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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket No. 50-142
	)	
THE REGENTS OF THE UNIVERSITY	)	(Proposed Renewal of
OF CALIFORNIA	)	License No. R-71)
	)	
(UCLA Research Reactor)	)	
	)	

RESPONSE OF THE CITY OF SANTA MONICA TO THE COMMITTEE  
TO BRIDGE THE GAP MOTION OF APRIL 23, 1982

The City of Santa Monica (hereinafter "City"), an Interested Municipality in this proceeding, hereby responds to the Motion of the Committee to Bridge the Gap (hereinafter "CBG") dated April 23, 1982, regarding the protection of security information pertaining to the UCLA nuclear reactor.

I.

By Memorandum and Order dated April 16, 1982, the Director of the Atomic Safety and Licensing Board directed CBG, an Intervenor herein, to file with the Board and serve

upon all parties its proposed protective order and affidavit of nondisclosure regarding information relative to Applicant's physical security plan. CBG was also ordered to identify the witnesses, counsel and representatives it wished to have access to the security information. In response thereto, CBG moved the Board to suspend compliance with the Order until certain matters had been resolved, which matters included: a) whether all parties to the proceeding should be required to identify proposed "authorized persons"; b) whether identification of such persons should await determination of the conditions of the protective order and of the affidavit of nondisclosure; and c) whether, as a courtesy to the City of Santa Monica, consideration of the matter should be deferred to allow the City an opportunity to have input on the proposed procedures for handling the security issue.

The City, having duly considered these and other issues, files in support of the CBG Motion for the reasons set forth hereinafter.

## II.

### DISCUSSION

The City respectfully submits that, as a matter of equity and in order to insure the adequate safeguarding of sensitive information relevant to the UCLA reactor regardless of its source, the conditions concerning nondisclosure of sensitive information and identification of "authorized persons" should apply equally to all parties to this proceeding, and all parties should be required to comply therewith. While Staff

and Applicant may already be subject to certain regulations governing disclosure of security information, the delineation of the specific information covered by such regulations is subject to varying interpretation. Given the de minimus interpretation of security requirements for the UCLA facility by Staff and Applicant (an issue in this proceeding), the City submits that it is reasonable to detail in a protective order precisely what information must be safeguarded in this proceeding, and to require all parties to abide by any restrictions contained therein. Inasmuch as CBG has alleged disclosure upon occasion by Staff and/or Applicant which arguably should have been protected, the need for a clear Order applicable to all participants herein seems evident. (The CBG allegations concerning disclosure are serious, and perhaps should be considered at the prehearing conference prior to a determination of the security issue.)

Moreover, it appears from a summary reading of CBG's protective order and affidavit of nondisclosure that the restrictive provisions therein are more stringent than those normally applicable to Staff and Applicant. If CBG and the City must meet these higher standards, it is only equitable that Staff and UCLA be required to do likewise.

The information for which protection is necessary is not merely that generated by UCLA or Staff and obtained by CBG and/or the City. The specific information sought by CBG and/or the City may indicate, for example, the existence of heretofore unknown weaknesses in the UCLA reactor physical

security system. Furthermore, the City would be extremely reluctant to reveal, even in camera, certain information independently obtained if Staff and Applicant were not required to adhere to the same conditions imposed on CBG and the City respecting disclosure. Information generated by each and every party must be protected, and in order to insure such protection all parties should be required to comply with the terms of the protective order and to execute appropriate affidavits to that effect.

In the interest of fairness and of insuring the adequate protection of sensitive information, the foregoing issues must be fully debated prior to any decision with respect thereto. The City will, in all likelihood, be required to identify its proposed "authorized persons" and comply with the conditions of the protective order and affidavit. The City agrees with CBG that identification of witnesses at this time is premature, inasmuch as potential witnesses and others cannot realistically commit themselves to participate in these proceedings without first knowing under what conditions they must work. The City respectfully requests an opportunity to brief and argue its position regarding the proposed affidavit and protective order, and therefore urges the Board to defer identification of witnesses and other authorized persons until argument has been heard and a decision made with respect to the terms and conditions to which those persons would be subjected.

The City has been informed by CBG that UCLA has filed a response to the CBG Motion that appears to contain an

affirmative counter-proposal. To date, the City has not been served with said response. The City suggests that it would be appropriate to allow time for all parties to reply to such counter-proposal prior to any decision on the security issue.

III.

CONCLUSION

The City agrees with CBG and supports its Motion that the identification and qualifications of proposed "authorized persons" should be required of all parties simultaneously, and should occur only after determination of the protective order and affidavit of nondisclosure to which the parties will be subject. Given the apparent existence of the UCLA counter-proposal, and the seriousness of the issues raised by the CBG Motion, in terms of equity and protection of sensitive information the City urges that the entire matter be deferred until the prehearing conference in June, where oral argument on the complex issues involved herein can be heard.

At a minimum, the City supports the CGB request that the City be provided an opportunity, whether orally or in writing, to respond to the proposed protective order and affidavit prior to any Board order requiring the identification of proposed "authorized persons" and setting the conditions for nondisclosure.

DATED: *May 14, 1982*

Respectfully submitted,

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DECLARATION OF SERVICE

I hereby declare that copies of the attached:  
RESPONSE OF THE CITY OF SANTA MONICA TO THE COMMITTEE  
TO BRIDGE THE GAP MOTION OF APRIL 23, 1982  
in the above-captioned proceeding have been served upon  
the service list attached hereto as Exhibit A by deposit  
in the United States mail, first class, postage prepaid,  
addressed as indicated, on this the 14th day of May, 1982.

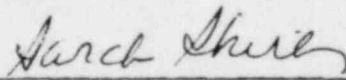
  
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Deputy City Attorney

EXHIBIT "A"  
SERVICE LIST

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