the Commission.

1. Governor Brown moves that the Commission grant Charles Lee Eisen access to ALAB-653, the PG&E security plan, and related documents and pleadings. Mr. Eisen is a member of the law firm of Hill, Christopher and Phillips, P.C. and is a member of the Bars of Maryland and the District of Columbia. Mr. Eisen will assist in representing Governor Brown in the appeal of issues in this case

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to the Commission and, if appropriate, the courts. An executed Amended Affidavit of Non-Disclosure, in the form prescribed by the Appeal Board, accompanies this Motion.

As the Commission is aware, the Diablo Canyon licensing proceeding is divided into four parts: (1) security; (2) seismic; (3) fuel loading and low power testing license; and (4) full power license. The appeal of the Appeal Board's seismic decision is now before the Commission and the appeal of the security decision will be before the Commission shortly. The Commission is currently reviewing whether a stay should be instituted against the granting of a low power test license under 10 C.F.R. § 2.764. Subsequent stay motions may be directed to the Commission and the courts.

Mr. Eisen is actively involved in representing the Governor on his appeals to the Commission and, if necessary, to the courts. In order for Mr. Eisen to be properly advised to pursue the appropriate remedies on behalf of Governor Brown, he must have access to the security proceeding documents and be able to converse with other counsel who do have such access.

We need not elaborate here again the constraints which the Appeal Board has placed on the Governor's participation in the security proceeding. Counsel for the Governor are limited in number and must perform their work outside their offices, in a special secured room at the NRC's Willste Building. Both PG&E and

NRC Staff, by contrast, have unlimited attorneys available to present their cases and are not forced to work outside of their offices. Granting Mr. Eisen access to the security plan will accordingly facilitate the orderly and timely presentation of the matters at issue in this case.

2. The Governor also moves that Diana Kraemer, Lawrence Lanpher's secretary, be approved as a secretary to type pleadings and materials related to the security plan proceeding. Her executed Amended Affidavit of Non-Disclosure, in the form prescribed by the Appeal Board, and her resume accompany this Motion. This is necessary because Toni Thompson, a secretary at Hill, Christopher and Phillips, P.C., who had executed an Affidavit of Non-Disclosure and assisted in the Fall and Winter of 1980-81 in typing pleadings in the security case, is no longer employed by the law firm.

Respectfully submitted,

Byron S. Georgiou
Legal Affairs Secretary
Governor's Office
State Capitol
Sacramento, California 95814

Lawrence Coe Lanpher

Herbert H. Brown
Lawrence Coe Lanpher
HILL, CHRISTOPHER AND PHILLIPS, P.C.
1900 M Street, N.W.
Washington, D.C. 20036

September 16, 1981

Attorneys for Governor Brown of the
State of California

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

_____)	
In the Matter of)	
PACIFIC GAS AND ELECTRIC COMPANY)	Docket Nos. 50-275
(Diablo Canyon Nuclear Power Plant,)	50-323
Units 1 and 2))	
_____)	

AMENDED AFFIDAVIT OF NON-DISCLOSURE

I, CHARLES LEF EISEN, being duly sworn, state:

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

(a) "Protected information" is (1) any form of the physical security plan for the licensee's Diablo Canyon Nuclear Power Plant, Units 1 and 2; 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 details of the security plan.

(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 Appeal Board ("Appeal Board"), has executed a copy of this affidavit; (3) a person employed by Pacific Gas and Electric

Company, the licensee, and authorized by it in accordance with Commission regulations to have access to protected information.

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.

3. I will not reproduce any protected information by any means without the Appeal Board's express approval or direction. So long as I possess protected information, I shall continue to take these precautions until further order of the Appeal 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 a facility in San Francisco to be made available by Pacific

Gas and Electric Company.

(b) I will keep and safeguard all such material in a safe to be obtained by intervenors at Pacific Gas and Electric Company's expense, after consultation with Pacific Gas and Electric Company and to be located at all times at the above designated location.

(c) Any secretarial work performed at my request or under my supervision will be performed at the above location by one secretary of my designation. I shall furnish Pacific Gas and Electric Company, the Board and Staff an appropriate resume of the secretary's background and experience.

(d) Necessary typing and reproduction equipment will be furnished by Pacific Gas and Electric Company.

(e) All mailings by me involving protected information shall be made from the facility furnished by Pacific Gas and Electric Co.

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 the Appeal Board before I reveal any protected information to any such person.

6. I 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.

7. 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 Appeal 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 Appeal 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.

8. I make this agreement with the following understandings: (a) I do not waive any objections that any other person may have to executing an affidavit such as this one; (b) I will not corroborate the accuracy or inaccuracy of information obtained outside this proceeding by using protected information gained through the hearing process.



Subscribed and sworn to before me
this 16th day of September 1981.

Patricia A. Flynn
Notary Public

My Commission Expires January 31, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

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In the Matter of)	
_____)	
PACIFIC GAS AND ELECTRIC COMPANY)	Docket Nos. 50-275
_____)	
(Diablo Canyon Nuclear Power Plant,)	50-323
Units 1 and 2))	
_____)	

AMENDED AFFIDAVIT OF NON-DISCLOSURE

I, DIANA KRAEMER, being duly sworn, state:

1. As used in this Affidavit of Non-Disclosure,
 - (a) "Protected information" is (1) any form of the physical security plan for the licensee's Diablo Canyon Nuclear Power Plant, Units 1 and 2; 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 details of the security plan.
 - (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 Appeal Board ("Appeal Board"), has executed a copy of this affidavit; or (3) a person employed by Pacific Gas and Electric

Company, the licensee, and authorized by it in accordance with Commission regulations to have access to protected information.

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.

3. I will not reproduce any protected information by any means without the Appeal Board's express approval or direction. So long as I possess protected information, I shall continue to take these precautions until further order of the Appeal 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 a facility in San Francisco to be made available by Pacific

Gas and Electric Company.

(b) I will keep and safeguard all such material in a safe to be obtained by intervenors at Pacific Gas and Electric Company's expense, after consultation with Pacific Gas and Electric Company and to be located at all times at the above designated location.

(c) Any secretarial work performed at my request or under my supervision will be performed at the above location by one secretary of my designation. I shall furnish Pacific Gas and Electric Company, the Board and Staff an appropriate resume of the secretary's background and experience.

(d) Necessary typing and reproduction equipment will be furnished by Pacific Gas and Electric Company.

(e) All mailings by me involving protected information shall be made from the facility furnished by Pacific Gas and Electric Co.

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 the Appeal Board before I reveal any protected information to any such person.

6. I 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.

7. 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 Appeal 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 Appeal 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.

8. I make this agreement with the following understandings:

- (a) I do not waive any objections that any other person may have to executing an affidavit such as this one;
- (b) I will not corroborate the accuracy or inaccuracy of information obtained outside this proceeding by using protected information gained through the hearing process.

District of Columbia:

Diana Kramer

Subscribed and sworn to before me this 16th day of Sept 19 81.

René Gil
Notary Public

RESUME

DIANA R. KRAEMER

616 South Columbus Street
Alexandria, Virginia 22314
(703) 548-3310

EMPLOYMENT:

June, 1980 - Present	Legal Secretary Hill, Christopher & Phillips, P.C. 1900 M Street, N.W. Washington, D.C. 20036
Dec., 1977 - June, 1980	Legal Secretary John R. Kraemer Attorney at Law 187 North Main Street Wallingford, Connecticut 06492
Feb., 1975 - Dec., 1977	Secretary to Owner Yankee Silversmith Inn 1067 North Colony Road Wallingford, Connecticut 06492
Aug., 1974 - Feb., 1975	Secretary to Senior Vice President Cahn Engineers, Inc. Barnes Industrial Park Wallingford, Connecticut 06492
Jan., 1974 - June, 1974	Secretary to Vice President and General Manager Pilgrim Harbor Condominiums Wallingford, Connecticut 06492
Jan., 1968 - Nov., 1973	Administrative Assistant to President and Secretary to Chairman of the Board Laurel Bank and Trust Company 88 State Street Meriden, Connecticut 06450

EDUCATION:

Laurel Business College
Meriden, Connecticut

Lyman Hall High School
Wallingford, Connecticut

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) (Security Plan Proceeding)
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CERTIFICATE OF SERVICE

I hereby certify that copies of "MOTION OF GOVERNOR EDMUND G. BROWN JR FOR ADDITIONAL COUNSEL AND SECRETARY" have been served to the following on September 16, 1981 by U.S. mail, first class.

Nunzio J. Palladino, Chairman
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Washington, D.C. 20555

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Commissioner Peter A. Bradford
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Commissioner John F. Ahearne
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Commissioner Thomas Roberts
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Thomas A. Moore, Esq., Chairman
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. W. Reed Johnson
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
ATTENTION: Docketing & Service Section

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