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November 22, 1989

OFFICE OF THE SECRETARY
DOCKETING DIVISION
SPACE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge:
Peter B. Bloch

SERVED NOV 22 1989

In the Matter of

ROCKWELL INTERNATIONAL
CORPORATION
Rocketdyne Division

(Special Material License
Number SNM-21)

Docket 70-25-ML

Request to Renew
To October 1990

ASLBP No. 89-594-01-ML

MEMORANDUM
(Referral to Staff; Offer to Mediate)

Referral to Staff

On November 4, 1989, Rockwell International Corporation (Applicant) filed a Response to Memorandum and Order of October 4, 1989 (Response).

I have reviewed Applicant's Response and find it to be complete and thorough. In the Response, Applicant stated:

In our judgement these 10 events which occurred over a 20 year span do not show any adverse trends.

Under these circumstances [described in the previous text], despite competent and diligent

¹Response at 8.

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preparation and review, it is not unexpected that procedural deficiencies occasionally will occur.²

A full evaluation of the Response goes beyond my expertise and the expertise of my adviser because we do not know the full extent of Rockwell's operations and because we lack professional expertise in quality assurance. My ignorance of these matters could prompt me to ask the Staff to become a party. To do this, I could make the required finding pursuant to § 2.1213 that "the resolution of any issue in the proceeding would be aided materially by staff's participation. . . .".

However, under the circumstances, I am satisfied -- at this time -- that my concerns about quality assurance do not by themselves call into question the issuance of the amended license that Rockwell has requested. Therefore, I do not consider it to be appropriate to require the Staff to become a party. Instead, I wish to draw the Staff's attention to this matter and to request that it form a judgment about the adequacy of Applicant's answer in the context of its license review or Safety Evaluation Report.³

Should the Staff conclude that there is a serious safety issue relating to root cause or trending, then I

²Response at 9.

³I would appreciate promptly being informed of Staff's review schedule for the amended application.

request that it notify me in a timely manner⁴. I also would give careful consideration to a Staff motion to become a party because of Staff findings about this issue.

Settlement Opportunity

Upon reading the concerns of Jerome E. Raskin and Dr. Estelle Lit, as expressed in their joint letter of November 13, 1989, I have concluded that their concerns might be amenable to settlement. Although it is less clear that the concerns of Jon Scott may be settled, there seems to me to be grounds for inquiring of Jon Scott whether he might be interested in negotiations for settlement that included a discussion of possible disclosure of facts related to the safety of ongoing work. (I am aware that new requesters also may petition to be parties on or before November 25 and that if there are new requesters their concerns also may need to be addressed in settlement negotiations.)

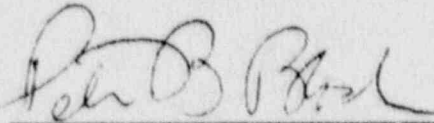
Should the parties mutually desire my assistance, I would be please to facilitate a settlement. If the parties desire, these negotiations could be private and confidential, as a way of discussing: (1) what information should be

⁴There is no precedent concerning the Staff's obligations to make Board Notifications under Subpart L. However, it seems to me that I should be notified of any serious safety concerns affecting this license renewal proceeding -- otherwise this would become a meaningless exercise and an empty shell.

made available to the public, (2) what promises Rockwell and the other parties may be willing to make as part of a settlement, (3) what processes, if any, might be set up to inform citizens about or to involve them in decisions about ongoing work at Santa Sussana, and (4) what safety assurances can be provided concerning the projects planned for next year. (If the parties would like Staff experts to be present to provide information or analyses or to facilitate settlement, I would be pleased to consider implementing their request.)

Within very broad constraints, the groundrules for negotiation could be whatever the parties agree to. Negotiations can, of course, proceed either with or without my participation. Also, should I participate, the nature of my participation could be prescribed by agreement of the parties.

Respectfully ORDERED,



Peter B. Bloch
Presiding Officer

Bethesda, Maryland

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of :
:
ROCKWELL INTERNATIONAL CORPORATION : Docket No. (s) 70-25-ML
:
(Rocketdyne Division, Special :
Nuclear Materials License SNM-21) :
:
:

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (REFERRAL...) 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
Christine N. Kohl, Chairman
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Howard A. Wilber
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
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Administrative Judge
Gustave A. Linenberger, Jr.
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Administrative Judge
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Administrative Judge
Peter B. Bloch
Presiding Officer
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Jon Scott
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Bell Canyon, CA 91307

Jerome E. Raskins, et. al.
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Northridge, CA 91326

Docket No. (s)70-25-ML
LB MEMORANDUM (REFERRAL...)

Cecelia Riddle
Senior Librarian
Chatsworth Branch Library
21052 Devanshire Street
Chatsworth, CA 91311

Dated at Rockville, Md. this
22 day of November 1989

Patty Henderson

Office of the Secretary of the Commission