

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge  
Peter B. Bloch

In the Matter of	)	
THE CURATORS OF	)	Docket Nos. 70-00270-MLA
THE UNIVERSITY OF MISSOURI	)	30-02278-MLA
(Byproduct License	)	Re: TRUMP-S Project
No. 24-00513-32;	)	
Special Nuclear Materials	)	ASLBP No. 90-613-02-MLA
License No. SNM-247)	)	

DECLARATION OF HENRY OTTINGER

I, Henry Ottinger, declare as follows:

1. I am a member of the Local Emergency Planning Commission ("LEPC") of Boone County, Missouri, and have been since the Commission was created in the fall of 1987. This Commission was created pursuant to the Emergency Planning and Community Right to Know Act of 1986, and order of the Missouri State Emergency Response Commission.

2. The LEPC has not met since April 19, 1989.

3. As of the week of July 16, 1990, I checked with fellow members of the Commission to be sure that I was correct, including Erman Call, Fire Battalion Chief. I verified that Missouri University has not notified the LEPC of the possession or any plans for the use of the transuranics to be used in the TRUMP-S project, specifically the unsealed plutonium, neptunium, and americium. The University has never submitted to the LEPC any Material Safety Data Sheets for any materials at the reactor facility.

4. In that week, Mr. Call told me that, if a fire at the MURR facility involved radioactive materials, the procedure is not to fight the fire.

5. I reported this conversation to others. Mr. Dan Hirsch warned me that I should take steps to obtain confirmation of Mr. Call's statement. He said that, on the basis of his past experience, it was quite possible that pressure might be brought to bear upon Mr. Call to change his statement, and that it would be wise to have Mr. Call's statement corroborated.

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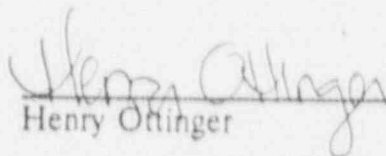
6. I thought that was good advice. I have great respect for Mr. Call. But the university has great influence in Columbia. I did not want to be the only person to report what Mr. Call said. Accordingly, I requested Mark Haim contact Mr. Call, and ask Mr. Call what procedure would be followed in the event of a fire involving radioactive isotopes at the MURR facility.

7. Subsequently, I was informed that Mark Haim did so, and was told exactly the same thing.

8. In October Mr. Green told me that he wanted to file a declaration with the NRC, signed by me, reporting this procedure. However, he wanted me to check with Mr. Call to make sure that the Fire Department still had not been informed of the transuranic materials. Accordingly, I spoke to Mr. Call again, in the week of October 7, 1990, and he again told me that no such information had been furnished to the Fire Department. Therefore, I executed my declaration of October 14, 1990. Paragraph 4 of my declaration reports precisely what Mr. Call had said to me.

9. I have read Mr. Call's statement attached to his affidavit of October 24, 1990. Mr. Call is now "recollecting" a number of statements which were never made. It is true that I had several conversations with him, and that he did mention some training exercises. However, he never mentioned the MURR emergency plan. He categorically stated that the Fire Department would not fight a fire at the MURR facility involving radioactive materials. He never told me that firefighting would be under the direction of the Department's Incident Commander with the advice of the University's Emergency Director. He never told me any of the matters set forth in the last sentence of the first full paragraph of his Exhibit A, or in the second paragraph, or any of the remainder of his Exhibit A. He made no effort to explain how firefighting would be accomplished, simply stating that if the fire involves radioactive materials "we won't fight the fire." I had no preconceived notion that any fire situation at MURR would involve radiation, although I told him clearly that I was inquiring about the procedure to be followed if a fire should involve radioactive materials. I made no inquiries, in depth or otherwise, about the Emergency Plan or its contents.

I declare under penalty of perjury that the foregoing is true and correct.

  
Henry Offinger

Executed at Columbia, Missouri, this 22<sup>ND</sup> day of December, 1990.