

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket No. 50-466

The information and related document requested by Mr. Doherty relates to or contains information in the possession of the General Electric Company, the vendor for ACNGS. The General Electric Company regards this document to be confidential and proprietary and believes that public disclosure of this information could seriously impair its relationships with its competitors.

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Counsel for HL&P has been authorized by Mr. Doherty to represent to this Board that Mr. Doherty does not object to the entry of a Protective Order in the form attached hereto.

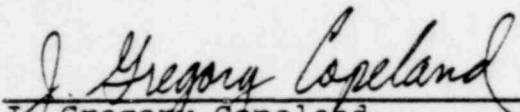
WHEREFORE, HL&P respectfully requests that this Board enter the Protective Order attached hereto.

Respectfully submitted,

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HOUSTON LIGHTING & POWER COMPANY

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	§	
	§	
HOUSTON LIGHTING & POWER COMPANY	§	Docket No. 50-466
	§	
(Allens Creek Nuclear Generating	§	
Station, Unit 1)	§	

PROTECTIVE ORDER

On April 9, 1979, Intervenor John F. Doherty filed his First Set of Interrogatories to Houston Lighting & Power Company ("HL&P") and Second Request for Production of Documents to HL&P. Subsequent to HL&P's answer and production of documents, the General Electric Company developed a document which is responsive to Interrogatory No. 1 of Doherty's First Interrogatories. Both HL&P and the General Electric Company are willing to produce this document to Mr. Doherty for his inspection and copying. However, certain parts of the document relate to or contain information which is of a confidential or proprietary nature, the release or disclosure of which to third parties could seriously impair the General Electric Company's relationships with its competitors. Mr. Doherty advised the Board that he has no objection

5
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to the entry of a Protective Order protecting the confidentiality of the following described document and the information contained therein..

WHEREFORE, IT IS ORDERED that the document entitled "Assessment of BWR Mitigation of ATWS (NUREG-0460 Alternate No. 3) May, 1979", and the information contained therein, shall be considered confidential and subject to the following restrictions:

1. The foregoing document and information contained therein shall not be disclosed to any person other than (a) counsel for parties to this proceeding, including necessary secretarial and clerical personnel assisting such counsel; (b) qualified persons taking testimony involving such document or information and necessary stenographic and clerical personnel thereof; (c) independent consultants and technical experts and their staff who are engaged directly in this litigation; and (d) the Commission, the Board, the presiding officer, or Commission's staff.

2. The foregoing document and information contained therein above shall not be made available to any person designated in paragraph 1(c) unless they shall have first read this order and shall have agreed, in writing (a) to be bound by the terms thereof; (b) not to reveal such confidential document or information to anyone other than

another person designated in paragraph one; and (c) to utilize such confidential document and information solely for purposes of this proceeding.

3. If the Commission or the Board orders that access to or dissemination of the foregoing confidential document and information contained therein shall be made to persons not included in paragraph 1 above, such matter shall only be accessible to, or disseminated to, such persons based upon the conditions pertaining to, and obligations arising from this order, and such persons shall be considered subject to it.

4. Any portion of a transcript in connection with this proceeding containing the foregoing confidential document or information contained therein shall be examined in camera and shall be bound separately and filed under seal. If said document or information are included in an authorized transcript of a deposition or exhibits thereto, arrangements shall be made with the court reporter taking the deposition to bind such confidential portions and separately label them "(Company's Name), CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER". Before a court reporter receives any such document or information, he or she shall have first read this order and shall have agreed in writing to be bound by the terms thereof.

5. Any confidential document or information defined above is to be treated as such within the meaning of 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905, subject to a final ruling, after notice, by the Commission, Board, the presiding officer, or the Commission's Freedom of Information Act Officer to the contrary, or by appeal of such a ruling, interlocutory or otherwise.

6. If confidential documents or information are disclosed to any person other than in the manner authorized by this protective order, the person responsible for the disclosure must immediately bring all pertinent facts relating to such disclosure to the attention of counsel for the General Electric Company and Houston Lighting & Power Company and the presiding officer and, without prejudice to other rights and remedies of the General Electric Company and Houston Lighting & Power Company, make every effort to prevent further disclosure by it or by the person who was the recipient of such information.

7. Nothing in this order shall affect the admissibility into evidence of the foregoing document or information contained therein, or abridge the right of any person to seek judicial review or to pursue other appropriate judicial action with respect to any ruling made by

the Commission, its Freedom of Information Act Officer, the Board or the presiding officer concerning the issue of the status of confidential business information.

8. Upon final termination of this proceeding, each person that is subject to this order shall assemble and return to counsel for Houston Lighting & Power Company all confidential documents and information defined above, including all copies of such matter which may have been made, but not including copies containing notes or other attorney's work product that may have been placed thereon by counsel for the receiving party. All copies containing notes or other attorney's work product shall be destroyed. This paragraph shall not apply to the Commission, the Board, the presiding officer or the Commission's staff, which shall retain such material pursuant to statutory requirements and for other record keeping purposes, but may destroy those additional copies in its possession which it regards as surplusage.

A copy of this order shall be served on all parties.

BY ORDER OF THE ATOMIC
SAFETY AND LICENSING BOARD

Dated: _____

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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HOUSTON LIGHTING & POWER COMPANY	\$	Docket No. 50-466
	\$	
(Allens Creek Nuclear Generating	\$	
Station, Unit 1)	\$	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Protective Order in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 22nd day of October, 1979.

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Hon. Leroy H. Grebe
County Judge, Austin County
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Bellville, Texas 77418

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

Atomic Safety and Licensing
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