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5 UNITED STATES OF AMERICA
6 NUCLEAR REGULATORY COMMISSION

7 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
8

9 In the Matter of) Docket No. 50-142
10 THE REGENTS OF THE UNIVERSITY) (Proposed Renewal of Facility
11 OF CALIFORNIA) License Number R-71)
12 (UCLA Research Reactor) June 11, 1982

13 UNIVERSITY'S RESPONSE TO BOARD'S JUNE 4th ORDER
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1 In an order dated June 4, 1982, and served June 7, 1982
2 the Board directed University to comply with para. 1 c) of the
3 Board's Order of April 16, 1982, within forty-eight (48) hours
4 of the receipt of its June 4th Order. The Board also directed
5 University to preserve the photographs which are the subject of
6 para. 1 c) until further Order of the Board. The Board's June 4,
7 1982, Order was received by the University the afternoon of
8 June 10, 1982.

9
10 In the Board's April 16th memorandum and Order,
11 University was directed to "respond to CBG's suggestions as to
12 possible means to overcome UCLA's security objections to the
13 releaseto CBG of 20 photographs taken of the facility by CBG."
14 (Order, at paragraph 1. c).) Elsewhere in its Memorandum with
15 reference to the same matter the Board directed University "to
16 indicate whether these suggestions would obviate its objections
17 to the release of any of these photographs or whether it would
18 be possible to depict the same scene in a second photograph while
19 excluding features of the physical security system." (Memorandum,
20 at paragraph 4).)

21 On page 14 of its April 8th pleading ("Intervenor's
22 Response to Applicant's Motion for a Protective Order; and
23 Intervenor's Motion to Compel"), CBG suggested that University

24 "(1) . . . provide CBG with the photographs
25 and negatives in question with the objectionable
26 item in the photograph blocked out or otherwise
27 removed
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1 "(2) . . . permit CBG to take the questionable
2 photographs again, this time with the questionable item
3 covered or outside the camera angle.

4 "(3) . . . (keep) any photographs for which
5 solution (1) or (2) is not possible . . . pending
6 appropriate affidavits of non-disclosure and protective
7 order conditions being in place which would permit
8 counsel for or representative of Intervenor to review
9 the photographs in question under non-disclosure
10 conditions and participate in in camera argument as to
11 whether the photographs should be released with the bulk
12 of the photographs or whether they are rightfully to be
13 included in security information provided only under
14 the security contention protective order."

15 Respecting suggestion (1), while it is technically
16 possible to "block out" on the negatives the objectionable items
17 in the photographs, this alternative would not satisfy University's
18 security objection. The exact placement or location of the
19 objectionable item would be obvious on any blocked-out photograph.
20 University objects to any permanent record being made which
21 would indicate the location of its security-related devices.

22 Suggestion (2) is objected to for the same reason and
23 for the additional reason that it is simply not practical.
24 Photographs depicting covered objects represent a fairly obvious
25 permanent record of the exact placement or location of the
26 objectionable items. In addition, as a practical matter, certain
27 of the items cannot be covered. Also, unless University itself
28 retakes the photographs, University would have no way of ensuring
29 that the objectionable item was actually "outside the camera
30 angle."

31 Suggestion (3) is in general acceptable. However,
32 University notes that on the basis of its May 25, 1982, letter to

1 the Board, CBG apparently intends to argue that protective orders
2 and affidavits of non-disclosure are no longer necessary. As a
3 result, University is unsure of the status of CBG's suggestion (3).

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5 University submits that there is a simpler solution to
6 this matter. At the Board's suggestion University has proposed
7 (in its May 3, 1982, "Memorandum Concerning Release of the
8 Photographs") that it retake the photographs excluding the
9 objectionable physical security system features. If so instructed
10 by the Board, University will retake the photographs and present
11 both the originals and the retaken photographs to the Board for
12 its examination and comparison at the upcoming prehearing
13 conference. With respect to the majority of the photographs
14 University expects to be able to easily demonstrate that essentially
15 all of the pictorial content of the original has been preserved.
16 As to the remainder of the retaken photographs, questions may
17 arise concerning whether University has recaptured the essential
18 elements of the originals. As to these photographs and any others
19 where the Board has questions, University is prepared to permit
20 CBG's representative to view these photographs and engage in an
21 in camera discussion with the Board concerning whether these
22 retaken photographs adequately reproduce the originals. With the
23 Board's assistance this matter can be resolved quite simply and
24 with little expense of time at the upcoming conference.

25 Dated: June 11, 1982.

26 DONALD L. REIDHAAR
27 GLENN R. WOODS
28 CHRISTINE HELWICK

By W H Cormier
William H. Cormier
UCLA Representative

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Docket No. 50-142
(Proposed Renewal of Facility
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9 CERTIFICATE OF SERVICE

10 I hereby certify that copies of the attached: UNIVERSITY'S
RESPONSE TO BOARD'S JUNE 4th ORDER

11 in the above-captioned proceeding have been served on the
12 following by deposit in the United States mail, first class,
13 postage prepaid, addressed as indicated, on this date: June 11,
1982.

14 John H. Frye, III, Chairman
15 Administrative Judge
16 ATOMIC SAFETY AND LICENSING BOARD
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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