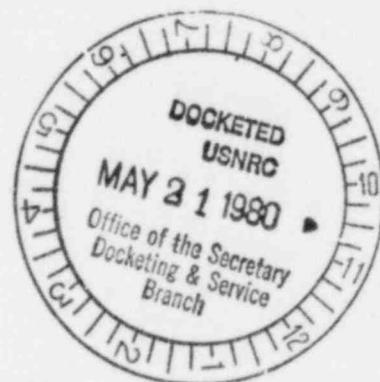


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Charles Bechhoefer, Chairman
Dr. Frank F. Hooper, Member
Glenn O. Bright, Member



In the Matter of :
: CINCINNATI GAS AND ELECTRIC :
: COMPANY, ET AL. :
: (William H. Zimmer Nuclear :
: Power Station) :

DOCKET NO. 50-358
APPLICATION FOR
OPERATING LICENSE.

PROPOSED CONTENTIONS SUBMITTED BY
ZIMMER AREA CITIZENS-ZIMMER AREA
CITIZENS OF KENTUCKY

Zimmer Area Citizens-Zimmer Area Citizens of Kentucky (ZAC-ZACK) submits its proposed contentions pursuant to the Memorandum and Order of the Atomic Safety and Licensing Board issued April 22, 1980, for the purpose of alleviating delay and to attempt to reach agreement between applicant, staff and ZAC-ZACK as to the acceptability of the submitted contentions.

CONTENTIONS

General Statement Applicable to Enumerated Contentions.

The following authorities are incorporated into each enumerated contention as the basis for each contention as those authorities, present and proposed, relate generally to the health and safety of the public and specifically to emergency preparedness, coping with emergency and evacuation and monitoring.

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I. 42 U.S.C. §2133(b)(2) and (3) as the same applies to safety standards to protect health and minimize danger to life or property of the public as promulgated by Commission rule;

II. 10 C.F.R. §2.104(c)(3) and (6) as the same applies to the requirement that applicant present reasonable assurance that its activities can be conducted without endangering the health and safety of the public;

III. 10 C.F.R. §50.34(a)(10) and (b)(6)(v) as the same incorporates 10 C.F.R. Part 50, Appendix E, present and as proposed, requiring that applicant, in its obligation to cope with emergencies, to assess the risk to the public health and safety and the mitigation of the consequence of accidents in the preliminary and final plans submitted on that aspect;

IV. 10 C.F.R. §50.35(c) as the same incorporates the license requirements and regulations of the Commission requiring that the applicant reasonably assure that its activities will not endanger the health and safety of the public;

V. 10 C.F.R. §50.57(a)(2), (3) and (6) and (b) as the same require that applicant operate its facility in conformity with the rules and regulations of the Commission; that applicant present reasonable assurance that its activities can be conducted without endangering the health and safety of the public, together with such limitations and conditions which may be required to assure that the operation of the facility will not endanger public health and safety;

VI. 10 C.F.R. §50.109 requiring backfitting of a facility where such action is necessary for additional protection required for the health and safety of the public;

VII. 10 C.F.R. §50.33(g) [Proposed Rules, 44 Federal Register 75167 (No. 245), December 19, 1979] as the same provides for the submission by applicant of radiological emergency response plans for state and local government, wholly or partially within the plume exposure pathway of the Emergency Planning Zone, such zone consisting of an approximate 10-mile radius of the nuclear power facility and pertaining to the relationship of emergency response needs and capabilities as affected by the location conditions of demography, topography, land characteristics, access routes and local jurisdiction boundaries;

VIII. 10 C.F.R. §50.47 [Proposed Rules, 44 Federal Register 75167 (No. 245), December 19, 1979] as the same provides for appropriate protective action, including evacuation, for any reasonably anticipated population within the plume exposure pathway of the Emergency Planning Zone;

IX. 10 C.F.R. Part 50, Appendix E [Proposed Rules, 44 Federal Register 75167 (No. 245), December 19, 1979] as the same applies to minimum requirements for emergency plans for attaining a state of emergency preparedness, including emergency plans, considering access routes, population distribution, land use for Emergency Planning Zones; onsite and offsite organizations for coping with emergencies and the means for notification in the event of emergency; contracts or agreements with local and state agencies responsible for coping with emergencies; protective measures within each Emergency Planning Zone for the protection of the health and safety of the public, including who authorizes evacuation, public notification and instructions, and the manner in which the evacuation is to be carried out; provisions

for a training program of persons whose assistance is necessary; time and means employed for notification of state and local agencies and the public in emergency; time required to evacuate various sectors and distances within the plume exposure pathway of the Emergency Planning Zone for transient and permanent population; the organization for coping with emergencies, assessment action, activation of emergency organization, notification procedures, emergency facilities and equipment, training, maintaining emergency preparedness, offsite dose projections and description of how projections will be made and the results thereof transmitted to state, local and federal agencies; offsite services provided and expected assistance from state, local and federal agencies; time required for evacuation;

X. NUREG-0654, FEMA-REP-1 [For interim use, January 1980] as the same applies to the duration of radioactive release leading to potential exposure within a time period from one-half hour to days and relating to shelter and evacuation considerations and decisions; administration of thyroid blocking agent, potassium iodine; ability to reduce exposure during the course of an accident; type of exposure; and the necessity of contiguous state emergency planning where, as here, the Emergency Planning Zones involve two states;

XI. NUREG-0610 [For interim use, September 1979] as the same sets forth four classes of emergency action level, provides for prompt notification for mobilization of emergency personnel and evacuation and natural phenomenon and severe natural phenomena of flood and tornado;

XII. Presumed revised radiological monitoring standards currently being revised and incorporated in a draft of NUREG-0660,

March 7, 1980 [cf. p. 7 and footnote 4, Memorandum and Order, April 22, 1980] and presumed future application of Appendix 2, "Meterological Criteria for Emergency Preparedness at Operating Nuclear Power Plants," appendices of NUREG-0654, FEMA-REP-1 and other appendices of that NUREG pertaining to prompt notification of the population within the plume exposure pathway, evacuation time estimates and Emergency Operations Facility.

The Intervenor Proposes the Following Contentions.

1. The evacuation plans for the plume exposure pathway of the Emergency Planning Zone, approximately a 10-mile radius of the Zimmer Power Station and consisting of, and involving, Clermont County, Ohio, Bracken County, Kentucky, Pendelton County, Kentucky and Campbell County, Kentucky, and potentially Brown County, Ohio, and the municipal and village political subdivisions therein, are inadequate in their respective failures to timely and promptly evacuate the population within that zone to appropriately reduce, or minimize, radiation exposure for the protection of the safety and health of the public, due to:

a). The absence of a local control site, or emergency operations facility, in any one, more, or all of the aforestated counties, as the emergency resource and command center, properly equipped and staffed, for offsite local, and subsequently state, personnel possessing the responsibility for controlling the area evacuation, directing, and altering as necessary, evacuation routes and directing and deploying local police, fire and para-medical personnel;

b). The absence of adequate and universal communication system, or systems, both telephone and radio, for the coordination and

direction of evacuation and receipt and dissemination of data and information within any involved county, between involved counties and between county or counties and the site, and for communications between the emergency resource and command center and the site and police, fire and para-medical personnel;

c]. The public roadways, as access roads for the evacuation of the populace of Clermont County, Ohio and Bracken, Pendleton and Campbell Counties, Kentucky, and potentially Brown County, Ohio, are inadequate to promptly and timely evacuate the involved population, and under certain circumstances of wind direction presenting the plume exposure pathway in the involved Kentucky Counties no adequate access road is available to afford evacuation of that population;

d]. Bracken and Pendleton Counties, Kentucky have no local agency responsible for emergency preparedness, creation of evacuation plans or monitoring for the protection of the health and safety of the residents of those communities and the counties of Bracken and Pendleton, Kentucky have no emergency preparedness, evacuation plan, communication system, monitoring control or coordinator for police, fire and para-medical personnel and the related summoning, directing and deployment of such personnel in an emergency situation;

e]. The involved counties of Ohio and Kentucky possess no professional, full-time fire and life squads, relying totally upon volunteer, part-time personnel whose primary concern and responsibility is to other endeavors and who are limitedly trained; and the involved counties rely in many respects upon volunteer, auxiliary policemen to supplement inadequately staffed local police units and the total full-time and auxiliary local police personnel, by number, are inadequate

to provide immediate and necessary police control in an emergency situation and the emergency resource personnel of police, fire and para-medic are inadequate for utilization during initial emergency and evacuation;

f]. During flood conditions of the Ohio River and its tributaries, access roadways to the Zimmer Power Station and access roadways for evacuation are impassable and in certain flooding conditions the Zimmer Station site is isolated and inaccessible to emergency or personnel vehicles and in such circumstances both population evacuation and offsite assistance to the Zimmer Station is impossible;

h]. During inclement winter weather conditions, roadways in the involved counties of Ohio and Kentucky are impassable due to accumulations of ice and snow, rendering evacuation of the respective populations and response of offsite emergency units to the Zimmer Station impossible for substantial time periods, and the majority of access roadways for evacuation purposes remain impassable for prolonged periods of times, measured in weeks, thereby prohibiting large segments of the populations of the involved counties from being evacuated by motor vehicle or otherwise being evacuated promptly and timely by other means; and a large segment of the populations of the involved counties are unable to reach access roadways from their residences for extended time periods during the presence and continuation of large accumulations of snow, thereby precluding either their evacuation by motor vehicle or the timely and prompt evacuation by other means;

2. The evacuation plans for the plume exposure pathway of the Emergency Planning Zone, approximately a 10-mile radius of the Zimmer Power station and consisting of, and involving, 18 elementary

and secondary schools situated in Clermont County, Ohio and Bracken County, Pendleton County and Campbell County, Kentucky, in which the 18 schools are within various school district jurisdictions, each of which is responsible by the respective state law for the protection and safety of the child within the respective school district during transportation to and from and at the school in the course of the school day, and for the creation and implementation of evacuation plans for school children in an emergency while under school district responsibility; and such evacuation plans are inadequate, failing to evacuate the populations of such schools within the Emergency Planning Zone in a time period required to reduce, or minimize, exposure and protect the safety and health of the children, due to:

a). An inadequate number of school personnel at each of the subject schools to direct, supervise and control the evacuation of school children to an approved receiving site;

b). The school personnel at each of the subject schools lack the training and qualifications to supervise and administer aid and comfort to school children, especially school children in the elementary schools, during evacuation and housing in reception sites during the emotional trauma occasioned by the emergency and evacuation, or to possess, control, supervise and administer the thyroid blocking agent, potassium iodine, as required, to such children;

c). The respective school districts do not possess a sufficient number of buses for a timely and orderly transportation from the school to a receiving site during evacuation;

d). The respective school districts do not possess either the capability or the number of buses necessary to afford transportation

for the evacuation of school children where the emergency evacuation arises during bus transportation of children for the commencement or termination of the school day, because of the bus routing, multiple routes and trips, and a portion of the children being located at the school site and the remaining children being transported in the available buses;

e]. The inability of the respective school districts to summon buses to school sites in a prompt and timely manner where school evacuation is required during the course of the school day, the buses being located and stationed at various and random sites, unattended by drivers and the inadequate and ineffective means, or no means, of communications to drivers to advise of the emergency and to require bus response to the subject school to commence evacuation;

f]. The inability of the respective school districts to provide standby bus and driver at the school site during the course of the school day to afford immediate deployment of buses upon notification of emergency and evacuation.

3. There are no warning devices, siren or otherwise, or other communicative means to timely, promptly and effectively advise and alert the community, including the schools, within Clermont County and Brown County, Ohio, and Bracken, Pendelton and Campbell Counties, Kentucky, of an emergency and evacuation of the population; and the terrain, or topography, and land characteristics and population distribution of each of the subject counties is such that no universal warning device, siren or otherwise, is capable of alerting the public and informing them of an emergency and evacuation; and the respective counties, and each of them, is without financial means to employ various and numerous alternative devices and methods or the equipment

and personnel necessary to warn, alert, advise and inform the public of emergency and evacuation within the time required for the protection of the health and safety of the subject communities.

4. The demography of Clermont County, Ohio and Bracken, Pendelton and Campbell Counties, Kentucky, and if necessary, Brown County, Ohio, is such that no adequate, effective and positive education training and advice to the public can be presented for the public's responsive, orderly and timely evacuation in the event of accident.

5. The communication systems, consisting of public telephone and police-fire radio frequency of the local and state police-fire agencies within Clermont County, Ohio and Bracken County, Pendelton County and Campbell County, Kentucky, are inadequate to provide county-wide and inter-county communications; the telephone systems involve multi-telephone companies, the absence of universal dialing equipment and inadequate trunk lines for service in an emergency situation in which such lines immediately overload and present a constant busy signal; the police agencies involved possess no universal police or emergency radio frequency and in intra-county communication there is no police radio frequency for communication between all of the police agencies within the county, and due to the topography of the area there are geographical points, including one near the Zimmer site, in which there is no radio reception-transmission; and there is absent within the respective counties a universal communication device to alert and summon volunteer fire and life squad personnel.

6. The life squad personnel, consisting only of volunteers, in Clermont County, Ohio and Bracken County, Pendelton County and Campbell County, Kentucky, are in part personnel possessing only first-

aid training and in part possessing para-medical training, most of whom are inadequately trained in the emergency care and treatment of persons injured in a radiological accident, and such units within the respective counties do not possess adequate equipment for such treatment and response; and such personnel are part-time and inadequate in number to respond to an emergency situation such as may be required in the spectra of accidents.

7. Within the Emergency Planning Zones of the Zimmer Power Station, inclusive of a 50-mile radius, there are inadequate medical facilities to afford the required bed space, medical and para-medical personnel, requisite medication, screening, treatment and isolation of persons sustaining radiological injury; and the absence of adequate emergency materials, supplies, equipment and vehicles necessary for the transportation of injured persons, injured onsite and offsite, during a radiological accident.

8. The monitoring devices selected and their placement onsite and offsite for the monitoring of anticipated radiation releases and accidental releases of radioactive materials, including plume exposure in the event of accident, as to the type and location are inadequate to protect the health and safety of the populations of Clermont County, Ohio and Bracken, Pendleton and Campbell Counties, Kentucky, and as the same applies to the monitoring of releases into the Ohio River as the same affects the drinking water, plant and animal life of that waterway subsequently consumed by the population of the subject counties; and the inability of such devices and their location and types to adequately and timely inform the applicant and the respective local and state agencies and related dissemination of such information

to and for the protection of the public's health and safety.

9. The monitoring equipment, as to number, type and location, onsite and offsite, is inadequate for the independent monitoring by other sources, including at a minimum individuals and local and state agencies, in conjunction with applicant's monitoring, for the purpose of protecting the public's health and safety in radiation release, radioactive effluents and plume exposure in the emergency situation and the interest of the public in such information.

10. The absence of appropriate type and placement of monitoring devices at the 18 schools located within the 10-mile radius of the Zimmer Power Station, the absence of trained local, state and school personnel to observe such devices and alert and advise accordingly, and the inadequacy of such devices to timely advise of dosage exposure sufficient under current, and potentially revised, standards to require protective action, jeopardize the health and safety of children continuing to be exposed to excessive dosage in the respective schools.

11. The absence of trained local and state personnel to conduct observations of monitoring devices to alert and advise the public of excessive dosage amounts under current, and potentially revised, standards of radiation releases, radioactive effluents and plume exposure in the emergency situation; the absence of a local agency site in Clermont County, Ohio and Bracken, Pendleton and Campbell Counties, Kentucky; the absence of trained local personnel; the absence of sufficiently trained personnel for 24-hour surveillance and the requisite equipment for the surveillance of onsite informational equipment for independent monitoring and awareness by such local

personnel of an unusual event, alert, site emergency or general emergency developing or in being at the site, for simultaneous and responsive action to the same; results in the failure of local and state support and response agencies to possess adequate and necessary emergency preparedness, institution of protective measures and corrective actions, assessment of the situation, alerting and advising the public and the institution of prompt and timely response for the minimizing and reduction of exposure by the public for the public's health and safety.

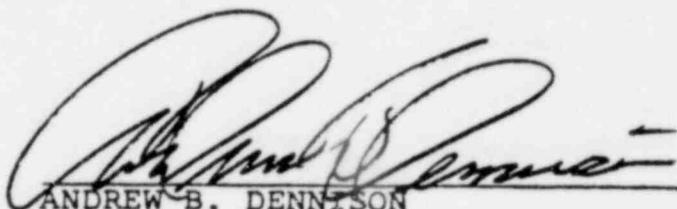
12. The inadequacy of meteorological equipment and related monitoring of the plume exposure pathway during emergency and the alteration of such path while in progress to furnish prompt, timely and correct information to applicant, local, state and federal personnel to achieve timely and correct decision and to so inform the public of evacuation routes and alterations in such routes as required where the plume exposure path changes directions while in progress, is detrimental to the health and safety of the transient and permanent population within the plume exposure pathway of the Emergency Planning Zone.

13. The absence of applicant's furnishing, or alternatively inadequate furnishing, to the population within the plume exposure pathway of the Emergency Planning Zone of protective equipment and gear, including clothing, for use during an emergency and ensuing evacuation for that population's protection against radiological exposure, including whole body and inhalation, and such failure, or inadequacy, as the case may be, subjects the public to health and safety dangers and potential injury.

14. Clermont County, Ohio and Bracken, Pendelton and Campbell Counties, Kentucky do not possess the requisite personnel, training facilities for such personnel, requisite warning devices, requisite monitoring devices, requisite equipment and vehicles, requisite communication systems, or requisite control-command centers for the achievement of the required emergency preparedness, monitoring, emergency response and implementation of evacuation plans; and the respective counties do not possess the funds or the financial means for the purchase, installation and maintenance of the required equipment, the required training of its personnel or the creation of the necessary control centers to provide adequate protection for the health and safety of the public and the applicant must be responsible for the expenses necessary to achieve a state of emergency preparedness.

15. The adequacy of onsite and offsite organizations for coping with emergency and the adequacy of emergency preparedness must be evaluated in a test conducted prior to commencement of the operation of the Zimmer Power Station as a joint exercise-drill involving applicant's emergency resource personnel, local and state emergency response personnel and partial public participation, including partial school participation, within the plume exposure pathway of the Emergency Planning Zone, demographical, topographical, accessible site and evacuation routes and local jurisdictional boundaries being considered and examined, to determine the adequacy of implementing procedures and methods, the testing of emergency equipment and communication networks and timing, from which and due to the land characteristics, personnel, equipment and other relevant factors the state of emergency preparedness will not meet the required

standards for the protection of the health and safety of the populace with the Emergency Planning Zone in an emergency circumstance.



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CERTIFICATE OF SERVICE:

I hereby certify that copies of "Proposed Contentions Submitted by Zimmer Area Citizens-Zimmer Area Citizens of Kentucky" in the within proceeding have been served on the following persons by posting the same in the U. S. Mails, postage prepaid, this 15th day of May 1980 for the consideration, negotiations and aspired agreement of the applicant and staff in accord with the directions of the Atomic Safety and Licensing Board Memorandum and Order issued April 22, 1980, together with an advice copy posted to the Board Chairman.

Charles Bechhoefer, Esq., Chairman
Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

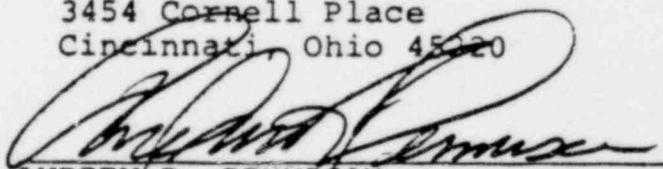
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