

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

John H. Frye, III, Chairman

Dr. Oscar H. Paris

Dr. Emmeth Luebke

In the Matter of:

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

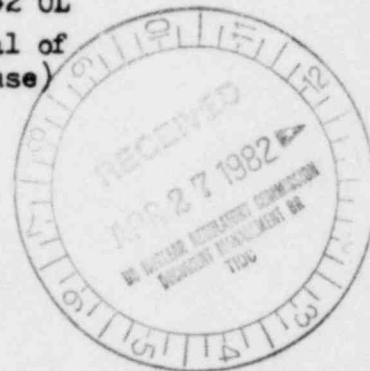
(UCLA Research Reactor)

Docket No. 50-142 OL

(Proposed Renewal of
Facility License)

PROTECTIVE ORDER ON SECURITY PLAN INFORMATION

Committee to bridge the gap



Counsel, representatives, witnesses, and necessary clerical personnel for all parties who have executed an Affidavit of Non-Disclosure in the form attached, shall be permitted access to "protected information" upon the following conditions:

1. Only individuals who are "authorized persons", as that term is defined in the Affidavit of Non-Disclosure in this proceeding, may have access to protected information on a "need to know" basis.
2. Authorized persons who receive any protected 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.
3. Authorized persons who receive any protected information shall use it solely for the purpose of participation in matters pertaining to the hearing on the security plan in these proceedings and in any

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further proceedings in this case involving security matters, and for no other purposes.

4. In addition to the requirements specified in the Affidavit of Non-Disclosure, all papers filed in this proceeding (including testimony) that contain any protected information shall be segregated and:

(a) Served on authorized counsel or representatives of the parties and the members of this Board only.

(b) Served in a heavy, opaque inner envelope bearing the name of the addressee and the statement, "PRIVATE. TO BE OPENED BY ADDRESSEE ONLY." Addressees shall take all necessary precautions to ensure that they alone will open envelopes so marked.

5. Authorized persons who have reason to suspect that documents containing protected information may have been lost or misplaced, or that protected information has otherwise become available to unauthorized persons, shall notify the Board promptly of their suspicions and the reasons for them.

6. All hearings, including pre-hearing conferences in these proceedings, shall be open to the public, unless licensee's physical security plan is under actual consideration, in which case said hearings will be conducted in camera.

7. Protected information will be retained at the sites indicated in the Affidavit of Non-Disclosure for safekeeping unless and until actually needed for a hearing in these proceedings. Persons who have signed the Affidavit of Non-Disclosure may have access to protected information wherever it is located.

8. All typing and reproduction of documents containing protected information shall be performed by authorized persons. Clerical personnel who shall perform such tasks shall have executed a copy of the attached Affidavit. Any necessary typing, reproduction, and mailing services for Intervenor of protected information shall be furnished by Applicant, at a facility designated by Applicant, at Applicant's expense, unless authorized persons associated with Intervenor choose to do the typing, reproduction, and mailing themselves or have the services performed by another authorized person such as a clerical person who has executed a copy of the attached Affidavit.

9. After execution of the attached Affidavit of Non-Disclosure by counsel, representatives, witnesses, and necessary clerical personnel for all parties, discovery as to the physical security contention shall commence.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD

Emmeth A. Luebke
ADMINISTRATIVE JUDGE

Oscar H. Paris
ADMINISTRATIVE JUDGE

Bethesda, Maryland
_____, 1982

John H. Frye, III, Chairman
ADMINISTRATIVE JUDGE

AFFIDAVIT OF NON-DISCLOSURE

I, _____, being duly sworn, states:

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

(a) "Protected information" is any information received pursuant to this Affidavit of Non-Disclosure and associated Protective Order which is (1) any form of the physical security plan for the UCLA Research Reactor; or (2) any information obtained by virtue of the proceedings on the UCLA reactor security plan which is not otherwise in the public domain and which deals with or describes details of that plan.

(b) "Authorized persons" are (1) members of the Atomic Safety and Licensing Board, the Atomic Safety and Licensing Appeal Board, the Commission, and their immediate staffs; (2) a person who, acting on behalf of any party to the proceeding in the Matter of the Regents of the University of California (UCLA Research Reactor), has executed a copy of this Affidavit.

2. I shall not disclose protected information to anyone, except an authorized person, unless that information has been obtained by me from a source other than pursuant to this Affidavit and associated Protective Order or has been publicly disclosed by others. Protected information in written form will be safeguarded by me 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, except for distribution to an authorized person, without the Board's express prior approval or direction. So long as I possess protected information, I shall

continue to take these precautions until further order of the Board or unless the information becomes part of the public record.

4. I shall similarly safeguard in confidence any data, notes, or copies of protected information and all other papers which may contain any protected information by means of the following:

(a) My use of the protected information will be at a secure place in my office or at the offices of other authorized persons.

(b) I will keep and safeguard all such materials in a safe place such as a locked filing cabinet.

(c) Any necessary typing and reproduction services will be performed by myself or by another authorized person.

(d) 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 of non-disclosure and has agreed to abide by its terms. Copies of any such affidavit will be filed with the Board before I reveal any protected information to any such person.

5. I shall use protected information only for the purpose of preparation for and participation in this proceeding or any further proceedings in this case and for no other purpose.

6. I make this agreement with the following understandings:

(a) I do not waive any objections that any other person may have to execute an affidavit such as this one;

AFFIDAVIT OF NON-DISCLOSURE

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(b) I will not publicly discuss or disclose any protected information that I receive pursuant to this Affidavit;

(c) I make no representations whether anyone else will comply with this Affidavit of Non-Disclosure.

Sworn and subscribed to before me this _____ day of _____, 1982.

SCHEDULE

Board issues Protective Order

15 days^{1/} after
Board Order

All parties identify counsel or representatives, clerical personnel, and witnesses who are to deal with protected information.

10 days
thereafter

Responses, if any, by other parties.

10 days
thereafter

Individuals for whom no objections have been raised may execute Affidavits of Non-Disclosure. If questions have been raised in any response to a proposed "authorized person," moving party may provide additional information.^{2/}

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Board rules on disputes, if any, as to proposed "authorized persons." Discovery begins.^{3/} "Authorized persons" may have access to protected information under the conditions of the Protective Order and the Affidavit of Non-Disclosure upon execution of said Affidavit.^{4/}

^{1/} As used in this schedule, computation of time is as per 10 CFR 2.710. Thus, in the case of documents served by mail, an additional five days would be added to the times proscribed above.

^{2/} Parties choosing not to avail themselves of this opportunity to respond are requested to so notify a secretary to the Board by phone in order to expedite the proceedings.

^{3/} A separate discovery schedule on the security contention will be issued at a later date.

^{4/} Counsel or representatives, clerical personnel and witnesses may be withdrawn as Authorized Persons by the sponsoring party at any time. Such persons' access to protected information will be immediately discontinued; however, the pledge of non-disclosure for information previously received, if any, will remain binding. A party may likewise propose additions to the list of Authorized Persons at any time, with time-frames for response by the other parties as in the above schedule, provided that the proceedings are not, without a showing of good cause, substantially delayed.