



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

September 13, 1989

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NOTE TO: Emile Julian, Acting Chief
Docketing and Service Branch
Office of the Secretary

FROM: Charles Bechhoefer, ASLBP

re: Combustion Engineering, Inc.
(Hematite Fuel Fabrication Facility
License No. SNM-33) - Docket No. 70-36-MLA

In accordance with our telephone conversation earlier today, please place the attached two documents in the docket of this proceeding and serve them on all parties and petitioners. Please also include in the docket of this proceeding the envelope by which these documents were transmitted to me. This envelope is also enclosed.

Charles Bechhoefer
Charles Bechhoefer
Presiding Officer
ADMINISTRATIVE JUDGE

Attachments:
As stated

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judge

Charles Bechhoefer

In the Matter of)	
)	
COMBUSTION ENGINEERING, INC.)	Docket No. 70.36-MLA
)	
(Hematite Fuel Fabrication)	ASLBP No. 89-593-01-MLA
Facility, Special Nuclear)	
Materials License No. SNM-33)	September 5, 1989

SUPPLEMENTAL INFORMATION TO REQUEST OF KAREN SISK

By order dated August 18, 1989, Administrative Law Judge Charles Bechhoefer granted Karen Sisk the opportunity to file supplementary information by September 5, 1989, on her request for a hearing in the above-styled cause regarding the following:

Whether Karen Sisk wishes to intervene personally or through membership in the Coalition for the Environment and whether her interests may indeed be plausibly affected by the concerns she set forth in her request for a hearing dated June 22, 1989:

With respect to the request for a hearing on the proposed amendment of the materials license of the Combustion Engineering uranium fuel fabrication plant in Hematite, Jefferson County, Missouri, please be advised that I am seeking participation in this proceeding both as an individual (as a resident of Jefferson

County) and as a member of the Coalition for the Environment. I joined the Coalition in August 1989 after receipt of your Memorandum and Order.

Our home, which we live in and own, is located approximately eleven miles, as the crow flies, from the plant. In addition we own undeveloped property at the Raintree Plantation approximately eight miles from the plant.

I believe our health and safety could be affected by the release of contaminated material into the atmosphere as the result of an accident at the plant or on a Jefferson County road during the transport of materials to or from the plant. I also believe such an accident would affect the value of our two Jefferson County properties. I have additional concerns about the potential impact on our health and safety of the increased levels of gaseous and particulate materials which would be released into our airshed from the plant stacks during the plant's routine operation as the result of the proposed expansion.

I am also concerned about the potential release to the environment of the radioactive materials present in approximately forty unmarked burial pits at the plant site. Recognizing that some of the materials processed at the Hematite plant will remain radioactive and hazardous for generations into the future, I believe the buried materials should be located, identified, exhumed and properly disposed of, preferably before final decisions are made on the proposed expansion of plant operations. (Uranium-238, for example, the predominant material processed at the Hematite facility, will continue releasing alpha particles and decaying into

a range of radioactive daughter products for at least ten times its half-life, that is, ten times four and a half billion years.)

If the Coalition for the Environment is admitted as a party to this proceeding, I would like the Coalition to serve as the lead intervenor in representing my interests.

I attended the informational public meeting conducted by Nuclear Regulatory Commission staff members on August 24, and I orally raised some questions at that time. Although interesting information about the proposed amendment was provided at the meeting, I continue to believe that the concerns stated in our June 22 petition are warranted. In fact, I now have two additional concerns not mentioned in our petition which were generated by comments and questions raised by citizens in the audience -- namely, the potential health effects of the routine and accidental release of a large amount of fluorides to the environment, and the plausibility of an accident from the continuing use of outmoded equipment for the processing of uranium hexafluoride. This latter concern was subsequently heightened when I learned through the media last week that the licensee had discovered on August 29, on the basis of surprisingly high levels of radioactivity on crushed-limestone scrubbers, that there had been a recent unplanned release of an unmeasured amount of uranium powder to the environment. According to the St. Louis Post-Dispatch, September 1, 1989, the most recent estimated volume of the accidental release was reported to have been about 274 grams, as compared with the estimated planned release during daily routine operations of about one-half gram.

I hope this document provides the requisite supplemental information as requested in the Memorandum and Order of August 18, 1989. If any other information is necessary, I will be happy to furnish it upon request.

Respectfully submitted,

Karen Sisk

Karen Sisk
1123 Wolf Hollow Road
Imperial, Missouri 63052

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judge

Charles Bechhoefer

In the Matter of)	
)	
COMBUSTION ENGINEERING, INC.)	
)	Docket No. 70.36-MLA
Hematite Fuel Fabrication)	
Facility, Special Nuclear)	ASLBP No. 89-593-01-MLA
Materials License No. SNM-33)	September 5, 1989

SUPPLEMENTAL INFORMATION CONCERNING THE COALITION
FOR THE ENVIRONMENT REQUEST:

By order dated August 18, 1989, Administrative Law Judge Charles Bechhoefer granted the Coalition for the Environment until September 5, 1989, to file supplementary information on its request for a hearing in the above-styled cause regarding the following:

1. Whether the Coalition for the Environment wishes to intervene on behalf of specific members whose interests are plausibly affected by the concerns set forth in the request for a hearing dated June 22, 1989:

ANSWER: The Coalition for the Environment is petitioning to serve as the lead intervenor on behalf of Martha Dodson whose petition Judge Bechhoefer has granted and who became a member of the Coalition in August 1989, and on behalf of Karen Sisk who also became a member of the organization in August 1989.

2. Whether, because of the "lower potential radiation exposure

attendant to materials license (as distinguished from reactor license) activities" the "so-called 'fifty-mile radius' rule which governs [standing for intervenors in] reactor licensing proceedings is not applicable" to this proceeding:

ANSWER: The Coalition for the Environment maintains that, because the Applicant is licensed to process and store at least the same amount of uranium enriched to 5% uranium-235 that is present in the core of a 1000-megawatt nuclear power reactor, the potential for a criticality accident should require that the same "fifty-mile radius" rule for a reactor license proceeding be applied to this particular materials license proceeding. We maintain that the "fifty-mile radius" rule is applicable to this facility since the same potential radiation exposure of people and the environment is present.

In addition to the possibility of contamination from a criticality accident, present groundwater contamination should call for the application of the "fifty-mile radius" rule. According to the U.S. General Accounting Office Report to the Chairman, Environmental, Energy, and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives (GAO/RCED-89-119 May 1989), samples taken in 1977 and 1978 from two on-site groundwater monitoring wells at the Applicant's facility show contamination 96 times higher than EPA's drinking water standards allow. The GAO study also reports the existence of unidentified burial sites containing radioactive wastes and the use as landfill of potentially contaminated limestone-chip filters. The discovery of higher than expected levels of radioactivity in

limestone filters led to the discovery of the malfunctioning of a valve which had caused an accidental release on August 28, 1989, of uranium to the environment. (Festus News-Democrat, Sept. 5, 1989)

3. Whether the Coalition for the Environment may seek to intervene on behalf of its membership at large:

ANSWER: The Coalition for the Environment has approximately 100 members residing in Jefferson County and approximately 8780 members residing in contiguous St. Louis County and in the City of St. Louis (as of July 1989).

The Coalition for the Environment has historically intervened on behalf of the public and has sought to procure information necessary for educated citizen participation in environmental decisions. In the matter of the proposed amendment of the Combustion Engineering license amendment, Judge Bechhoefer notes in his Memorandum the lack of local availability of documents bearing upon materials licenses. A public hearing would create a meaningful opportunity for citizen education about this controversial application.

Respectfully submitted,



Arlene Sandler, President

Board of Directors, St. Louis Chapter
Coalition for the Environment

6267 Delmar Blvd.
St. Louis, MO 63130

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judge:

Charles Bechhoefer

In the Matter of)
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COMBUSTION ENGINEERING, INC.) Docket No. 70-36-MLA
)
(Hematite Fuel Fabrication) ASLBP No. 89-593-01-MLA
Facility, Special Nuclear)
Materials License No. SNM-33))

SUPPLEMENTAL INFORMATION TO REQUEST OF SENATOR NIXON

By order received August 22, 1989, Administrative Law Judge Charles Bechhoefer granted Senator Nixon until September 5, 1989, to provide additional information and clarification on his request for a hearing in the above-styled cause and for additional amplification including the following:

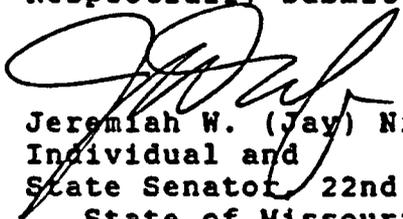
1. Whether Senator Nixon wishes to participate as a representative of his constituents solely or as an individual?

ANSWER: I am a citizen and landowner in Jefferson County and also a state senator. I represent the interests of the people of Jefferson County to the best of my ability but also have specific personal interest in this license application. I am a landowner and in the process of final completion of a residence approximately 7 miles away from the Combustion Engineering site. I travel the roads and by-ways of this area with great frequency.

2. The second area for additional details concerning standing concerns my specific point of residence and frequency and extent of my fishing activities, vis-a-vis the facility.

ANSWER: I have floated all of Joachim Creek in Jefferson County and have floated on numerous occasions the area immediately east of Combustion Engineering where the effluent from that plant comes into the river as well as the area downstream and downwind where emissions might affect land and water quality. I have floated, waded and fished with my son and others in the area behind the plant numerous times within the last year. If there is a problem with the quality of the fish or quality of the water in that area, it would be of direct personal interest as well as a senatorial interest to me.

This is the information directly requested in the Memorandum and Order issued by Charles Bechhoefer, the Administrative Judge in this matter. If any other information is necessary, I will furnish upon request.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Individual and
State Senator, 22nd District
State of Missouri

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

COMBUSTION ENGINEERING, INC.

(Hexatite Fuel Fabrication Facility
License No. SNM-33)

Docket No.(s) 70-36-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing NOTE BECHHOEFER TO JULIAN-10pp have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
Charles Bechhoefer
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Michael A. Bauser, Esquire
Newman & Holtzinger, P.C.
1615 L Street, NW
Washington, DC 20036

Missouri State Senator
Jeremiah W. (Jay) Nixon
22nd District
Room 429
State Capitol
Jefferson City, MO 65101

Martha Dodson
412 Mississippi
Crystal City, MO 63019

Karen Sisk
1123 Wolf Hollow Road
Imperial, MO 63052

Arlene Sandler
President
Coalition for the Environment
St. Louis Chapter
6267 Delmar Boulevard
St. Louis, MO 63130

Dated at Rockville, Md. this
13 day of September 1989

Patty Henderson
Office of the Secretary of the Commission