

14261

August 30, 1993

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of	)	
	)	
PACIFIC GAS AND ELECTRIC CO.	)	Docket Nos. 50-275-OLA - 2
	)	Docket Nos. 50-323-OLA
	)	
(Diablo Canyon Nuclear Power	)	
Plant, Units 1 and 2)	)	(Construction Period Recovery)
	)	

PACIFIC GAS AND ELECTRIC COMPANY'S  
RESPONSE TO MOTION TO AMEND PROTECTIVE ORDER

On August 17, 1993, the NRC Staff filed a Motion<sup>1/</sup> to amend the Protective Order<sup>2/</sup> issued in this proceeding with respect to a report prepared by the Institute of Nuclear Power Operations ("INPO"). The Protective Order provides, for a limited set of individuals, access to the INPO report contingent upon certain conditions and upon those individuals signing an affidavit of non-disclosure. The NRC Staff asks that the Protective Order be clarified by adding a new footnote to paragraph 3, providing as follows:

This Order shall not be interpreted as preventing the persons authorized to receive protected documents from disclosing

<sup>1/</sup> "Motion to Amend Protective Order (Governing Non-Disclosure of INPO Report)," August 17, 1993.

<sup>2/</sup> "Memorandum and Order (Granting Discovery Request/Referring Ruling to Commission)," LBP-93-13, July 19, 1993.

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information obtained therefrom to the NRC Executive Director for Operations, the NRC Director of the Office of Investigations, or the NRC Inspector General, but shall inform such official that the information was obtained from documents covered by this protective order.

The INPO report is a confidential document, accorded restricted distribution by INPO and Pacific Gas and Electric Company ("PG&E"). The report is also subject to the protection provided by the "Memorandum of Agreement Between the Institute of Nuclear Power Operations and the U.S. Nuclear Regulatory Commission" ("Memorandum of Agreement"), dated October 21, 1991. PG&E does not oppose the NRC Staff's Motion. However, this position is premised on the assumption that the Memorandum of Agreement applies to any disclosure of information to the NRC Executive Director for Operations, the NRC Director of the Office of Investigations, or the NRC Inspector General. The suggested

footnote should be revised by adding a sentence at the end as follows:

Such officials are subject to the Memorandum of Agreement between NRC and INPO dated October 21, 1991, and will treat any confidential information in accordance with its provisions.

Respectfully submitted,



David A. Repka

WINSTON & STRAWN  
1400 L Street, N.W.  
Washington, DC 20005-3502  
(202) 371-5726

Christopher J. Warner  
Richard F. Locke

PACIFIC GAS AND ELECTRIC COMPANY  
77 Beale Street  
San Francisco, CA 94106

Attorneys for Pacific Gas and  
Electric Company

Dated in Washington, DC  
this 30th day of August, 1993

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of: )  
Pacific Gas and Electric Company ) Docket Nos. 50-275-OLA  
(Diablo Canyon Power ) 50-323-OLA  
Plant, Units 1 and 2) (Construction Period  
Recapture)

CERTIFICATE OF SERVICE

I hereby certify that copies of "PACIFIC GAS AND ELECTRIC COMPANY'S RESPONSE TO MOTION TO AMEND PROTECTIVE ORDER" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 30th day of August, 1993.

Charles Bechhoefer, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Frederick J. Shon  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attn: Docketing and Service  
Section  
(original + two copies)

Ann P. Hodgdon, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Adjudicatory File  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Peter Arth, Jr.  
Edward W. O'Neill  
Peter G. Fairchild  
California Public Utilities  
Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Nancy Culver, President  
Board of Directors  
San Luis Obispo Mothers for Peace  
P.O. Box 164  
Pismo Beach, CA 93448

Robert R. Wellington, Esq.  
Diablo Canyon Independent Safety  
Committee  
857 Cass Street, Suite D  
Monterey, CA 93940

Robert Kinosian  
California Public Utilities  
Commission  
505 Van Ness, Rm. 4102  
San Francisco, CA 94102

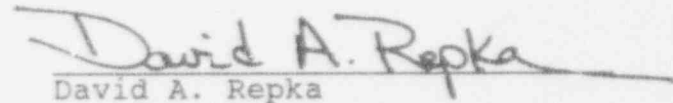
Mr. Gregory Minor  
MHB Technical Associates  
1723 Hamilton Ave., Suite K  
San Jose, CA 95125

Truman Burns  
California Public Utilities  
Commission  
505 Van Ness, Rm. 4103  
San Francisco, CA 94102

Christopher J. Warner, Esq.  
Richard F. Locke, Esq.  
Pacific Gas & Electric Company  
77 Beale Street  
San Francisco, CA 94106

Jill ZamEk  
1123 Flora Road  
Arroyo Grande, CA 93420

Diane Curran  
c/o IEER  
6935 Laurel Avenue, Suite 204  
Takoma Park, MD 20912

  
David A. Repka

Counsel for Pacific Gas and  
Electric Company