

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1900 M STREET, N. W.

WASHINGTON, D. C. 20036

JUN -8 12:21

June 7 1982  
RECEIVED  
SECURITY SERVICE  
BRANCH

TELEPHONE (202) 452-7000  
CABLE: HPHH  
TELEX 440909 HPHH UI  
WRITER'S DIRECT DIAL NUMBER  
202/452-7011

IN PITTSBURGH  
KIRKPATRICK, LOCKHART, JOHNSON & HUTCHISON  
1500 OLIVER BUILDING  
PITTSBURGH, PENNSYLVANIA 15222  
(412) 385-6500

(BY HAND)

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

Re: Long Island Lighting Company;  
Shoreham Nuclear Power Station,  
Unit 1; Docket No. 50-322 O.L.

Gentlemen:

Pursuant to your request last week, enclosed you will find revisions of the "Affidavit of Non-Disclosure" and of the "Revised Protective Order Governing Access to Security Plan Information."

We have attempted to make all the changes which were noted earlier by the Board. We have not been able to resolve one problem which relates to whether the NRC Staff is able to make available the OELD mailroom for purposes of filing the originals of documents containing safeguards information. NRC Staff counsel has informed the undersigned that he is unable to commit staff for the purposes required. Accordingly, the proposed Order does not include an explicit provision regarding where to file the originals of pleadings containing safeguards information.

Sincerely yours,

*Lawrence Coe Lanpher*

Lawrence Coe Lanpher

LCL/dk  
Enclosures

cc: Service List

DS03

8206100102 820607  
PDR ADOCK 05000322  
G PDR

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'82 JUN -8 P2:21

\_\_\_\_\_  
In the Matter of \_\_\_\_\_  
\_\_\_\_\_  
LONG ISLAND LIGHTING COMPANY \_\_\_\_\_  
\_\_\_\_\_  
(Shoreham Nuclear Power Station, \_\_\_\_\_  
Unit 1) \_\_\_\_\_  
\_\_\_\_\_

Docket No. 50-322 O.L.

*WJH*  
OFFICE OF SECRETARY  
OF LICENSING & SERVICE  
NRC

AFFIDAVIT OF NON-DISCLOSURE

I, \_\_\_\_\_, 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 Applicant's Shoreham Nuclear Power Station; 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 Board ("Licensing Board"), has executed a copy of this Affidavit; (3) a person employed by Long Island Lighting Company, the Applicant, and authorized by it in accordance with Commission regulations to have access to protected information, or (4) counsel for Long Island Lighting Company.

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. It is understood that any secretaries having access to protected information shall have such access solely for the purpose of necessary typing and other support services. Further, Mr. Frank Jones, Deputy Suffolk County Executive, shall have access to protected information only in the manner authorized in the Board's June \_\_\_\_, 1982 Order entitled "Revised Protective Order Governing Access to Security Plan Information."

3. I will not reproduce any protected information by any means without the Licensing Board's express approval or direction. It is understood, however, that pleadings which are necessary to be prepared in this proceeding can be reproduced, provided that each copy thereof is maintained in confidence as required by the Board's protective order described hereafter. So long as I possess protected information, I shall continue to take these precautions until further order of the Licensing Board.

4. I shall similarly safeguard and hold in confidence any data, notes, or copies of protected information by means of the following:

(a) Except as otherwise permitted in the Board's June \_\_\_\_, 1982 Order entitled "Revised Protective Order Governing Access to Security Plan Information," my use of the protected information will be made at a facility on Long Island to be made available by Long Island Lighting Company or at a facility in

Silver Spring, Maryland, made available by the NRC Staff.

(b) Except as otherwise permitted in the Board's June \_\_\_\_, 1982 Order entitled "Revised Protective Order Governing Access to Security Plan Information," I will keep and safeguard all such material in a safe to be provided by Long Island Lighting Company or the NRC Staff, after consultation with Long Island Lighting Company or the Staff, and to be located at all times at the above-designated locations.

(c) Except as otherwise permitted in the Board's June \_\_\_\_, 1982 Order entitled "Revised Protective Order Governing Access to Security Plan Information," any secretarial work performed at my request or under my supervision will be performed at the above locations either (1) by a secretary provided by the Long Island Lighting Company or the NRC Staff authorized in accordance with paragraph 1(b) above, or (2) by a secretary of my designation who has been authorized by the Board to perform such work.

(d) Necessary typing and reproduction equipment will be furnished by Long Island Lighting Company and the NRC Staff when secretarial work is performed at the LILCO or Staff offices.

5. I shall use protected information only for the purposes of participation in matters directly pertaining to Suffolk County's security contentions and any hearings that may be held or any further proceedings in this case dealing with security plan issues, and for no other purpose.

6. At the conclusion of this proceeding, I shall account to the Licensing Board or to a Commission employee designated by that Board for all the papers or other materials (including notes and papers prepared by me) containing protected information in my possession. I may either destroy the papers which do not need to be saved (such as unimportant notes) and certify that action in writing, or for papers which need to be saved (such as transcripts) may 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 (including any necessary appeals), I shall deliver those papers and materials that were not destroyed to the Licensing Board (or to a Commission employee designated by the Board), for safekeeping during the lifetime of the plant.

7. I make this agreement with the understanding that I will not corroborate the accuracy or inaccuracy of information obtained outside this proceeding by using protected information gained through participation in matters directly pertaining to Suffolk County's security contentions and any hearing that may be held or any further proceedings in this case dealing with security plan issues.

---

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 1982.

---

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Lawrence Brenner, Chairman  
Dr. James H. Carpenter  
Dr. Peter A. Morris

'82 JUN -8 P2:21

WCH

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

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )

Docket No. 50-322 O.L.

(Security Proceeding)

REVISED PROTECTIVE ORDER  
GOVERNING ACCESS TO SECURITY PLAN INFORMATION

On January 14, 1981, this Board issued a "Protective Order on Security Plan Information" permitting access to the Shoreham security plan under specified conditions. Since that time, the Board has modified its original order on several occasions. In order to (1) clarify who is permitted access to Shoreham security information, (2) revise the conditions governing that access, and (3) reemphasize the importance of holding protective data in confidence, the Board has issued this Revised Protective Order. It supersedes all previous security protective orders issued in this proceeding.

Authorized persons who have executed an Affidavit of Non-Disclosure in the form attached shall be permitted access to protected security information (hereinafter, "safeguards information"), upon the following conditions:

1. Herbert H. Brown, Lawrence Coe Lanpher and Michael S. Miller, as counsel to Suffolk County, and Brian M. Jenkins, Richard E. White, Marc W. Goldsmith, Donald J. Dilworth, Philip McGuire and Thomas P. Compitello, as experts/consultants to the County, are qualified in accordance with the requirements of the Appeal Board's decision in Pacific Gas & Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-410, 5 NRC 1398 (1977), and subsequent orders in that proceeding relevant to security plan information, and may have access to safeguards information on a "need to know" basis.

2. In addition, Ms. Diana Kraemer and Ms. Amy Pinto, secretaries to counsel for Suffolk County, are authorized to type pleadings and other materials which may contain safeguards information. Mr. Frank Jones, Deputy County Executive for Suffolk County, is authorized to consult with the above-named lawyers and experts/consultants regarding safeguards information on a "need to know" basis; however, he is not authorized to have access to the documents which themselves contain safeguards information.

3. Counsel and the experts/consultants who receive any protected (safeguards) information on behalf of Suffolk County (including transcripts of in camera hearings, filed testimony or any other document that reveals safeguards 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.



4. Counsel and the experts/consultants who receive any protected (safeguards) information shall use it solely for the purpose of participation in matters directly pertaining to Suffolk County's security contentions and any hearing that may be held or any further proceedings in this case directly involving security matters, and for no other purposes.

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:

Suffolk County: Michael S. Miller

LILCO: Anthony F. Earley, Jr.

NRC Staff: Bernard M. Bordenick

Service shall be accomplished by the means described in paragraph 11 of this Order, except each outside envelope shall be marked "Personal and Confidential."

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

7. At the conclusion of this proceeding (including any necessary appeals), the person designated to maintain the official NRC file of documents shall ensure that extra copies of documents to be kept during the lifetime of the plant are destroyed.



8. Any individual in this proceeding who has reason to suspect that documents containing safeguards information may have been lost or misplaced, or that safeguards information has become available to unauthorized persons, shall notify the Board promptly of those suspicions and the reasons for them.

9. The County's counsel and experts/consultants may review safeguards information at a location made available by the NRC Staff in Silver Spring, Maryland, or at a facility on Long Island to be provided by LILCO. In addition, (a) any notes which designated Suffolk County representatives have made from their review of the safeguards information, and (b) copies of pleadings containing safeguards information, may be maintained by the following authorized persons at the following locations:

Richard E. White:	Notes and pleadings to be kept at: NRC Regional Office Walnut Creek, California*/
-------------------	---

Brian M. Jenkins:	Notes and pleadings to be kept at: The Rand Corporation 1700 Main Street Santa Monica, California 90406*/
-------------------	--

Herbert H. Brown Lawrence Coe Lanpher Michael S. Miller:	Notes and pleadings to be kept at: Kirkpatrick, Lockhart, Hill, Christopher & Phillips 1900 M Street, N. W. Washington, D. C. 20036.
--	--

In addition, permission to create notes and pleadings at the aforementioned locations is hereby granted.

---

\*/ Designates an NRC-approved facility for the maintenance, storage and review of safeguards information.

10. Suffolk County and its above-named authorized representatives, in keeping safeguards information at the above-designated locations, shall take such protective measures and procedures necessary to satisfy fully the specific requirements of 10 C.F.R. § 73.21. Such protective measures and procedures are as follows:

a. The buildings in which the safeguards information (i.e., notes and pleadings) will be maintained will qualify as controlled access buildings in that they are either attended around the clock or locked at night;

b. The safeguards information, when unattended, will be stored in a locked security storage container, such as a steel filing cabinet or map cabinet equipped with a locked bar and GSA-approved combination padlock. Access to the security storage container will be positively controlled by use of keys or other comparable means; and

c. While in use, the safeguards information will be under the sole control of an authorized individual.

11. With respect to transportation of the safeguards information in question, procedures will be utilized which ensure compliance with regulatory requirements. Specifically, documents containing safeguards 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 "SAFEGUARDS INFORMATION."

The outer envelope or wrapper will contain the intended recipient's name and address, with no indication that the document inside contains safeguards information. Safeguards 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 10 C.F.R. § 73.21(c). Any authorized individual transporting the safeguards information in question will be instructed to retain the documents in his personal possession at all times.

IT IS SO ORDERED:

---

Lawrence Brenner, Chairman