

PSR-LA Decommissioning Litigation at the Santa Susana Field Laboratory

This presentation will be the third in a series of papers documenting nuclear decommissioning at the Santa Susana Field Laboratory (SSFL).

The first, presented at the 2022 HPS Annual Meeting, documented the politics, legislation, litigation, and regulatory abuse and inaction, that undermined the nuclear decommissioning at SSFL.

https://philrutherford.com/SSFL/Nuclear_Decommissioning_in_California.pptx.pdf

The second, presented at the 2023 HPS Annual Meeting, questioned the politics behind classifying decommissioned material and clean building debris as low-level radioactive waste (LLRW), and the subsequent certification of invalid data in NRC radioactive waste manifests by DOE and its contractors.

https://philrutherford.com/SSFL/doe_building_demolition/FOIA/Waste_Characterization_by_DOE_at_ETEC_PowerPoint.pdf

The current paper describes the 10-year litigation brought by plaintiffs, the Physicians for Social Responsibility, Los Angeles chapter (PSR-LA), the Southern California Federation of Scientists (SCFS), the Committee to Bridge the Gap (CBG) and Consumer Watchdog (CW), against defendants, the Department of Toxic Substances Control (DTSC), the California Department of Public Health (CDPH) and real party of interest, The Boeing Company.

In early 2013, Boeing had submitted plans to the California agencies, DTSC and CDPH, and the US Environmental Protection Agency (USEPA) to demolish five former radiological/nuclear facilities that had previously been decommissioned, variously surveyed by Boeing, the Nuclear Regulatory Commission (NRC), CDPH and USEPA, and “released for unrestricted use” by CDPH or NRC. All agencies concurred with the proposal to dispose of the building debris to Buttonwillow, a California Class I hazardous waste disposal facility, operated by Clean Harbors, in compliance with California Executive Order D-62-02 (2002).

In August 2013, plaintiffs sued defendants, alleging that the proposed action violated the California Administrative Procedures Act (APA), violated the California Environmental Quality Act (CEQA), required an Environmental Impact Report (EIR), and that the demolition debris from the subject buildings was LLRW and should be disposed as such, out-of-state, to a licensed LLRW disposal site. In November 2018, the complaint was denied by the Superior Court of California. Three months later, in February 2019, plaintiffs appealed to

the California Appeals Court. In May 2023, the Appeals Court rendered a final decision, supporting the lower court's decision, and finding for the defendants. Three weeks later, in June 2023, plaintiffs petitioned the California Supreme Court to review the case. This request was summarily denied.

This presentation summarizes the health physics issues, both allegations and rebuttals, which formed the scientific basis for the legal victory. A more detailed discussion of this decommissioning lawsuit, together with online citations to original survey data and reports, agency communications, court documents, and the author's rebuttals to plaintiffs' statements, may be found in Sections 18.0 and 19.0 of "Nuclear Decommissioning at SSFL."

https://philrutherford.com/SSFL/Nuclear_Decommissioning_at_SSFL.pdf