RELATED CORRESPONDENCE

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

NRC PUBLIC DOCUMENT ROOM

In the Matter of	:	
		DOCKET NO. 50-358
THE CINCINNATI GAS & ELECTRIC COMPANY, et al.	:	
	:	
(William H. Zimmer Nuclear Power Station)	:	

INTERVENOR, CITY OF CINCINNATI'S RESPONSE TO APPLICANTS' MOTION FOR SUMMARY JUDGMENT

Intervenor, City of Cincinnati, through its City Solicitor, hereby submits the attached response to Applicants' Motion for Summary Judgment.

THOMAS A. LUEBBERS
City Solicitor

W. PETER HEILE
Assistant City Solicitor

May 2, 1979

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ARGUMENT

In their Motion for Summary Judgment filed on April 6, 1979, Applicants have argued that the following contention submitted by Dr. Fankhauser and accepted by the Board, is without merit:

> (2D) No monitoring readouts are provided at the city water works.

It is unclear from the Applicants' motion whether an attempt was thereby made to deal directly with the various contentions raised by the City of Cincinnati regarding the need for continuous water monitoring. If Applicants are contending that the admitted Fankhauser contention referred to is interpreted to mean "no continuous monitoring readouts are provided at the city water works" then Applicants' motion against such a monitoring system is contrary to the city's position on this point, and must be addressed. Clearly, the City of Cincinnati supports the contention that the granting of an operating license to the Zimmer Station without the installation of a continuous monitoring device and attendant telemetering and readout mechanisms at the city's raw water intake in the Ohio River poses a serious threat to the health and safety of the city's, and indeed, the entire county's drinking water consumers, and would be contrary to the applicable rules and regulations of the NRC pertaining to the safe operation of a nuclear power station.

The sole arguments advanced by the Applicants in support of their motion to remove this contention are that (a) the radiological monitoring program of the plant providing for monthly analysis of water samples taken at the raw water intake is adequate protection, and (b) in any event, no instrument capable of measuring continuously at "Appendix I" levels are currently available. In advancing

this argument, Applicants readily admit that analysis will be performed or the samples taken but once per month, while it is recognized that the city draws its raw water from this intake for virtually its entire drinking water supply continuously. Simply stated, Applicants offer the drinking water consumers of this community the promise that they will faithfully analyze and determine the radioactive content of the water which they have been drinking for the past month. At this point, it isn't even clear that this information will then be conveyed to the city in a timely fashion, if at all.

The fact is that the Applicants' proposed water monitoring at the city's raw water intake, while necessary, is clearly incapable of providing any early warning notification and data in advance of the contamination of our drinking water distribution system which will enable officials of the Cincinnati water works sufficient time or data to evaluate the seriousness of, or to react to, any planned or unplanned releases from the Zimmer Station's discharge line into the Ohio River, a duty which is charged primarily to the officials of the Cincinnati water works rather than Applicants' officials. As has been identified in earlier filings by this intervenor, the city's raw water intake is approximately 19 miles downstream of the Zimmer Station's discharge line. At the very least, a system of early detection and warning to enable water works officials to carry out their responsibilities to provide safe drinking water requires 1) a continuous gross gamma monitoring device at the station's discharge line and 2) a similar device at the city's raw water intake, to provide city personnel the capacity to determine the general activity levels of any discharge in excess of Part 20 limitations, its duration and dilution at the point that the discharge reaches

the water intake, and information as to when the spill has substantially passed the city's intake line. Without a continuous gamma radiation monitor at the city's raw water intake, the system is incomplete in that information as to when the discharge has substantially passed the intake point will be unavailable.

The city recognizes the Applicants' assertion regarding the limitation of the "state of the art" as regards the measuring sensitivity of existing gross gamma monitoring devices available today for installation. But even admitting for the sake of discussion that Applicants' assertions were true, these devices would give an early indication of plant discharges in excess of Part 20 limitations, in most systems, directly to the city the minute such a release occurred, and would allow the city time to take supplementary samples to measure down to specific levels of activity through laboratory analysis, and would tell the city how long the discharge lasted and when it essentially passed its raw water intakes. Additionally, these devices would clearly signal to the city the imminence of a potentially major problem at the station, automatically. In a situation such as waterborne river radiation, where it is perhaps easiest to prevent the contamination of an entire drinking water supply with early detection by the simple act of closing the water intakes until the danger has passed, it is incomprehensible to the City of Cincinnati that a nuclear power station with the potential for contaminated liquid discharges could propose any less sophisticated system of early detection and warning and expect to be licensed for operation by this Commission; the technology is there, the expense is minimal, and the benefits are obvious. It is the city's hope that if Applicants' assertions are correct, advances in technology will provide continuous monitoring instrumentation capable of

measuring to Appendix I levels and beyond, if, indeed, such instrumentation is not available today. But to discard what has been characterized as the best available technology as useless when it clearly would provide automatic signalling of the imminence of a potential threat to a major drinking water supply system, particularly when the cost of such a system is minimal, is truly absurd, and not contemplated by the mandates of the NRC requiring a showing of the capacity for safe operation of nuclear power stations prior to receiving an operating license.

For these reasons, we must oppose applicants' motion for summary disposition of this contention.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Response to Applicants' Motion for Summary Disposition dated May 2, 1979 were sent, postage prepaid, by ordinary United States Mail to the following on this 2nd day of May, 1979:

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RELATED CORRESPONDENCE

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

William V. Donaldson, being first duly cautioned and sworn, hereby states the following:

I am the City Manager of the City of Cincinnati, Ohio. The Cincinnati Water Works Department is under my supervision and control, and is delegated the responsibility of providing safe potable drinking water for the inhabitants of the City of Cincinnati and, by contract, to the inhabit ,s of Hamilton County and other surrounding communities.

In order to provide a reasonable margin of safety from infiltration of radioactive contaminants into the city's drinking water supply system, it is essential that the City of Cincinnati have the best available monitoring and early warning detection system to determine potential discharges from the Zimmer Nuclear Power Station located approximately 19 miles upstream from the city's raw water intake situated in the Ohio River prior to infiltration of the city's drinking water supply. One such component of any early detection and warning system, the need for which arises out of the operation of the Zimmer Nuclear Station, is the positioning of continuous monitoring devices for gross gamma radiation monitoring both at the discharge line of the station, and the raw water intake line of the City of Cincinnati which will provide automatic transmission of data regarding the discharges from the power station to the City of Cincinnati, and the radioactive contaminant levels of water passing the city's raw water intake in

the event of any major planned or unplanned releases from the Zimmer Nuclear Power Station.

Any system which provides only for monthly analysis of samples taken at the City of Cincinnati's raw water intake is grossly inadequate in providing the necessary monitoring, detection, and early warning information needed to intelligently safeguard the quality of the city's drinking water supply.

William V. Donaldson
City Manager

Sworn to and subscribed before me this 2nd day of May, 1979.

Notary Public