



ANNUAL REPORT

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March 1991

Santa Susana Nuclear Lab Shut Down

Rockwell International Closes Nuclear Facility After Legal Challenge

In what we believe is the first time in U.S. history, citizens have forced the closure of a Department of Energy (DOE) nuclear facility.

The Santa Susana Field Laboratory (SSFL), outside Los Angeles, has been operated by Rockwell International and the DOE and their predecessors for over four decades. SSFL has been the site of 10 nuclear reactors, 7 nuclear criticality test facilities, a plutonium fuel fabrication facility, and a "hot lab" for the declassifying of irradiated nuclear fuel.

In 1959, one of the reactors underwent a severe accident in which a

third of the fuel experienced melting; the accident, one of the worst to that time, was kept secret from the public for 20 years until the Committee to Bridge the Gap (CBG) disclosed it in 1979. We subsequently released details of a series of other nuclear accidents and contamination events at the site, and strongly urged better monitoring, the establishment of epidemiological studies, and an end to nuclear activity at the facility. Unfortunately, these calls fell on deaf ears at the agencies responsible for the site.

A decade later, DOE finally conducted a site survey and found wide-

spread chemical and radioactive contamination. The Environmental Protection Agency (EPA) then concluded that Rockwell's monitoring practices were so inadequate that little or no confidence could be placed in the results and that Rockwell did not have a good handle on where contamination might exist at the site.

In the midst of these disclosures, Rockwell requested a 10-year renewal of its special nuclear materials license for the facility. [Although much of SSFL, being operated for DOE, was unlicensed, several key facilities did require Nuclear Regulatory Commission (NRC) licensing, which provided a foot in the door for those concerned about the safety of the site.] Community members and local organizations asked for our assistance in opposing the renewal application. (CBG is, after all, the only organization in the country to have successfully opposed a nuclear relicensing, in the UCLA reactor case).

We once again became an intervenor in an NRC licensing proceeding, this time joined by a number of other organizations (Southern California Federation of Scientists, Susana Knolls Homeowners Association, Los Angeles Physicians for Social Responsibility, and briefly, the Natural Resources Defense Council) plus several individuals (Jon Scott, Estelle Lit, Donald Wallace, and Prof. Jerome Raskin).

After the opposition surfaced, Rockwell announced it was amending its 10-year renewal request to one year and reducing the amount of plutonium it was applying for under the license. It said that it would stop all nuclear activity at the site in a year if the community would withdraw its

Rockwell Moves "TRUMP-S" Project to Missouri

CBG Continues Fight Against New Plutonium Reprocessing Project

There was one dark spot in the otherwise joyous victory in the Rockwell case. In announcing its decision to cease nuclear work at the Santa Susana Field Lab (SSFL), Rockwell disclosed that it was moving one of its nuclear projects to the University of Missouri at Columbia. As glad as we were that nuclear activity at SSFL would no longer endanger nearby residents, we were not eager to see hazards shifted from our backyards to those in Missouri. So – much to Rockwell's chagrin – we got on the phone, let people in Missouri know what was coming their way, and offered our assistance.

The project Rockwell was shifting to Missouri is called "TRUMP-S." It stands for TransUranic Management by Pyroprocessing-Separation. It is

designed to find inexpensive ways of separating plutonium and other transuranic elements (i.e., radionuclides heavier than uranium) from high level nuclear waste. The process uses high temperatures ("pyroprocessing") and involves dissolving the radioactive materials in a molten salt and running an electric current through the material in the hope that the transuranics will plate out on one of the electrodes, and the remaining fission products will be left behind.

The goal of TRUMP-S is to develop a process for separating plutonium and other transuranics from spent nuclear fuel, and recycling the materials in breeder reactors. The remaining 90%-plus of the high level waste would then be disposed of – not in deep geologic

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The Committee to Bridge the Gap is a non-profit organization dedicated to "bridging the gap" between public policy and the public interest.

All donations are tax deductible.

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START-Watch

New Program Monitors Strategic Arms Treaty & Negotiations

The START-Watch Project is designed to monitor the U.S.-Soviet strategic arms reduction treaty (START) process, identify the strengths and limitations of the treaty, and advance proposals for a follow-on START II Treaty.

Despite the "end of the Cold War," nuclear weapons arsenals remain as huge as ever. The public has been led to believe that problems associated with nuclear arms have been resolved and that U.S.-Soviet arsenals have been, or will soon be, cut in half. Because of the unique "counting rules" being written into the treaty, U.S. strategic nuclear weapons will likely be reduced by only about 15%-20%, a far cry from the originally advertised "50% reductions." Further, if either country were to structure its forces to take advantage of the counting rules, it could have more strategic nuclear weapons after START than before.

It may, however, be premature to think of START as a "done deal." The new year has begun with concerns that the Soviet Union is in danger of drifting either back into dictatorship or toward a tremendously unstable disintegration. Critics of arms control may obstruct the START process. Ready implementation of START no longer seems assured.

START-Watch is prepared to respond to attacks on the START Treaty, if the need develops. While not flawless, START will establish important political and military precedents and lock the U.S. and Soviet Union into the first legally binding strategic arms control agreement since 1972.

START-Watch is monitoring the treaty process and serving as a clearinghouse for information by providing the public, news media, and policymakers with objective analyses of what the treaty will and will not do. A second major component of the project is a high-level panel of nuclear experts. A series of reports by the expert panel will suggest creative approaches to arms control in the post-Cold War era. Among others, the panel includes Nobel Laureate Hans Bethe; Admiral Noel Gayler (USN-ret.) former Commander-in-Chief-Pacific and former Director of the National Security Agency; Dr. Theodore Taylor, former nuclear weapons designer at Los Alamos; and Ambassador George Bunn, former General Counsel at the U.S. Arms Control and Disarmament Agency.

The public needs to be told the truth about START so that it isn't lulled into believing that the problems of the nuclear arms race are over, but this needs to be done carefully, so as not to appear to be opposing the signing and ratification of the START Treaty.

START-Watch is a joint effort of the Committee to Bridge the Gap (CBG) and Los Angeles Physicians for Social Responsibility (LAPS). The project is housed at the office of, and coordinated by, CBG.

DOE-Watch

CBG Program Monitors the U.S. Department of Energy

The environmental costs of preparing for nuclear war, as well as other nuclear endeavors, are becoming more and more prominent as new disclosures are made of widespread radioactive and toxic chemical contamination at U.S. Department of Energy (DOE) nuclear sites.

DOE-Watch provides technical, legal, and organizing assistance to residents near DOE nuclear projects who are trying to shut them down and assure effective citizens' oversight of environmental cleanup. DOE-Watch also provides a monitoring function of DOE itself, advocating reforms to prevent recurrence of these environmental disasters.

The Committee to Bridge the Gap (CBG) has organized DOE-Watch to address several related issues, many of which are described elsewhere in this report. They include oversight of DOE's cleanup of the Santa Susana Field Laboratory; opposition to TRUMP-S in Columbia, Missouri; assistance to groups fighting the proposed San Bernardino County Radwaste Dumpsite; and a lawsuit to end DOE's status as

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CBG STAFF & FRIENDS . . .

CBG President Daniel Hirsch has been busy coordinating CBG's various projects, including work on the Santa Susana nuclear facility, the Ulysses nuclear spacecraft, and the Missouri TRUMP-S case. He has also been preparing grant proposals seeking foundation support for a variety of CBG projects. To date, generous support has been received from the **Liberty Hill Foundation** to assure the proper clean-up of the Rockwell/DOE Santa Susana nuclear facility and from the **W. Alton Jones Foundation** and the **Ploughshares Fund** for the START-Watch Project.

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Dr. Bennett Ramberg has recently joined our staff as CBG Director of Research. Dr. Ramberg has just completed a one-year appointment at the U.S. Department of State's Bureau of Politico-Military Affairs as an Arms Control Fellow of the American Association for the Advancement of Science (AAAS). Prior to his AAAS appointment, Dr. Ramberg was a Senior Research Associate at the UCLA Center for Strategic and International Affairs. He has authored and edited numerous books and articles on nuclear policy matters. He recently helped prepare an NRC petition for rulemaking, in a joint program between CBG and the Nuclear Control Institute, to require better security at nuclear power plants.

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After receiving his doctorate from the University of California, Santa Cruz (UCSC) in June 1990, Joseph Lyou came on board as CBG Associate Director. Dr. Lyou, a former University of California Institute on Global Conflict and Cooperation (IGCC) Dissertation Fellow, was associated with the Stevenson Program on Nuclear Policy while at UCSC and wrote his doctoral dissertation on the social psychology of the U.S.-Soviet arms control negotiations. Since joining CBG, Dr. Lyou has assisted with the TRUMP-S proceedings, worked on revising the START-Watch treaty assessment report, computerized the CBG mailing list, and edited this

newsletter. He will continue to work on the START-Watch Project, with special emphasis on media relations and coverage.

✓ ✓ ✓

Matthew Marshall has joined the CBG staff as a Research Associate. He is a recent UCSC graduate and former Senior Research Assistant with the Stevenson Program on Nuclear Policy. He will be assisting with several CBG projects, including the TRUMP-S case and DOE-Watch.

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Several attorneys deserve recognition for their help with legal issues. Dorothy Thompson, CBG's Chief Legal Counsel, has put in endless hours preparing amicus briefs for the suits against NASA to halt the launch of the plutonium-powered Ulysses space probe and against the Nuclear Regulatory Commission's "one-stop" licensing regulation. She also drafted CBG's suit against the Department of Energy's Freedom of Information Act policies. George Rembaum, Associate Legal Counsel for CBG, has been working on the Rockwell/DOE Santa Susana nuclear facility case and on the Rockwell-University of Missouri TRUMP-S project. The victory in the Rockwell case would not have been possible without the help of Alison Holdorff, Martha Early, and Jennifer Raines, externs from Loyola Law

School.

A special note of appreciation must also be given to Lewis Green, a longtime and highly respected environmental attorney in St. Louis, Missouri, who has done an incredible job on the TRUMP-S proceedings in Missouri and San Francisco.

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Many thanks are also due to Charlene Siegel-Ralston, who has served as CBG's office manager and administrative assistant. Her help has been absolutely invaluable in getting our office back up and running. We would also like to express our appreciation to Dr. Sheldon Plotkin, who has gone far beyond the call of duty in his assistance of all kinds – from helping move office furniture to performing technical calculations. Thanks also to Catherine Rich for her help with the work on Ulysses and Geri Bone for her help with various CBG projects. And special notes of appreciation to Rev. Dorothy Worley and the First United Methodist Church of West Los Angeles for continuing to provide generous support, not the least of which is the office space from which our work is done; to Father Roger De Ganck, CBG spiritual advisor and Latin consultant; and to all the Cistercian monks of the Redwoods Monastery in Whitethorn for providing CBG a northern California office and, more important, space for reflection and renewal.

CBG Helps Overturn NRC "One-Stop Licensing" Policy

At a time when the Department of Energy (DOE) is being criticized for the environmental disasters caused by its nuclear facilities having operated for decades unlicensed and exempt from public scrutiny, the U.S. Nuclear Regulatory Commission (NRC) has been rushing headlong in the same direction that caused all the problems at DOE facilities. Although the Atomic Energy Act (AEA) requires all civilian nuclear plants to obtain first a con-

struction permit and then, after proper completion of construction, an operating license, the NRC is trying to gut that requirement. The AEA requires a public hearing at each stage, with full rights to participate as a party granted to any individual or group whose interests might be affected.

These hearings have tended to be pretty much a fraud. The NRC (and the Atomic Energy Commission before

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DOE-Watch . . .

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an unregulated agency.

DOE-Watch serves as the overarching organizational basis from which we address these issues. A key component of the project is the DOE-Watch Technical Panel. The panel includes:

- Prof. James Warf, Professor Emeritus of Chemistry, USC; former Group Leader, Analytic and Inorganic Chemistry Sections of the Manhattan Project and holder of patents for key portions of the PUREX plutonium reprocessing process;
- Dr. Robert Cornog, former chief of the Engineering Section at Los Alamos during the Manhattan Project and co-discovery of tritium;
- Boyd Norton, former Group Leader of the Atomic Energy Commission's Special Power Excursion Reactor Test program at the National Reactor Testing Facility in Idaho and an expert in reactivity accidents;
- Dr. Theodore Taylor, former nuclear weapons and reactor designer, former Deputy Director (Scientific) of the Defense Atomic Support Agency (now Defense Nuclear Agency), and member of the President's Commission on the Accident at Three Mile Island;
- Dr. Roland Finston, chief of health physics and radiation safety at Stanford University;
- Prof. David Belanger, Professor of Physics, University of California, Santa Cruz and an expert in effects of neutron bombardment of materials;
- Dr. Lowell Wayne, an environmental scientist;
- Myron Wollin, a radiation and health physicist;
- Miguel Pulido, a mechanical engineer;
- Dr. Sheldon Plotkin, a safety engineer;
- Daniel Hirsch, CBG President;
- Dr. Joseph K. Lyou, CBG Associate Director.

The panel provides DOE-Watch with the capability to assess thoroughly the environmental and public health effects of DOE's policies and past behavior. The panel also establishes DOE-Watch as a credible source offering citizens groups, the media, and policymakers independent (non-governmental) oversight of DOE nuclear weapons production facilities and their cleanup.

Plutonium Power Source
[23.7 lbs. of Plutonium]

NASA's Ulysses space probe.

NASA Launches Ulysses Despite Objections Over Plutonium Fuel

In late 1989, the National Aeronautics and Space Administration (NASA) launched the Galileo spacecraft on a mission to Jupiter. Electric power for the probe was provided by a radioisotope thermoelectric generator (RTG), containing a very large amount (nearly 50 lbs.) of plutonium-238. Had there been an accident, it could have released nearly as much plutonium, in terms of radioactivity, as was released by all the atmospheric nuclear weapons tests combined. After the Galileo launch, documents were obtained revealing that the mission could have been solar-powered, which made the use of plutonium an unnecessary risk.

This year, when the Ulysses solar space probe was set to be launched with a plutonium-powered RTG, the Committee to Bridge the Gap (CBG) joined the Florida Coalition for Peace and Justice and other groups in opposing the launch, urging that NASA take a "hard look at alternatives," as required by the National Environmental Protection Act (NEPA). NASA, however, refused to do so. It

issued a request for comments on the scope of an Environmental Impact Statement (EIS) it was required to prepare, but announced that it would consider no alternatives except launching Ulysses with plutonium on the space shuttle or not launching it at all. No alternative power source (e.g., solar) nor any alternative launch vehicle (e.g., an unmanned Titan rocket) would be considered.

CBG urged NASA to reconsider; it declined. CBG submitted extensive comments on the draft EIS, again urging consideration of safer alternatives; again NASA refused. When the final EIS was issued, with NASA still refusing to consider any less risky alternatives, CBG appealed once more for the agency to comply with the law (and with common sense) and not launch highly toxic materials unnecessarily. NASA once more declined to consider any alternatives. We had, at that point, exhausted our remedies, both in the legal and the Gandhian sense.

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TRUMP-S Project . . .

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high level waste repositories, as currently planned – but in low level radwaste dumpsites on the earth's surface. This would be far cheaper, but also far more dangerous, with a high likelihood of contaminating huge bodies of ground and surface water. Additionally, finding cheap ways of separating plutonium poses a serious proliferation threat (see related article, p. 8).

TRUMP-S is a joint project of Rockwell, DOE, and two Japanese nuclear concerns. It is funded by the Japanese. The particular work Rockwell was shifting to Missouri involved high-temperature experiments with plutonium, americium, and neptunium. We had opposed this work when Rockwell proposed conducting it at SSFL, which had a buffer zone of about two miles between it and the public. We felt two miles was insufficient, given the toxicity of the nuclear material. We were shocked when the work was moved to a college campus, to be conducted in a university building with *no buffer zone at all!*

Rockwell, DOE, NRC, and the University of Missouri sneaked TRUMP-S into Columbia in a secret fashion so that the public could not learn of it until the University had obtained the necessary licenses from the NRC, too late to request a pre-licensing hearing. The public was given no notice of the license amendment applications.

An internal university memorandum, obtained through a Sunshine Act suit, revealed why it was kept from the public. The memo indicated that the date for public announcement of the TRUMP-S move "will depend on how soon the licensing agreements can be signed and approved." The memo went on to say, "We were advised by Rockwell not to release the information until after these agreements were in force due to possible problems from an activist group in California that is instrumental in forcing the research out of that state." Although a slap in the face to the public in Missouri, the statement is a bit of a compliment to the California activists who "forced" TRUMP-S "out of that state."

After hearing from us about TRUMP-S, three community groups – the Mid-Missouri Nuclear Weapons Freeze, the Columbia Chapter of

Physicians for Social Responsibility, and the Missouri Coalition for the Environment – and later a dozen individuals requested that the NRC hold a hearing on the University's license amendment requests. Until the hearing was completed, the intervenors requested that the TRUMP-S operating license be stayed. In the meantime, they asked for our assistance in preparing the legal and technical challenge to TRUMP-S.

We established a technical review panel, consisting of Prof. James Warf, a former Manhattan Project nuclear chemist; Dr. Lowell Wayne, an environmental scientist; Miguel Pulido, a mechanical engineer; Myron Wollin, a radiation and health physicist; Dr. Sheldon Plotkin, a safety engineer; CBG President Dan Hirsch; and CBG Associate Director Dr. Joseph Lyou. Warf and Hirsch were brought out to Missouri to address a large town hall meeting on TRUMP-S and the Review Panel filed several very lengthy and detailed technical declarations in the case. We have been working closely with Lewis Green, the very skillful and dedicated St. Louis-based attorney for the Missouri groups and Kay Drey, a very energetic activist with the Mis-

souri Coalition for the Environment.

After receiving our first detailed declaration, which identified numerous safety and other problems with the project, the NRC Administrative Judge presiding in the case took an unprecedented action – he ordered TRUMP-S shut down. To our knowledge, no other NRC judge has issued a stay on an ongoing project. We knew that pressure to reverse the decision would be immense – both from within and outside of the NRC – and so we were not surprised when the stay was lifted, permitting TRUMP-S to go forward while the hearing on its safety proceeded. This is a nutty procedure – what Lewis Green dubbed "verdict first, trial after" – and we continue to object to it. Yet the proceeding goes on.

The era of NIMBY – Not In My Back Yard – should be over. When we helped stop TRUMP-S in California, our responsibilities did not end. TRUMP-S did not become safe or acceptable when it was moved to Missouri, and should it be successful and make possible cheap ways of separating plutonium and dumping the rest of the high level waste in low level dumpsites, we will all be at risk. Similarly, when people from around the country unite to fight such nuclear threats, the polluters such as Rockwell and DOE will have to learn that they "can run, but they cannot hide."

NASA Ulysses Launch . . .

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CBG Chief Counsel Dorothy Thompson and CBG President Daniel Hirsch prepared a long *amici curiae* brief on behalf of CBG as well as the Southern California Federation of Scientists and Los Angeles Physicians for Social Responsibility, which was submitted in the District Court in the District of Columbia in the suit opposing the Ulysses launch. Daniel Hirsch spoke at a rally and march outside Kennedy Space Center, which was covered by many television stations and newspapers. Associate Director Dr. Joseph Lyou held a press conference outside the Space Center gate two weeks later, releasing copies of documents we had obtained indicating that Ulysses could have been solar powered (it is, after all, a solar probe, designed to measure electromagnetic emissions from the

sun). With the help of Catherine Rich, we sent out hundreds of press kits to reporters around the country identifying our concerns about the use of plutonium for space missions and the new documents about the solar alternative.

This was, however, an issue we were bound to lose – no judge is going to stop a NASA launch a few days before "blast off." But we hope we helped pressure NASA to next time stop early on in their planning process and consider safer alternatives. This is especially important since NASA is planning on plutonium power for the CRAF and CASINI missions in 1995 and 1996 – there is still time to "consider the alternatives."

[Available from CBG office: Copies of CBG's *amici curiae* brief and our comments on the Ulysses Environmental Impact Statement.]

CBG In the News . . .

"On the face of it, building a nuclear bomb does not seem that difficult. Most of the components are readily available on the commercial market, similar to those used in photocopying machines, lasers and even some ambulance lights. Much of the technology can be researched right in the public library. . . . Dan Hirsch, a nuclear weapons expert at the Committee to Bridge the Gap, a Los Angeles anti-nuclear organization, said the University of California press even has published books containing calculations of scientists at the Los Alamos, N.M., nuclear weapons facility, providing specifications for the explosives. . . . Hirsch said that even the supply of plutonium and weapons-grade uranium is becoming more readily available. The United States has shipped some 24 metric tons of it worldwide, ostensibly for nuclear reactors." . . . from "Most A-bomb Parts Are Easily Available," Los Angeles Times, 3/30/90.

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"In a surprise announcement Wednesday, Rockwell International called off plans to carry out a final nuclear experiment at the hot lab of its Santa Susana Field Laboratory southeast of Simi Valley, a victory for anti-nuclear activists. . . . Dan Hirsch, president of the Committee to Bridge the Gap, a Los Angeles-based group that had fought the license renewal, called the move 'a great victory and an indication that concerned members of the public can make a real difference.'" . . . from "Last Nuclear Hot Lab Test is Canceled," Los Angeles Times, 4/5/90.

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"Environmental activists in Missouri asked federal officials Thursday for a hearing in an effort to block the move of a Rockwell International nuclear project from the Santa Susana Field Laboratory in the Simi Hills to the University of Missouri, Columbia. . . . Activists in Missouri did not know that moving the project to Missouri required amendments to the university's nuclear licenses until Dan Hirsch, president of the Los Angeles-based Committee to Bridge the Gap, called and alerted them, the petition to the NRC said. 'I called because I didn't feel comfortable with shifting the problem to somebody else's back yard,' Hirsch said." . . . from "Missouri activists seek to block Rockwell project," Daily News, 5/11/90.

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"For three years, American and Soviet

leaders have trumpeted the coming of START - the Strategic Arms Reduction Treaty - as a 30 to 50 percent reduction in nuclear weapons. . . . Now, however, reports filtering out from the negotiations indicate that the current plan might not reduce U.S. weapons at all. . . . 'If the Soviets use the counting rules the way the U.S. does, their total could be higher,' says Dan Hirsch of the Los Angeles-based Committee to Bridge the Gap. 'Reagan initiated START, promising it would reduce nuclear weapons, in response to the freeze campaign,' says Hirsch. 'If we

spacecraft. They are readying a court case to prove NASA is withholding data on the flight safety of the Galileo nuclear-powered probe, launched in October 1989, and that alternative forms of spacecraft power exist. . . . According to Daniel Hirsch, president of the Committee to Bridge the Gap, an accident releasing the Ulysses plutonium 'would add to the atmosphere the equivalent plutonium from roughly a third of all nuclear weapons tests that have ever occurred by the world's nuclear powers since the beginning of the nuclear era.'" . . . from

"In a surprise announcement Wednesday, Rockwell International called off plans to carry out a final nuclear experiment at the hot lab of its Santa Susana Field Laboratory southeast of Simi Valley, a victory for anti-nuclear activists."

had a freeze then, however, the arsenal would be smaller than what the actual START treaty will produce." . . . from "False START," Nuclear Times, Summer 1990.

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"About 275 Columbia residents packed Memorial Union Auditorium on the M.U. campus Tuesday night to hear two TRUMP-S opponents condemn the project's safety. Daniel Hirsch, president of the Committee to Bridge the Gap, and James Warf, professor emeritus at the University of Southern California, led the opposition to the nuclear project in Santa Susana, Calif. . . . Warf and Hirsch indicated that a fire in the laboratory could cause plutonium oxide to escape into the air. Hirsch said the chances of lung cancer would rise substantially if such an accident occurred. . . . Hirsch also charged that the university does not have a satisfactory emergency plan. He read from a reactor memo that said the scientists should leave the laboratory and call the fire department in the event of a fire. No fire fighting procedure has been established, Hirsch said." . . . from "TRUMP-S project rebuked," Columbia Missourian, 7/11/90.

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"Anti-nuclear and peace groups in the United States and abroad are set to protest the October space shuttle launch of the plutonium-energized Ulysses

"Anti-nuclear Groups Draw Battle Lines Over Ulysses," Space News, 8/6-12/90.

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"A coalition of arms control and environmental groups Wednesday filed a lawsuit against the U.S. Department of Energy in an attempt to block plutonium extraction experiments that were recently transferred from Rockwell International's Santa Susana Field Laboratory west of Chatsworth to the University of Missouri. The lawsuit accused the department of violating the National Environmental Policy Act, or NEPA, by failing to conduct a full environmental review of the research program, known as TRUMP-S, and by failing to seek comments from the public and other agencies before deciding no environmental study was needed. . . . Opponents said in the lawsuit that TRUMP-S could worsen radioactive contamination by allowing the shorter-lived elements of high-level waste to be put in existing land burial sites. They said it could also increase the risk of nuclear weapons proliferation by making it easier to extract plutonium for use in bombs. It 'would be a great financial boon for the nuclear industry but a disaster for the environment,' Dan Hirsch, president of the Committee to Bridge the Gap, one of the groups that filed the lawsuit, said on Wednesday." . . . from "Activists Groups File Lawsuit Over Nuclear

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CERTIFICATE OF NON-APPRECIATION

AWARDED TO

Donald Beall

Chair and Chief Executive Officer

ROCKWELL INTERNATIONAL

POLLUTER OF THE YEAR

1990

Copy of "Certificate of Non-Appreciation" awarded to Rockwell International's Donald Beall, "1990 Polluter of the Year" (see news item from *L.A. Times*, 12/7/90).

CBG In the News . . .

(Continued from Page 6)
Experiments, Los Angeles Times,
8/30/90.

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"NASA is downplaying the chance a catastrophe could happen when the Shuttle Discovery lifts off next month with the plutonium-powered Ulysses probe, protesters at [a] Kennedy Space Center rally said Saturday. . . . 'We're urging NASA to reassess its reliance on nuclear power in space,' said Daniel Hirsch, president of the Committee to Bridge the Gap." . . . from "150 protest Ulysses launch," *Florida Today*, 9/23/90.

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"Four critics of Rockwell International's environmental policies at the Santa Susana Field Laboratory will join the task force overseeing the cleanup of radioactive and chemical contamination at the site, officials said Tuesday. The U.S. Environmental Protection Agency announced that Jerome Raskin of Northridge, Barbara Johnson of Simi Valley, retired engineer Sheldon Plotkin of Los Angeles and anti-nuclear activist Dan Hirsch formally will join the task force at its regular quarterly meeting Thursday in Simi Valley." . . . from "Rockwell critics to join cleanup," *Daily News*, 9/26/90.

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"Opponents of Rockwell International's operations at the Santa Susana Field Laboratory used their new positions as members of a task force overseeing work at the site Thursday to renew criticism of the company's clean up of chemical and nuclear contamination. . . . the members questioned Rockwell's cleanup efforts, the agencies' monitoring of those efforts and pressed for further tests and studies of contamination problems. . . . 'We really don't know what's going on up there,' said anti-nuclear activist Dan Hirsch." . . . from "Activists criticize Rockwell," *Daily News*, 9/28/90.

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"Although scientists have been waiting for the launching for years, others hope it will never come. Several environmental organizations, including the Los Angeles-based Committee to Bridge the Gap, are trying to halt it through the courts, contending that the launching may fail catastrophically and spew plutonium into the atmosphere." . . . from "For Ulysses, a Long, Fast Trip to the Sun," *Los Angeles Times*, 10/5/90.

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"An NRC administrative judge shut down the University of Missouri's waste fuel separation research project,

TRUMP-S, citing errors both by the NRC staff and the project operators that he said 'cast doubt on their competence' and were 'unduly dangerous to public safety.' . . . [Judge Peter] Bloch said he had found 'impressive' the testimony of experts convened by the interveners . . . [t]he experts included Prof. James Warf of the University of Southern California, a former chemistry group leader at the Manhattan Project, and Daniel Hirsch, a member of the review panel which recommended closing DOE's Hanford N Reactor. Bloch said he was granting the stay order because the testimony of the intervenor experts 'persuades me that the interveners are likely to succeed on the merits' in ensuing arguments before the licensing board." . . . from "In Rare Step, NRC Judge Shuts University Research Project," *Nucleonics Week*, 10/25/90.

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"Three universities face regulatory scrutiny following recent incidents that activists say raises questions about nuclear safety on college campuses. . . . 'The false impression is that just because they are small there is very little risk,' says California anti-nuclear activist Dan Hirsch." . . . from "Nuclear Safety on Campus Questioned," *USA Today*, 11/7/90.

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"While Rockwell International's chief executive was honored Thursday as 'Manufacturer of the Year' by a statewide business group, demonstrators at a counter-ceremony were naming him 'Polluter of the Year' because of contamination at a Rockwell test site west of Chatsworth and elsewhere. . . . 'What he really should be recognized for . . . is the massive pollution of communities all over the country,' said Dan Hirsch, who was among the protesters who cited Rockwell's role at the Santa Susana Field Laboratory west of Chatsworth, the Stringfellow Acid Pits dump in Riverside County, and the government's Hanford, Wash., and Rocky Flats, Colo., nuclear weapons plants." . . . from "Rockwell's Chairman is Praised and Scorned," *Los Angeles Times*, 12/7/90.

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"To appease the public appetite for deep disarmament they have written a treaty that sounds like it produces deep cuts but does so mainly by no longer counting weapons that continue to exist,' said Daniel Hirsch, president of the Los Angeles-based START-Watch." . . . from "U.S., Soviets set to agree on N-treaty," *USA Today*, 12/10/90.

NRC's "Subpart L" Rule Makes Mockery of Due Process, Legal Challenge Being Prepared

While much attention has been directed at the Nuclear Regulatory Commission's (NRC) attempts to gut the licensing process for nuclear reactors (see "One-stop Licensing," p. 3), the NRC has quietly gone ahead and turned the process for nuclear materials licensees on its head. These new rules apply to approximately 20,000 entities around the country, facilities other than reactors that possess nuclear materials such as plutonium, cesium, and strontium.

Rockwell International's activities

at Santa Susana were conducted under such a special nuclear materials license, and the TRUMP-S plutonium project, which was transferred to the University of Missouri, is also being conducted under such a license. The challenges to Rockwell's license renewal and subsequently to the amendments to the University of Missouri licenses are among the first cases under the new regulations, called "Subpart L."

The Subpart L regulations are quite extraordinary. Whereas the Atomic

Energy Act guarantees the public the right to a hearing on a contested license application, Subpart L makes that right a hollow shell. First of all, no hearing is conducted in the conventional sense of the word – unlike normal hearings, the parties do not meet in person and there are no rights to present witnesses, to cross-examine the opposing party's experts, or to "discovery" of information essential to the case. The public is merely permitted to submit written statements to an NRC official and is allowed to do so with essentially no access to crucial information. If the presiding NRC officer so chooses, a witness or two may be called, but cross-examination is not permitted, and even then calling witnesses is entirely discretionary.

The most troubling aspect of this Kafka-esque procedure is that the license application that is to be the subject of this non-hearing hearing can be granted before the "hearing" concludes – or for that matter, before it even begins. The license can be granted, and the nuclear activity commenced, long before the judge in the case has ruled whether it is safe.

A dangerous project with plutonium, for example, can start while the "hearing" is underway to determine whether the applicant is qualified to handle the materials and whether the procedures and equipment are adequate to protect public safety. The facility could be handling the requested nuclear materials for years before the judge finally rules that the application should be denied and the applicant should never have been permitted to have the materials in the first place. A serious accident could have occurred in the meantime, long before the judge rules that the proposed experiments were unsafe. Subpart L makes a mockery of due process by granting the license first and holding the hearing thereafter.

In cooperation with three Missouri groups, we are preparing to take the NRC to court in an effort to overturn Subpart L as contrary to both the statutory right to a hearing and the constitutional requirements for due process.

Environmental, Arms Control Groups File Suit to Stop "TRUMP-S" Project

In August 1990, CBG and six other groups filed suit in San Francisco against the U.S. Department of Energy (DOE), alleging that DOE had violated environmental laws in approving the "TRUMP-S" plutonium separation project without performing an Environmental Impact Statement (EIS). TRUMP-S is designed to find cheap new ways of separating plutonium and other transuranic elements from high level radioactive waste. The separated elements would, in turn, be used as fuel for breeder reactors.

The remaining high level wastes, containing more than 90% of the original radioactivity, are to be dumped in surface low level dumpsites (see related article, p. 1). DOE secretly approved the project without formally assessing studying the potential proliferation and environmental impacts. Our suit is an effort to force DOE to comply with the law and to stop the project until it does so.

To date, the primary barrier to proliferation of nuclear weapons has been the difficulty in acquiring the materials necessary – plutonium or highly enriched uranium. The technical and financial resources currently needed to separate plutonium or enrich uranium are immense. Now DOE, in conjunction with Rockwell and the Japanese, is trying to find cheaper ways of extracting plutonium

and other transuranics from spent reactor fuel. If successful, the project could make it much easier for countries like Iraq and Libya to create their own nuclear weapons materials.

Furthermore, if permitted to go forward, TRUMP-S would result in large amounts of plutonium in commerce, available for diversion or theft for weapons purposes. TRUMP-S is a proliferation nightmare, yet it has received little attention and there has not been a full review of the project.

In addition, the plan to dispose of the remaining high level wastes, after separation of the transuranics, in cheap low level dumpsites, may save a lot of money but would also cause huge environmental problems. Again, DOE has not examined these impacts.

The sketchy assessment DOE did perform was kept secret from the public until final, thereby avoiding outside scrutiny or input. Even the final Finding of No Significant Impact (DOE's decision not to perform an EIS) was not published in the Federal Register, because DOE claimed the project did not involve matters of "national interest." In a declaration in the case, Amb. George Bunn, former General Counsel of the U.S. Arms Control and Disarmament Agency, said, "In my opinion, (1) the development of new and less expensive

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ROUND-UP

Good Work! The Good Work! project is a public education campaign designed to help people integrate their values with their careers. The basis for the project is the preparation of a book titled *Good Work!: Bringing Your Values to the Job*. Authored by Melissa Everett, Joe Maizlish, and Matt Nicodemus, the book will serve as a practical guide for people who want to integrate their environmental and social values with their job and career decisions. The authors are currently working on their manuscript and hope to publish *Good Work!* before the end of this year.

The *Good Work!* project, which is sponsored by the Committee to Bridge the Gap (CBG), will also include a series of lectures, workshops, media appearances, and audiovisual presentations. For more information about *Good Work!*, contact Joe Maizlish at (213) 473-9732.

U.C. Weapons Labs. Last fall, CBG assisted University of California faculty representatives in their efforts to sever the University's ties to the production of nuclear weapons at the Livermore and Los

Alamos laboratories. Faculty from throughout the UC system gathered in Los Angeles to oppose the UC Regents' vote to renew the weapons labs' contract. CBG helped organize the faculty's media campaign, which generated significant coverage. Unfortunately, despite the fact that the faculty at all nine UC campuses voted in support of phasing out involvement with the weapons labs, the Regents voted to renew the contract for another five years.

Nuclear Proliferation. CBG continues to work on nuclear proliferation issues. The office is contacted regularly by reporters seeking information about proliferation. Most recently, concern about Iraq's nuclear capabilities has led to attention being focused on this issue. In addition, CBG has maintained its efforts to force the Nuclear Regulatory Commission (NRC) and Department of Energy to eliminate the use of highly-enriched uranium (HEU) in nuclear reactors.

Nuclear Terrorism. CBG, in conjunction with the Nuclear Control Institute, has asked the NRC to revise its anti-nuclear terrorism requirements for reactor licensees. The request was

submitted to the NRC in the form of a "Petition for Rulemaking and Request for Emergency Action." In it we seek to have the NRC order that nuclear power reactor operators upgrade security to protect against sabotage, including the installation of defenses against truck bombs.

Current NRC regulations do not require operators to be prepared to repel attacks in excess of a three-person team on foot, armed with hand-held explosives and semi-automatic weapons. CBG has been involved with this issue for over five years, to date having been unsuccessful in getting the NRC to upgrade reactor security.

In its initial response to the petition, the NRC declined to take emergency action on the request to put contingency measures in place because of the Gulf War. The rulemaking petition has now been published in the Federal Register to solicit public comment prior to the NRC issuing a final decision.

[Available from CBG office: Copies of the Petition for Rulemaking and Request for Emergency Action submitted to the U.S. Nuclear Regulatory Commission.]

CBG, Community Reps Appointed to EPA's Santa Susana Cleanup Group

After succeeding in forcing an end to all nuclear activity at the Santa Susana Field Laboratory run by Rockwell International and the Department of Energy (DOE) [see related story, p. 1], the community has turned its attention to the remaining tasks – assuring citizen oversight of the cleanup of the contaminated site and pressing for epidemiological studies to ascertain the risk to workers and the public from the decades of sloppy operations. Remarkable victories have been achieved in both matters.

Under pressure from local politicians, who were in turn responding to community concern, the U.S. Environmental Protection Agency (EPA) established an interagency work group to coordinate activities related to

cleanup at the site. EPA eventually agreed to place citizen representatives on the Work Group, and CBG's Daniel Hirsch and Dr. Sheldon Plotkin were appointed to the panel, along with cleanup coalition members Barbara Johnson and Prof. Jerome Raskin.

Rockwell and DOE were visibly unhappy with the result. Persistent, probing questions from independent community representatives on the interagency Work Group resulted in numerous embarrassing and worrisome revelations – for example, that chemical wastes may well have been buried at the site over the years, but that no one knows what, how much, or where, and that they do not know where radioactive wastes were disposed of prior to 1962, when the first licensed

disposal sites were established.

It was expected that those who were unhappy with citizen involvement in the cleanup in the first place would put pressure on EPA to render the community representation ineffective. Sure enough, after the first Work Group session with community representation, EPA started removing key matters from the agenda and refusing to provide copies of the key documents. The community representatives fought this, and a state Assembly hearing was held to investigate EPA's conduct with regard to the Interagency Work Group.

The struggle continues. Although DOE has announced plans to spend several tens of millions of dollars on the cleanup, the public has been pretty much locked out of the process. For example, DOE decided to walk away from one of the contaminated reactor buildings. Rather than clean up the

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CBG Files Suit Over DOE Rulemaking Policy, Seeks Public Input on Department Decisions

The scandal that has erupted in the last couple of years regarding disclosures of widespread contamination at Department of Energy (DOE) nuclear facilities around the country has generally been attributed to three related causes: excessive secrecy, failure to comply with federal statutes required of other nuclear enterprises, and the essentially unregulated nature of DOE's activities. The Committee to Bridge the Gap (CBG) has recently brought suit against DOE in an action that has the potential for setting an important nationwide precedent that could alter significantly DOE's way of doing business in each of these regards.

The suit, filed in federal court in Los Angeles by CBG Chief Counsel Dorothy Thompson, alleges that DOE has illegally kept from public scrutiny and involvement its rulemaking activity. In particular, whereas other agencies are required by the Administrative Procedure Act (APA) to publish (in the Federal Register) proposed regulations and solicit public comment thereon, DOE has evaded that requirement by

calling its regulations "Orders" and refusing to publish proposed "Orders" or to solicit and consider public input regarding them. This has further led to a situation where the public has no right to go to court to require the agency to enforce its own regulations (e.g., when a DOE contractor violates them at a nuclear plant), because DOE considers them unenforceable "Orders" rather than binding regulations. The unregulated nature of DOE's activities hangs upon DOE's ability to evade the APA rulemaking requirements that apply to other agencies. Our suit may be the downfall of that policy.

The suit has a certain ironic elegance to it. It began when we received an anonymous tip that DOE was attempting to revise its procedures for handling Freedom of Information Act (FOIA) requests. We do a lot of FOIAs – they are a primary vehicle we use to obtain documents about the activities of government agencies and their contractors. The proposed revisions would, if approved, exempt government contractor documents from disclosure – a major restriction on

the public's right to know, as the vast bulk of DOE's activities are conducted under contract. Each of the major DOE nuclear facilities such as Rocky Flats, Hanford, and Savannah River are operated, not by DOE, but by government contractors such as Rockwell, duPont, EG&G, and Westinghouse, among others. Thus, documents about DOE's nuclear complex are largely contractor documents and the proposed FOIA changes would gut FOIA compliance by DOE and make a mockery of DOE Secretary Watkins' pledges to open up to public view the activities of the DOE complex.

So we filed a FOIA request with DOE to obtain the draft FOIA procedures that were being proposed to be changed. For most agencies, these would be proposed regulations pub-

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TRUMP-S Suit . . .

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methods of separating plutonium and other actinides from spent fuel and/or reprocessing liquids, (2) the recycle of plutonium and other transuranics so separated, and (3) the emplacement of the remaining high level wastes in surface dumpsites, all raise serious environmental issues of national concern." Dr. Theodore Taylor, former Deputy Director of the Defense Nuclear Agency and a respected proliferation expert, stated in a separate declaration, "It is my professional opinion . . . that the public interest lies in cancellation of the project."

We live in a world where the use of violence is given preference over taking the precautions necessary to prevent the threat from developing in the first place. The U.S. and other "advanced" societies embark with little forethought on expensive projects to make proliferation and environmental catastrophe more likely and then find themselves pressed to engage in costly and destructive wars to "knock out" the threats we helped create. Stopping TRUMP-S now can save us all a great deal of grief later. Our suit is a step in that direction.

Santa Susana Facility . . .

(Continued from Page 1)

objections to the license renewal application so Rockwell could perform one last set of plutonium experiments, called "TRUMP-S" (see related article, p. 1). The company, however, would not commit to being legally bound by that pledge.

The majority of the community coalition members decided to continue fighting until all nuclear activity at the site was completely stopped. Scores of legal briefs and technical declarations later – and more Bridge the Gap all-nighters than we care to remember – we achieved our objective. On April 4, 1990, Rockwell issued a press release throwing in the towel. It notified the NRC Administrative Judge hearing the case that it was withdrawing its renewal application in its entirety. Rockwell would no longer be licensed to work with special nuclear material at SSFL, and no more nuclear work

would occur at the site except cleanup. Not just the NRC-licensed nuclear activity would cease immediately, but no work with radioactive materials aside from cleanup would occur anywhere on the site, including the DOE property.

This is an extraordinary victory. We were able to use community pressure to shut down a DOE nuclear site. After four decades of spills, accidents, and contamination, the era of nuclear activity at the Santa Susana Field Laboratory is now over. Much remains to be done – an epidemiological study and thorough cleanup of the contamination – but a previously impossible task has been achieved, an indication that committed citizens, when organized together, can sometimes win, even when fighting multinational corporations and powerful government bureaucracies.

High Bladder Cancer Rates Discovered Near DOE/Rockwell Site, Worker Data Promised

For over a decade, the Committee to Bridge the Gap (CBG) has been pushing for epidemiological studies of Santa Susana Field Laboratory (SSFL) workers and nearby community residents. After substantial foot-dragging by the relevant agencies, some progress is finally being made, although the results to date are troubling.

CBG recently obtained and released a preliminary study by the California Department of Health Services (DHS) that found a significantly elevated incidence of urinary bladder cancer in census tracts nearest SSFL. After we released the information, which received major media coverage, Assemblymen Terry Friedman and Richard Katz (the latter being one of the early founders of CBG) convened an urgent hearing on the matter, at which CBG testified. Under the glare of television news cameras and very effective prodding by the Assemblymen, Rockwell agreed to what we had for so long been urging – release of its worker health records for independent review. If there has been a problem caused by the radioactive and chemical releases by Rockwell over the years, the first place evidence of such injury would show up would likely be in the workers, who would tend to have been exposed to higher concentrations than the nearby residents.

This is all quite precedent-setting. Under community pressure, Rockwell has agreed to release worker health data and DHS has agreed to follow up on the preliminary epidemiological study of the surrounding population. Many obstacles remain, not the least of which is the difficulty in getting DHS to perform a truly independent, unbiased review of potential injuries caused by contamination at the site. This may be especially difficult since DHS shares much of the responsibility for that contamination. (Much of the nuclear activity at SSFL, to the extent it was regulated at all, was under DHS's regulatory jurisdiction.) The contamination occurred on DHS's watch, and DHS has to date demonstrated great reluctance in protecting the public as opposed to protecting DHS and

Rockwell.

The initial epidemiological findings are of concern not just because of the possible connection with the accidents and contamination at SSFL but also because bladder cancer has in the past not been considered a cancer one looks for at or near nuclear sites. Dr. Charles Haskell, a noted UCLA cancer specialist whom CBG brought in to review the preliminary findings, indicated that bladder cancer could be expected if water supplies were contaminated or people otherwise ingested radioactive materials. Such a

finding could have major implications, Dr. Haskell said, owing to the potential risk to potable water from the long-term storage of nuclear wastes and the possibility of widespread increases in bladder and other cancers.

Our next step is to press state officials for community oversight of future epidemiological work. We have made recommendations for the establishment of an oversight panel of experts and community representatives who could help counter the pressure on government agencies to bias the studies.

DOE Rulemaking Lawsuit . . .

(Continued from Page 10)

lished in the Federal Register, which we therefore wouldn't even need to request under FOIA – we could find them in the library. However, DOE called the proposed FOIA regulations not regulations at all, but "draft Order 1700.1." Our FOIA request for the proposed FOIA regulations was, of course, denied by DOE. We appealed the denial through the DOE appeal process; DOE, as expected, turned down the appeal. Then we went to court – arguing both that the FOIA denial was illegal and that issuing the proposed regulation as a secret "draft Order" violated the public notice-and-

comment requirements of the APA.

DOE seems pretty worried about the suit, apparently recognizing the effect it could have on the essentially unregulated nature of all of its activities. It has fought our initial discovery requests and moved to have the suit dismissed; we have successfully amended our complaint and are moving forward with the litigation. The national ramifications could be significant if we are successful.

[Available from CBG office: CBG amended complaint filed in District Court in Los Angeles against U.S. Department of Energy.]

Santa Susana Clean-up . . .

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building, they plan to just let it sit there for the next 30 or 40 years, with a guard checking the the property every once in a while. And despite repeated pledges to install monitoring wells at the Brandeis Camp Institute, just adjacent to the nuclear site where so much of the contamination exists, DOE has yet to act on its promise. Thus, a lot of work lies ahead to make sure the site is truly cleaned up so that it no longer poses a threat to public health and safety. The General Accounting Office has found contamination in excess of legal limits at nine

of nine nuclear facilities it inspected that had previously been cleared by federal agencies as safe! The same thing will happen at Santa Susana if the agencies and company responsible are allowed to evade public scrutiny.

The temptation for Rockwell and DOE will be neither to identify all the contamination at the site nor to see to it that the facility is completely decontaminated. Only strong, persistent community oversight can prevent that from happening. CBG, in conjunction with the cleanup coalition, continues to work to assure a safe and thorough decontamination of the site.

One-Stop Licensing . . .

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it) went through the motions of holding public hearings, but the outcome was always preordained. One important piece of data underscores this: In the entire history of the NRC and AEC, *no contested reactor license has ever been denied by the Commission*. Never. No matter what the evidence, no matter how strong the public opposition, the Commission has never denied a contested license.

Nonetheless, the hearings provided valuable vehicles for identifying critical safety defects in design and construction. Frequently this resulted in extensive revisions being required; occasionally, the problems that were exposed were so extensive that the utility simply gave up and withdrew its application, and the plant wasn't get built. In either case, public safety was enhanced, even with the flawed hearing process.

The nuclear industry has been desperately looking for ways to eliminate the public's right to a hearing so as to avoid this kind of public exposure. The industry and the NRC have frequently gone to Congress for "licensing reform" legislation that

would eliminate the second, operating license hearing altogether and severely restrict the initial construction permit hearing. Congress has repeatedly declined to provide NRC and the industry the relief they requested. Consequently, NRC simply decided to ignore Congress and do away with these hearing rights on its own - by regulation. These "one-stop" licensing regulations eliminate the second, operating license hearing altogether; permit "site-banking" whereby utilities could get sites pre-approved decades before they have any intention to build a reactor; and permit approval of reactor designs by rulemaking, eliminating the right to a hearing on the safety of these "certified" designs. The new rule guts the AEA rights to public hearings.

The Nuclear Information and Resource Service, the Union of Concerned Scientists, the Committee to Bridge the Gap (CBG), and other groups brought suit against the NRC in the Court of Appeals for the District of Columbia, contending that the new licensing regulations violate the Atomic Energy Act and that the NRC acted illegally in adopting regulations

to give to the industry what it could not get Congress to give by law. In the end, CBG participated not as a party to the suit, but as a "friend of the court," submitting an extensive *amicus curiae* brief, describing the new rule as not merely "one-stop Licensing" but "zero-stop licensing," because it in effect eliminated both the construction and operating license hearings.

In a significant victory, the Court ruled in November 1990 that the NRC regulation was indeed contrary to law and overturned the provisions that eliminated the second, operating license hearing. The Court, however, left undisturbed those provisions of the regulation that permitted "site banking" and certification of designs by rulemaking rather than licensing hearings. These remaining matters are going to require continued vigilance by concerned citizens.

All in all, it was a remarkable win. As the *New York Times* put it in its story about the victory, "In a blow to the nuclear power industry's hopes for a new generation of reactors, a Federal appeals court ruled yesterday that the Government could not give permission for operation before a plant is built."

[Available from CBG office: CBG *amicus curiae* brief and Court of Appeals decision.]

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