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February 24, 1990

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge
Peter B. Bloch

SERVED FEB 27 1990

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

(Concern About the Possible Need to Declare Staff a Party)

I have received the Basic Case filed by the following intervenors on February 19, 1990: Jon Scott, Los Angeles Physicians for Social Responsibility, the Southern California Federation of Scientists, the Committee to Bridge the Gap, and Estelle Lit and Prof. Jerome E. Raskin¹. The principal issues raised by all the intervenors appear to center around: (1) the possibility of a fire or explosion that would disperse far more plutonium than the "conservative" estimate made by Rockwell International Corporation (Applicant), and (2) an alleged pattern of sloppiness and

¹The Lit-Raskin petition was amended February 19 and, for simplicity, we consider that it was filed on that date.

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irresponsibility in handling and measuring special nuclear materials and resulting wastes.

Until I have received Applicant's response, I do not feel sufficiently informed to make a judgment pursuant to 10 CFR § 2.1213 as to whether "the resolution of any issue in the proceeding would be aided materially by staff's participation . . . as a party. . . ." However, I have sufficient concern at this time -- growing in part from the comfort I have drawn from Staff's helpful participation in formal proceedings -- to want the Staff to know that I may declare a need for Staff assistance after I have reviewed Applicant's filing.

The reason for stating my concern now is to expedite the proceeding. Applicant's requested license will expire in October 1990 and its activities pursuant to that license are expected to begin before then. Hence, there is a need for expedition to prevent the case from becoming moot. Meantime, Staff is not preparing to be a party and is not even performing safety or environmental reviews of this license request.² Consequently, Staff may not be prepared

²See letter of February 14, 1990 from Charles J. Haughney, Chief of the Fuel Cycle Safety Branch, to Applicant.

for efficient participation in the case, unless it is alerted in advance to the possible need for its participation.

Respectfully,



Peter B. Bloch
Presiding Officer

Bethesda, Maryland

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

ROCKWELL INTERNATIONAL CORPORATION

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

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Docket No. (n): 70-25-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM DATED 2/24 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
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Administrative Judge
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Board
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Washington, DC 20555

Administrative Judge
Gustave A. Linenberger, Jr.
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Administrative Judge
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Washington, DC 20555

Administrative Judge
Peter B. Bloch
Presiding Officer
Atomic Safety and Licensing Board
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Office of the General Counsel
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Washington, DC 20555

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Northridge, CA 91326

Docket No. (a)70-25-ML
LB MEMORANDUM DATED 2/24

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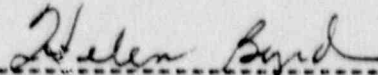
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Dated at Rockville, Md. this
27 day of February 1990



Office of the Secretary of the Commission