

OCT 18 1989

MEMORANDUM FOR: Gregory P. Yuhas, Chief
 Emergency Preparedness and
 Radiological Protection Branch
 Region V

FROM: Leland C. Rouse, Chief
 Fuel Cycle Safety Branch
 Division of Industrial and
 Medical Nuclear Safety, NMSS

SUBJECT: STATEMENTS BY DONALL W. WALLACE BEFORE JUDGE PETER B. BLOCH,
 ROCKWELL INTERNATIONAL HEARING

Enclosed are several pages from the transcripts of statements from the limited appearance session and the prehearing conference regarding the Hearing for the renewal of the Rockwell International Rocketdyne Division materials license. You are requested to review the Radiological Contingency Plan and related documents and take appropriate actions to determine if "...Rockwell has falsified its onsite radiological contingency plan" as stated on page 219 of the transcript. Because of the renewal process, this should be resolved promptly.

Original Signed By:

Leland C. Rouse, Chief
 Fuel Cycle Safety Branch
 Division of Industrial and
 Medical Nuclear Safety, NMSS

Enclosures: Transcript pp. 25-31, 218-221

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Docket 70-25	PDR	NRC File Center	NMSS R/F
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UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of:

ROCKWELL INTERNATIONAL
CORPORATION,
ROCKETDYNE DIVISION

Docket No.
ASLBP 85-594-01-ML

(SPECIAL MATERIAL LICENSE
NUMBER SNM-21)

Pages: 1 through 114

Place: Van Nuys, California

Date: September 28, 1989

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1 UNITED STATES NUCLEAR REGULATORY COMMISSION
2 ATOMIC SAFETY AND LICENSING BOARD PANEL

3
4 In the Matter of:)
5 ROCKWELL INTERNATIONAL)
CORPORATION,) Docket No.
6 ROCKETDYNE DIVISION) ASLBP85-594-01-ML
7 (SPECIAL MATERIAL LICENSE)
NUMBER SNM-21))

8 Thursday,
9 September 28, 1989

10 Van Nuys State Building
11 6150 Van Nuys
Auditorium
12 Van Nuys, California

13 The above-entitled matter came on for hearing,
14 pursuant to Notice, at 7:05 p.m.

15 BEFORE: JUDGE PETER B. BLOCH
16 Administrative Law Judge
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1 anything, and said everything was satisfactory and never
2 mentioned the '83 report or any of the difficulties we're
3 having with hazardous waste, toxic waste, dangerous
4 cancer, and so forth, and said everything is all right.

5 So how can we believe them when they do this, and
6 even did not give this information to later studies being
7 made by the DOE and EPA in 1988, 1986, and now 1989.

8 Thank you very much.

9 JUDGE BLOCH: Donald W. Wallace.

10 PRESENTATION BY MR. DONALD W. WALLACE

11 MR. WALLACE: My name is Don Wallace, I live at
12 1710 North Cold Canyon Road in Calabasas, California
13 91302.

14 I'm a member of the Executive Board of the
15 Coalition for Clean Air, and have been authorized to make
16 a statement in their behalf. Additionally I am the
17 chairman of the Adhoc Group of home owners, and civic, and
18 environmental organizations formed to oppose the re-
19 licensing of Rockwell International Corporation, Santa
20 Susanna Field Laboratory.

21 We oppose this re-licensing for all of the
22 reasons that you've heard to this point and for the other
23 reasons that you will hear later tonight.

24 We oppose also the re-licensing because the most
25 toxic substance known to man is being trucked through our

1 neighborhoods.

2 We oppose the re-licensing because this
3 corporation has been cited for 58 violations of Federal
4 Nuclear Regulations. We oppose the re-licensing because
5 this corporation has been cited for 14 violations of
6 state, health and safety laws. We oppose the re-licensing
7 because this corporation has failed or refused to comply
8 with both federal and state reporting and disclosure laws
9 about nuclear accidents and exposures.

10 We oppose this re-licensing because they have
11 poorly designed, poorly executed inadequate and antiquated
12 excuse for a monitoring system. We oppose the re-
13 licensing because we think that our property values, our
14 investment in public works and emphastructure our
15 physical, emotional and psychological health are more
16 important than the equity of Rockwell shareholders.

17 We oppose the re-licensing because our lives and
18 our economic futures are compromised and threatened so
19 that this corporation can fully depreciate its capital
20 investment, but most of all we oppose this re-licensing
21 because this corporation has no credibility.

22 I do not believe Rockwell's assessment of the
23 danger, their record of truthfulness is lacking. I do not
24 believe Rockwell's denials, they have too often turned
25 into admissions. I do not believe Rockwell's assurances,

1 they have too often proved them false.

2 A few days ago I had the opportunity to review a
3 document titled, "On site radiological contingency plan
4 for Rockwell International operations licensed under
5 special nuclear material license number SNM-21," dated
6 July 25th, 1986, and revised in May of this year.

7 This document is rife with false assurances.
8 This document is generally false and specifically false.
9 The document purports to lay out a plan to detect,
10 contain, resolve and recover from several different types
11 of nuclear accidents. It spends most of its 100 or so
12 pages filling space with bureaucratic nonsense. It lays
13 out the agreements and resources available to help
14 mitigate an accident and despite what the document says
15 and implies, there are no agreements to have many of these
16 resources respond to emergencies.

17 Now, I can speak with some knowledge about this
18 subject because I'm a fire captain in Woodland Hills,
19 approximately five and a half miles from the site. I have
20 checked on the accuracy of the document with respect to
21 the fire fighting section, and with respect to the
22 emergency medical section.

23 Page 1.3 of this document is a map depicting
24 locations of various facilities including emergency
25 resources like hospitals, and fire stations, and sheriff

1 sub-stations, and police stations.

2 Page 1.4, or 1-4 details the facilities depicted
3 on the map. Page 1.5 says, "The legend to figure 1.1,
4 which is the map, also lists those hospitals --

5 JUDGE BLOCH: Mr. Wallace, stop for a second. I
6 want to make sure if I can get to that. You're talking
7 about the on site radiological plant?

8 MR. WALLACE: Yes, and I'll give you a copy of
9 the pertinent pages.

10 JUDGE BLOCH: Okay. I have the whole document,
11 what page should I be looking at?

12 MR. WALLACE: Start with 1.1. Excuse me, page 1-
13 3.

14 JUDGE BLOCH: Thank you. Please, continue.

15 MR. WALLACE: Which is a map that has on it the
16 Rocketdyne headquarters, the Santa Susanna Field
17 Laboratory and DeSota Headquarters. It also has in
18 circles several numbers, one through 14.

19 JUDGE BLOCH: Fourteen.

20 MR. WALLACE: Those circles depict what are on
21 page 1-4, if you'll turn to the next page. 1-4 sets forth
22 the legend that indicates what those numbers indicate,
23 which is the hospitals, fire stations, in Los Angeles
24 City, one Los Angeles County fire station, one Simi Valley
25 fire station, three Los Angeles sheriff's divisions, which

1 are actually L.A. City police stations. One Ventura
2 County police station.

3 On page 1.5, the next page, it says at the bottom
4 of the first paragraph, "The legend to figure 1.1 also
5 lists those hospitals, Ventura County sheriff's offices,
6 and fire stations that are supportive in an emergency
7 situation that may arise at the Santa Susanna site."

8 It also substantially repeats that statement at
9 the bottom of the page. It fills space by saying it
10 again, to make the document longer and therefore it looks
11 better.

12 Page 4.7, or 4-7, says that Rockwell has,
13 "arrangements for emergency medical evacuation with Los
14 Angeles fire department, (LAFD), paramedic ambulances,"
15 and then goes on, not pertinent to this.

16 Page 5-15 repeats that same statement in a
17 slightly different form. These statements about the
18 availability of Los Angeles City fire department resources
19 to respond to emergency nuclear accidents at this site are
20 false, there are no such agreements on record.

21 I called today and spoke to the chief of our
22 planning section, no such agreement has ever existed. No
23 such agreement exists now.

24 The fire stations that are listed on page 1-4 are
25 not even the closest fire stations to the Santa Susanna

1 sit. One of the fire stations which is listed, lists
2 Paramedic Engine Company, that has not been in existence
3 as Paramedic Engine Company for approximately five years.

4 This plan goes on to state that this plan is
5 updated and that records are kept of all the drills
6 yearly. This also is false. There are other -- these are
7 demonstrable falsehoods in the document and they make the
8 remainder of the document suspect.

9 I ask that I be allowed to present further
10 evidence of my veracity at your hearing tomorrow as a
11 requester, in short, what we want is for Rocketdyne,
12 Rockwell to clean up and clear out. Thank you for your
13 time and the opportunity to appear at the hearing.

14 JUDGE BLOCH: The standards for being a requester
15 require that you show how your personal interest has been
16 hurt. I don't know if you meet those standards, but
17 whether or not you are personally a requester, a
18 requester, if there is one, can, as a party, file an
19 affidavit by you, they can do that.

20 So I don't know whether you personally will meet
21 the standard to be a requester, that's different, you
22 would certainly meet the standard to be able to submit an
23 affidavit of personal knowledge.

24 MR. WALLACE: I did detail my personal -- I
25 believe I detailed my personal, economic, social, mental,

1 emotional, and psychological health as certainly a
2 sufficient reason to become a requestor and I would ask
3 that you take that into consideration. Thank you.

4 JUDGE BLOCH: Sylvia Fliss.

5 PRESENTATION BY MS. SYLVIA FLISS

6 MS. FLISS: How do you follow an act like that.
7 Good evening, Judge Bloch, I am a member of the United
8 Nations Association, San Fernando Valley, in coalition
9 with the Rocketdyne clean up coalition.

10 Tonight's limited appearance session is
11 important. The Nuclear Regulatory Commission has rightly
12 called for a national investigation of the Rockwell
13 International Corporation nuclear activities and resulting
14 contamination as in the case of Rocky Flats, Colorado.

15 We in the San Fernando Valley are very concerned
16 because Rockwell International sits only three miles from
17 Chatsworth, not withstanding our concern for our neighbors
18 in Simi and Ventura County.

19 Half a million reside within a 10 mile radius of
20 that area. There is a gray area I feel is germane in
21 piecing together what I see as a jigsaw puzzle. One of
22 its missing parts represents trucking dispatch records of
23 material coming and going. Are there accident records.

24 Residents in the area can see what we cannot, and
25 they talk about fear of accidents. They uneasily witness

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UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of:

ROCKWELL INTERNATIONAL
CORPORATION, ROCKETDYNE
DIVISION

ASLBP No.
85-594-01-ML

(Special Material License
Number SMN-21)

Pages: 115 through 268

Place: Van Nuys, California

Date: September 29, 1989

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of

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1 UNITED STATES NUCLEAR REGULATORY COMMISSION
2 ATOMIC SAFETY AND LICENSING BOARD PANEL
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4 In the Matter of:)
5 ROCKWELL INTERNATIONAL) Docket No. 78-25
CORPORATION, ROCKETDYNE) Request to Renew
6 DIVISION) for Ten Years
7 (Special Material License) ASLBP No:
Number SNM-21) 85-594-81-ML
8

9 VOLUME II

10 Friday,
September 29, 1989

11 Van Nuys State Building
12 Auditorium
6150 Van Nuys Boulevard
13 Van Nuys, California

14 The above-entitled matter came on for hearing
15 pursuant to notice, at 9:35 a.m.

16 BEFORE: PETER B. BLOCH,
Administrative Judge
17 Atomic Safety and Licensing Board Panel
United States Nuclear Regulatory
18 Commission
Washington, D.C. 20555
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1 the form in which you're doing it. So, if you wouldn't
2 mind, I would like to have you file a written application.

3 MS. ZEPPIERI: All right, I'd be happy to.

4 JUDGE BLOCH: Thank you.

5 MS. ZEPPIERI: Okay.

6 JUDGE BLOCH: Thank you very much. You're
7 Donald Wallace?

8 MR. WALLACE: I am.

9 JUDGE BLOCH: And your address and distance from
10 the plant?

11 MR. WALLACE: My address is 1710 North Cold
12 Canyon Road in Calabasas. That's approximately nine point
13 six miles away from the plant.

14 JUDGE BLOCH: Thank you, it's not a plant.

15 MR. WALLACE: I work at 6345 Fallbrook Avenue,
16 which is approximately five point two or three or slightly
17 over five miles from the plant. Since I am a fireman, I
18 work there one-third of my life. I own -- additionally, I
19 own twelve acres of property approximately three and a
20 half miles from the plant, from the facility. My health
21 and safety and my economic interest will be directly
22 effected by the outcome of these proceedings.

23 If you grant the relicensing, my health and
24 safety will be compromised and my health concerns include
25 the radiation effects from potential accidents, the radio

1 effect -- radiation effects from transportation accidents
2 and radiation effects from transportation through my --
3 through and by my neighborhood.

4 Economic concerns include the effects of
5 relicensing on my property values. I bought fourteen
6 acres of land about twenty-two years ago and I planned to
7 live there. When that became impossible due to other
8 economic circumstances, I determined to hold on to the
9 land as a -- as an investment. The value of my land will
10 be diminished by limiting the market for sale should you
11 grant the relicensing. Additionally, California law
12 requires that the existence of this nuclear waste facility
13 or this nuclear facility be disclosed to potential buyers
14 and my economic interest would be adversely affected by
15 the relicensing of this facility through that device,
16 through the disclosure laws in the State of California
17 concerning real estate.

18 My concerns are, if granted the status of a
19 party to these proceedings, I will present evidence that
20 Rockwell International is not qualified to be licensed by
21 the NRC due to a demonstrated lack of willingness or
22 ability to follow NRC rules concerning the handling and
23 storage of nuclear products set forth in the license. I
24 will present evidence that Rockwell has falsified its on-
25 site radiological contingency plan, particularly in its

1 fire, EMS and population sections.

2 I will present evidence that Rockwell's
3 engineered provisions for handling abnormal operations are
4 inadequate or outdated or inadequate and outdated. I will
5 present evidence the Rockwell's organization for the
6 control of radiological accidents are inadequate. I will
7 present evidence that Rockwell's maintenance of
8 radiological contingency prepared and its capability is
9 inadequate and does not actually exist as it is stated in
10 its on-site contingency plan and is inadequate under
11 provisions for -- under the -- under the license
12 agreement.

13 I will present evidence that its reports and
14 records are inadequate and I've just spoken to a person
15 knowledgeable in Workers' Compensation law in the State of
16 California and I expect to be able to present evidence
17 that Rockwell does not meet the standards for relicensing
18 under the sections dealing with safety of its workers. I
19 would also like to file additional concerns and present
20 additional evidence after I've had an opportunity to
21 review the documents which have been distributed to
22 requesters and the record.

23 I think that succinctly puts my concerns and my
24 interests on the record and I would request that you grant
25 me this status. Thank you.

1 JUDGE BLOCH: Mr. Wallace, I suspect that with
2 respect to one or two of the last things that you wrapped
3 in there, that I need a little bit more about the way that
4 it's germane to the application. So, for example, the
5 OSHA -- whatever the standards are in Worker -- whatever
6 is wrong in the application about that, you might just
7 want to file a supplement about that, so that I have
8 something more specific.

9 MR. WALLACE: I will -- I will put these -- to
10 the best of my ability, I will put these in writing and
11 submit them to you just as soon as I can get access to the
12 documents that you have granted to the requesters to this
13 point.

14 JUDGE BLOCH: Okay, and as I heard what you
15 said, I heard that you incorporated by reference the
16 remarks you made last night when you talked about
17 inaccuracies and inadequacies of the plan.

18 MR. WALLACE: I do. I would like those concerns
19 or those statements that I made last night incorporated.

20 JUDGE BLOCH: Thank you.

21 MR. WALLACE: Thank you.

22 JUDGE BLOCH: You might want to stay in case
23 there's rebuttal to be done. I don't know what --

24 MR. WALLACE: I'm just freeing up the chair.

25 JUDGE BLOCH: I believe there's one more person,