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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

SERVED NOV 30 1989

Before Administrative Judge
Peter B. Bloch

In the Matter of
ROCKWELL INTERNATIONAL
CORPORATION
Rocketdyne Division
(Special Material License
Number SNM-21)

Docket No. 70-25-ML

Request to Renew
To October 1990

ASLBP No. 89-594-01-ML

MEMORANDUM AND ORDER
(Admitting NRDC As a Party; Summarizing Status of Parties)

The "Petition of the Natural Resources Defense Council, Inc. and the Los Angeles Chapter of the Physicians for Social Responsibility to Intervene As a Party," September 29, 1989¹ ("Petition"), is granted and those two organizations shall be admitted as a single party.

The standing of these parties is a bit irregular, as it depends solely on alleged health and other effects on two individuals who are members of NRDC and who live 2.7 miles

¹The petition was supplemented at the request of the Presiding Officer in "Response to Information Request from Presiding Officer," October 6, 1989 ("Supplement"). Initially, these documents were not officially served on the Office of the Secretary of the NRC, but we have permitted that defect to be cured retroactively so that they may be considered timely served.

and 2 miles from the site.² However, no objection has been made to having the Physicians for Social Responsibility being part of this single consolidated party and -- there being no apparent harm from this linking of an admissible party to another organization in a single appearance -- both organizations shall be admitted as a single party (NRDC/-LAPSR). (If, however, a deadlock should occur between the two participating organizations, the interests of the NRDC - whose members are the sole basis for standing -- shall prevail; if NRDC wishes, it may at any time petition for severance of Physicians for Social Responsibility.)

The concerns mentioned by NRDC/LAPSR in their filings include: (1) the record and the ability of the applicant to comply with radiation standards intended to protect NRDC/LAPSR members and others, (2) the effect of increased population density around the Santa Susana Facility, (3) the cumulative impacts of radioactive and hazardous chemical waste disposal sites inside and out of the NRC licensed area, (4) failure to consider the radioactive releases that might occur if a fire and a criticality incident were to occur simultaneously with a failure of the integrity of HEPA filters, (5) worker health and safety, (6) reliability and completeness of information from the applicant, and (7) transportation risks.

²Supplement at 6; Petition at 3.

With respect to these last three numbered concerns, I note that NRDC/LAPSR did not specify how their "concern" was related to specific events in this case. Given that their petition was not opposed, I have not had any argument presented to me concerning whether this undocumented statement of a "concern" is adequate to meet the requirements of Subpart L.

My own reading of Subpart L leads me to a lenient interpretation of the "concern" requirement, which is intended to be a lesser requirement than the contention requirement which this agency has imposed in more formal proceedings. Consequently, I will admit these "concerns." The effect of admitting them is that NRDC may provide the evidentiary support for their concerns in their direct case, due January 3, 1990.

I note that the following parties have already been admitted in this case: (1) Jerome Raskin³, (2) Dr. Estelle Lit⁴, (3) John C. Scott⁵, and (4) Donald Wallace⁶. Sybil S.

³Tr. 240; see also Tr. 156 (lives within 3 to 5 miles from the site), Tr. 162-187. Note that no list of mistakes was filed as requested at Tr. 187. It is not clear whether such a list should have been requested. Hence, Mr. Raskin may include a list of documented mistakes in his direct case if he so chooses.

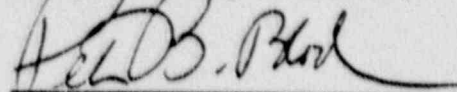
⁴Tr. 240; see also Tr. 137 (residence about five miles from site), Tr. 138-143.

⁵Tr. 240; see also Tr. 122-23 (residence within 2.6 miles of site), Tr. 122-136.

Zeppieri and Arlene Mathews have not pursued their applications by filing materials requested by the Presiding Officer and I therefore find that they are not parties to this case.⁷ No other timely requests for party status have been received.

Parties may include in their direct case concerns mentioned in the transcript or in their requests to become parties. However, they must show how their concerns are relevant both to the regulations of the NRC and to the application as it has been amended by the applicant. The required schedule of filings remains in effect -- subject to motions to delay or expedite the proceeding.

Respectfully ORDERED,



Peter B. Bloch
Presiding Officer

Bethesda, Maryland

⁶See LBP 89-37;29 NRC _____, November 28, 1989 at p. 4, footnote 4.

⁷A motion to reconsider this decision may be made within ten days of service of this order. The order denying the status of a party also may be appealed in a timely fashion to the Appeal Board.

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In the Matter of

ROCKWELL INTERNATIONAL CORPORATION

(Rocketdyne Division, Special
Nuclear Materials License SNM-21)

Docket No. (s) 70-25-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (NRDC AS PARTY...)11/29 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.

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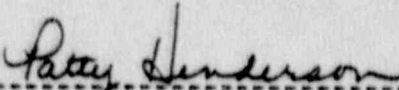
Docket No. (s)70-25-ML
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Dated at Rockville, Md. this
30 day of November 1989



Office of the Secretary of the Commission