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25 November 1989

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BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD
U.S. NUCLEAR REGULATORY COMMISSION

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In the Matter of)
ROCKWELL INTERNATIONAL)
CORPORATION)
Rocketdyne Division)
)
(Special Nuclear Materials)
License No. SNM-21)

Docket No. 70-25-ML

ASLBP No. 89-594-01-ML

Petition of the Committee to Bridge the Gap, the Southern California Federation of Scientists, and the Susana Knolls Homeowners Association to Intervene as Parties in the Rockwell License Renewal Proceeding

Introduction

On 2 November 1989 Rockwell International Corporation submitted an amended application for renewal of License No. 21. After due consideration of the action requested by Rockwell, the Committee to Bridge the Gap, the Southern California Federation of Scientists, and the Susana Knolls Homeowners Association hereby request intervention in the Rockwell license renewal proceedings. This petition discusses the requesters' interest in the proceeding; how that proceeding could affect those interests; and the areas of concern about the proposed action. Additional discussion is provided as to why concerns remain in the wake of Rockwell's decision to amend its application.

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I. Standing & Interest

The three organizations each represent people who live, work, and own property close to the facility in question. Their interests could be adversely affected were the requested license renewal granted. Radioactive releases, from normal operation or from accidents, could impact their health and safety, as well as damage their property.

The Susanna Knolls Homeowners Association (SKHA) represents approximately 150 families, three to four hundred people, who live in the immediate vicinity of the facility, most within two to two and a half miles.

Both the Committee to Bridge the Gap (CBG) and the Southern California Federation of Scientists (SCFS) have a number of concerned members who also live in the immediate vicinity. CBG is a twenty-year-old non-profit organization concerned primarily with nuclear matters. It is the group which, ten years ago, first exposed the existence of a serious accident at the Santa Susana Field Lab (SSFL), the partial core melting of the Sodium Reactor Experiment (SRE), as well as a number of other accidents that have occurred there. SCFS is a 37-year-old nonprofit organization composed of scientists and engineers who provide technical assistance on matters of public interest.

Two representative members each of SKHA, CBG, and SCFS, respectively, are identified below, all living within approximately two to two and a half miles of the facility.¹

1. Homeowners Association: Marie Mason, 6437 Clear Springs Road, Susana Knolls, CA 93063, and Barbara Johnson, 6714 Clear Springs Road, Susana Knolls, CA 93063; CBG: Holly Huff, 1001 Black Canyon Road, Susana Knolls, CA 93063, and Dawn Kowalski, 6437 Forney Lane, Susana Knolls, CA 93063; and SCFS: Dane Riley, 1445 Rainy Road, Susana Knolls, CA 93063, and Timothy Ryan, 7255 Studio Road, Canoga Park, CA 91304. (Note: For historical reasons, mail for Mr. Ryan's neighborhood, even though it is in fact in Ventura County, is delivered through the Canoga Park zipcode. He lives, however, within approximately one and a half miles of the SSFL.)

II. Timeliness

Upon hearing that a renewal proceeding was being established to rule upon Rockwell's application, each of the three organizations represented here wrote to Judge Bloch indicating interest in being admitted as parties to the proceeding. They were told they would be informed when formal petitions were due. Judge Bloch then sent word that petitions would be due about November 14. In late October, Rockwell announced that it intended to amend its application in a fashion that would, it said, resolve public concerns. Petitioners then wrote to Judge Bloch, saying they would await receipt of the amended application to determine whether their concerns had been adequately addressed or whether the amended application raised issues that would necessitate intervening over it. The letter also indicated that they presumed they had thirty days from receipt of the amended application. Last week Judge Bloch sent word that petitions should be served by November 25.

On October 24, after the Rockwell press announcement but before any amendment had been filed, the Rockwell Cleanup Coalition, in which our three organizations participate, wrote the the President of Rocketdyne asking for clarification of several matters left unresolved by his press release. These matters included: whether Rockwell was committing to not reapply for a new license or extension after the proposed year of continued operation, details of the proposed TRUMP-S project and its attendant safety risks, and information about the proposed cleanup. The Coalition indicated a willingness to meet face to face to resolve the remaining issues so as to avoid the necessity of continued legal action. One month has transpired and

there has still been no answer whatsoever from Rocketdyne, neither to the specific questions raised in the letter nor the request for a meeting. We have given Rocketdyne all the time possible, within the timeliness requirements set down by Judge Bloch, to resolve the matter informally and therefore have no recourse but to attempt to address the concerns in the relicensing proceeding. We stand ready, however, once granted party status, to resolve the issues through settlement. Perhaps with the assistance of the presiding officer, such settlement conferences can indeed be arranged and made productive.

III. Areas of Concern

Rockwell's Amended Application Does Not Resolve Petitioners' Concerns

The amended application still requests authority to possess 400 grams of plutonium, an extraordinarily toxic material, and authority to use in entirely unspecified research and development activities 6 grams. Were that material to be released to the environment, substantial injury to the interests of petitioners' members could result. It is here noted that the maximum postulated accident in the original renewal application was estimated to result in release of only approximately 4×10^{-5} grams of plutonium, one hundred thousand times less than Rockwell now asks to be able to process at any one time and one ten millionth the amount it requests to be able to possess. Thus the ten-fold reduction in SNM possession authority contained in the amended application would only resolve petitioners' concerns were the original amount requested a sufficiently small amount that it was just above the threshold of safety concern. Then an order of magnitude reduction would bring it below such a threshold. But were an

accident to involve a release fraction of more than the one billionth assumed in the original application, the higher release fraction could more than compensate for the relatively small reduction in SNM requested. It is clear that 400 grams of this extremely dangerous material is still a very significant amount of plutonium from a safety and environmental contamination standpoint.

Secondly, the reduction of time for the the renewal from ten years to one year or so is only significant if the application for renewal is with prejudice to application for renewal, extension, or a new SNM license by Rockwell. This is not made clear in the amended application, and Rockwell has been silent on the matter in response to our letter inquiring about it.

Third, no information whatsoever is given about how the plutonium requested for use is in fact to be used, the procedures for safety, the accident sequences of note, etc. We are told it is for the TRUMP-S project, which we gather is a high temperature treatment process for transuranic wastes, certainly an activity with potential for environmental releases and accidents, but no description, analysis, or other information is provided. In fact, all the amended application says is that the plutonium is for broad research and development purposes, which would permit them to do anything they wished with it. Carte blanche to experiment with plutonium in any way they see fit is certainly not an appropriate form of licensing or safety regulation.

Fourth, the commitment to decontaminate and dismantle the hot lab at the end of the license period raises many questions about whether such cleanup and restoration is being planned safely.

In addition to the above introductory concerns, our areas of concern also include:

1. Transportation both into and out-of the Hot Lab. Rockwell has had a number of transportation accidents involving the facility.
2. Inadequate measurement of radioactive materials in case of accident. Past accidents at the site have involved radiation monitors going off scale, or releases of materials for which appropriate monitors were not in place.
3. Release of radioactive materials during accidents due to faulty equipment or operator error. Such releases can be from airborne particulates or gases, liquid outflow, or solid waste disposal. Past accidents have resulted in such releases at the site.
4. Instrument calibration errors resulting in lower amounts of contaminants being indicated than that actually occurring. This is a common error in our experience.
5. No throughput limitations are included. While only a certain amount of plutonium is to be permitted at any one time, no time period is specified. It could be as small as an hour, which could result in very large throughput of plutonium, and potential for very significant releases over a year.
6. Inadequate training of personnel. Past accidents and contamination incidents at Atomics International over the years revealed inadequate training as a key contributor.

7. No projects for this Hot Lab have been indicated in the amended application. Press reports indicate it is TRUMP-S, but documents about it have been kept secret as proprietary. Because no military security regulations apply, revealing all but the minute specifics is mandatory. The general nature of the process cannot be proprietary and kept from public scrutiny. In particular, there need to be a public safety analysis of TRUMP-S and any other planned projects for the facility. Without it, there can be no affirmative finding that granting continued SNM authority for use in the project will not be inimical to public health and safety.

8. Adverse effects upon real estate values, already reduced because of past Rocketdyne SSFL releases because of accidents and inadequate management, further exacerbate the situation because of the one year delay in decontamination and dismantlement of the Hot Lab.

9. Adequate safety in the source packaging prior to shipment to and from the Hot Lab is certainly a part of these licensing considerations. This is a separate concern from the "normal" transportation problems involved with transportation accidents.

10. Actual work on the TRUMP-S program can release radioactive or toxic materials into the atmosphere. Given a pyro process for transuranic waste products there almost has to result a release of toxic elements, probably in gaseous form but possibly liquid or solid.

11. Inclusion of community technical representatives in the clean-up management or oversight group is needed to insure that the public is properly protected. This includes both decontamination as well as

decommissioning. Techniques to be used must be spelled out and a realistic time table specified with adequate oversight. Also it is not clear from Rockwell's submissions whether they intend to dismantle the facility or merely "clean it up" for some possible future use.

12. Synergistic and additive mixing of contaminants and multiple exposures from multiple sources is certainly possible and needs to be analyzed. A simple additive example would be the exposure of a worker to three rems during his/her Hot Lab work but then becoming subjected to another three rems at the waste storage facility elsewhere on the site when delivering waste material.

13. The application itself, as amended, is deficient. There are significant omissions and misstatements. For example, much of the application deals with activities no longer proposed, but an analysis of the proposed activity is not included.

14. An Environmental Impact Statement should be prepared for this new DOE-Japanese project being contemplated at SSFL. High temperature treatment of plutonium-contaminated wastes near a populated area is a major federal action that could substantially impact the environment; no analysis has been performed.

15. Materials accountability. Atomics International has a very bad record with keeping track of SNM. Scores of kilograms of SNM are listed as "MUF", Material Unaccounted For, enough for a number of nuclear weapons. There is no assurance even that the facility would comply with the requested limits on SNM, in that their materials accountability has been so poor.

16. Inadequate managerial and administrative controls. The record at the site indicates these controls are grossly inadequate to prevent threats to public health and safety.

17. Inadequate health physics program. Radioactive monitoring is grossly deficient. The recent EPA report, for example, calls the facility to task for washing vegetation samples prior to monitoring, and heating to 500°C both vegetation and soil samples, practices that would remove much of the radioactivity present, giving erroneously low readings. There is no assurance that the company can demonstrate that releases will be kept to acceptable levels.

18. Inadequate criticality controls. These controls at this site have been for years very poor; furthermore, the company has just been cited in a study done for DOE as having let very dangerous levels of plutonium accumulate in areas of its Rocky Flats facility where it had denied there was any, sufficient to cause a risk of criticality accidents. Assertions of how little they may be requesting at SSFL are not determinate, because they likewise claimed erroneously at RF that too little would be present for such a problem. How much from past contamination is at the hot lab, claims to the contrary, is unknown. At any rate, 400 g alone of Pu are sufficient for a criticality accident.

19. The application does not specify the isotope of plutonium requested. Plutonium 238 is about 300 times more toxic gram for gram as is 239.

20. The request for 394 grams of plutonium as contamination at the hot cell is an admission of extensive contamination from past activities and evidence that the applicant cannot be trusted to use SNM without causing substantial contamination.

21. The long string of accidents at the facility indicate that the company cannot be trusted to possess SNM without serious accidents.

22. The long string of environmental contamination incidents at the site similarly provides indication that they are not qualified to possess and use any more SNM.

23. The recent FBI investigation of Rockwell and DOE's dismissal of the company for inadequate management of the Rocky Flats facility indicates the company is not qualified to operate the SSFL either.

24. Security is inadequate to possess plutonium.

25. The Radiological Contingency Plan is inadequate. For example, it doesn't even deal with TRU<MP-S, and uses a ridiculously low release fraction as the maximum accident for its planning basis.

26. The facility has a history of violations of AEC/NRC regulations, demonstrating that there is not reasonable assurance it can be relied upon to conduct its activities in the future in compliance with the regulations.

27. Recordkeeping is poor, making assurance of safety hard to determine and future cleanup quite hampered.

28. Fire prevention and response is inadequate. A fire involving plutonium could be devastating, and fighting it is very difficult requiring serious planning, which is not demonstrated at this facility. A fire involving SNM-contaminated materials may well be the most serious accident possible at the hot lab, but analysis of it is lacking.

29. Emissions from routine operations at the site have been excessive and there is no reasonable assurance that continued operation will not result in unacceptable emissions.

30. Safety features, maintenance, and overall safety attitude are inadequate to provide acceptable protection to workers and the public.

31. Applicant has failed to adequately analyze accidents that have occurred at its facility over the lifetime of the facility, analyze common features and trends.

32. Applicant has failed to adequately analyze accidents that have occurred at similar facilities and determine whether there is adequate protection at its facility to prevent such accidents. For example, its own hot lab facility at Rocky Flats has had numerous plutonium fires, failures of glove boxes, and failures of HEPA filters, resulting in very substantial releases of plutonium to the surrounding community, loss of property values for nearby residents and demonstrated increases in cancers. None of this is analyzed by Rockwell in assessing potential accidents from its similar facility at SSFL, where it claims no accident can occur that would result in

release fractions anywhere near what Rockwell has already experienced elsewhere. Equipment that Rockwell has seen fail at its other facilities it claims as non-credible to fail at SSFL, yet no basis is given for this. If fires, glove box and HEPA filter failures of the sort that occurred at Rockwell's other hot lab facilities were to occur with the proposed renewed licensed activities and possession authorization, very serious impacts could result, all of which is unassessed.

33. The facility is too old and antiquated to be operated safely.

34. Protection against sabotage and theft of SNM are inadequate.

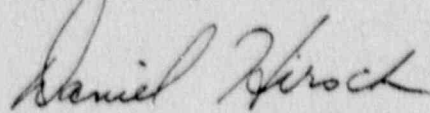
35. The facility is located in a seismically active area, which can initiate accidents resulting in radioactive releases to the environment.

To the extent not touched upon above, we make clear here that we share and associate ourselves with the concerns expressed by the three individuals who have already been granted party status, and by Los Angeles Physicians for Social Responsibility, the Natural Resources Defense Council, and Don Wallace, whose petitions are pending.

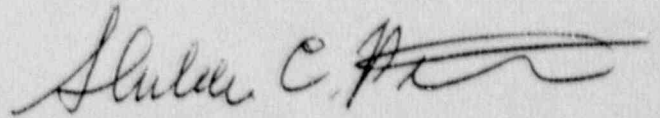
Conclusion

The Susana Knolls Homeowners Association, the Committee to Bridge the Gap, and the Southern California Federation of Scientists hereby respectfully request admission to the proceeding as parties.

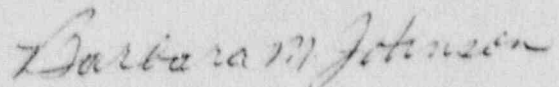
Respectfully submitted,



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ROCKWELL INTERNATIONAL CORPORATION) Docket No. 70-25 ML
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(Rocketdyne Division, Special) '89 NOV 30 P5:07
Nuclear Materials License SNM-21)

CERTIFICATE OF SERVICE

OFFICE OF THE SECRETARY
DOCKETING & SERVICE
BRANCH

I hereby certify that copies of the foregoing Petition to Intervene as Parties 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 §2.712.

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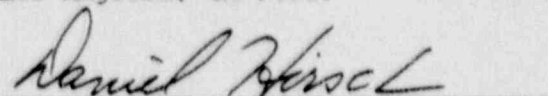
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dated at Los Angeles, CA
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