

410

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Richard F. Cole
A. Dixon Callihan

DEC 6 1985 3:56

SER. DEC 1985

In the Matter of

COMMONWEALTH EDISON COMPANY

(Braidwood Station,
Unit Nos. 1 and 2)

Docket Nos. 50-456
50-457

December 6, 1985

PROTECTIVE ORDER

In accordance with the Licensing Board's October 4, 1985, Memorandum and Order (Granting Protective Order), it is hereby ordered that confidential treatment will be afforded information to be disclosed by Intervenor to Applicant and the NRC Staff in accordance with the following conditions:

1. Confidential treatment will be afforded by this protective order to "confidential information," meaning the

8512090305 851206
PDR ADCK 05000456
PDR
6

DS 2

names and otherwise identifying information regarding certain prospective witnesses on Intervenor's Quality Assurance contention (unless such information was obtained from a source other than Intervenor or their counsel). Such protection applies to the eleven present and former L. K. Comstock QC inspectors who sought such protection in Intervenor's Motion for Confidential Treatment of Eleven QC Inspector Names filed on August 2, 1984. and, as necessary, to their prospective witnesses to be identified by intervenors at a later date.

2. Such confidential information shall not be disclosed to any person except as permitted by the provisions of this order.
3. Persons who receive confidential information subject to this Protective Order shall use it solely for the purpose of preparing for and participating in this proceeding.
4. Confidential information shall be disclosed strictly on a "need to know" basis as required for participation by a party in the proceeding. Each person (except as exempted by this paragraph) to whom confidential

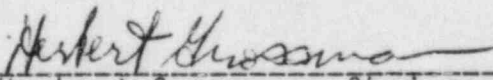
information is to be disclosed shall execute the Affidavit of Nondisclosure attached hereto acknowledging his or her obligation to be bound by this Protective Order. These Affidavits shall be filed with the Licensing Board and served on Intervenor by the party on whose behalf the disclosure is to be made. Members of the NRC Staff who are (1) assigned to the Office of Executive Legal Director (ELD), or (2) are non-ELD officials acting as reviewers when receiving the information and having no contact with Applicant's employees, need not file affidavits. They shall, nevertheless, be bound by the other terms of this Protective Order and are otherwise prohibited from making unauthorized disclosures of protected information under 10 C.F.R. Part 0, Subpart C and NRC Manual Appendix 2101.

5. Prior to the disclosure of confidential information to any person (other than disclosure by NRC personnel to other NRC personnel necessary to the review or regulatory function), Applicant or the NRC Staff shall notify Intervenor's counsel of its intention to make such disclosure and of the identity of the person to whom such disclosure is to be made. Intervenor shall have the opportunity to object to such disclosure provided

such objection is made as quickly as possible, but in no event later than 48 hours after receipt of such notice.

6. Any person (even if not required to sign the affidavit) who has reason to believe that documents including confidential information have been lost or misplaced or any person who has reason to believe that the terms and conditions of this Protective Order have been violated shall notify the Board.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

Dated this 6th day
of December, 1985.

ATOMIC SAFETY AND LICENSING BOARD

Herbert Grossman, Chairman
Richard F. Cole
A. Dixon Callihan

Docket Nos. 50-456
50-457

AFFIDAVIT OF NONDISCLOSURE

I further understand that employees of Applicant and its contractors at the Braidwood Station are protected by

law from any and all discrimination in the terms and conditions of their employment because of their participation in this licensing proceeding. Such participation includes cooperation with Intervenor or the presentations of testimony as witnesses. The United States Department of Labor and the United States Nuclear Regulatory Commission are authorized to investigate alleged violations of this law. 42 U.S.C. § 5851. 10 C.F.R. § 50.7.

Signed and sworn to
before me this ____
day of _____,
19__.

Notary Public

My commission expires _____.