

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION 19 10:18
ATOMIC SAFETY AND LICENSING BOARD

John H. Frye, III, Chairman
M. Stanley Livingston, Member
Frank F. Hooper, Member



In the Matter of

CINCINNATI GAS AND ELECTRIC
COMPANY, ET AL.
(William H. Zimmer Nuclear
Power Station)

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DOCKET NO. 50-358
APPLICATION FOR
OPERATING LICENSE

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
SUBMITTED BY LEAD INTERVENOR ZAC-ZACK PERTAINING
TO ISSUES OF THE SUFFICIENCY OF OFF-SITE STATE
AND LOCAL EMERGENCY RESPONSE PLANS AND AS PRESENTED
BY CONTENTIONS 20X, 20-25, 4(12)

PROPOSED FINDINGS OF FACT

1. Zimmer Area Citizens and Zimmer Area Citizens of Kentucky (ZAC-ZACK), as a party to the proceedings, is an intervenor composed of two citizens groups situated in the Emergency Planning Zone of the Zimmer Nuclear Power Station within Clermont County, Ohio, and Campbell, Pendleton and Bracken Counties, Kentucky, designated as the lead intervenor for presentation of contentions consolidated by the Board, and as admitted revised contentions by this Board's Pre-hearing Conference Order, issued December 3, 1981. In addition to the contentions of ZAC-ZACK, intervenor David Fankhauser and intervenor City of Mentor, Kentucky, contentions were consolidated for hearing, except those contentions sponsored by the City of Mentor and which were separately

presented by that city: contentions 34, 35, 36I and 36K. The remaining intervenors, Clermont County, Ohio, the Commonwealth of Kentucky, and Miami Valley Power Project, admitted to these proceedings, were not involved in the advancement of any contention pertaining to the sufficiency of off-site emergency response planning.

2. The applicant, Cincinnati Gas & Electric Company, Dayton Power & Light Company, and Columbus Southern Electric Company, which seeks the issuance of an operating license for the nuclear reactor facility, Zimmer Nuclear Power Station, as a party to the proceedings, opposes the contentions pertaining to the sufficiency of off-site state and local emergency response plans.

3. The Nuclear Regulatory Commission Staff, as a party to the proceedings, and the Federal Emergency Management Agency, each appeared during the course of the hearings, and opposed the contentions pertaining to the sufficiency of the off-site state and local emergency response plans.

4. Intervenor ZAC-ZACK, as lead intervenor, for itself and on behalf of intervenors Fankhauser and City of Mentor, seeks an order denying the issuance of an operating license on the basis that the off-site emergency response plans prepared by the local and state governments involved in the Emergency Planning Zone of the Zimmer Nuclear Power Station failed to provide a reasonable assurance that adequate protective measures can be taken for the protection of the public's health and safety in the event of a radiological emergency as set forth by the respective local and state off-site emergency response plans, and that such plans fail in their respective implementation of

emergency response resources to provide a reasonable assurance that adequate protective measures will be taken for the protection of the public's health and safety in the event of a radiological emergency as put into issue by the intervenors' consolidated contentions. ZAC-ZACK further seeks an order admitting the revised contentions pertaining to emergency response planning and its implementation by Brown County, Ohio, the same being contentions 20(a)[1] to and including [3], 20(b)[1] to and including [3], 20(e)[1] and [2], as the threshold issue presented by contention 20X has been met and which requires consideration of the sufficiency of an emergency response plan for the county of Brown, and that the absence of consideration of an emergency response plan for Brown County, Ohio, fails to provide a reasonable assurance that adequate protective measures can and will be taken for the protection of the public present in Brown County, Ohio, whose health and safety in the event of a radiological emergency must be protected, and that subsequent hearing be held to determine the sufficiency of any radiological emergency response plan for Brown County as to its sufficiency for implementation.

5. The revised contentions in issue are those admitted and appended to the Board's Pre-hearing Conference Order of December 3, 1981, and upon which evidence was received by this Board on January 26 through 29, 1982, February 2 through 5, 1982 and March 1 through 4, 1982, transcript pages 4947 through 7979, and applicant's exhibit 15, Tr. 5816; intervenor Zac-Zack's exhibit 2, Tr. 5234, exhibit 3, Tr. 5324, exhibits 4-15, Tr. 5351, exhibits 16-18, Tr. 5367; intervenor City of Mentor, exhibits 1 and 2, Tr. 6438; and Board exhibits 1 and 2, Tr. 4961, exhibit 3, Tr. 6034, exhibit 4, Tr. 6036, exhibit 5, Tr. 6038, and exhibit 6, Tr. 6040.

CONTENTION 20X

6. Zac-Zack asserts that Brown County, Ohio is required to be included within the emergency planning response for the plume exposure zone on the basis that Brown County is situated approximately 10-1/8 miles generally east from the Zimmer Nuclear Power Station, that the current planning exposure zone plans terminate at the Clermont County-Brown County border; that the land characteristics and access routes of the affected populations of Clermont County (eastern sector) and of Brown County (western sector) are in common; that the eastern sector of the Clermont County population will evacuate into Brown County and in which Brown County has no capability to implement emergency response personnel in the absence of an emergency response plan as a need appears for such plans, and planning, as required by 10 C.F.R. §§50.47(c)(2) and 50.33(g), and that in considering the exact size and configuration of the EPZ, the determination must be made in relation to the local response needs and capabilities as affected by such examples as the conditions present, i.e., demography, topography, land characteristics and access routes, and, thus, the threshold issue has been met and that emergency response plans are necessary for Brown County, Ohio.

7. Evacuation routes, access roads, for direct and timely evacuation of Clermont County residents situated east of the Zimmer Nuclear Power Station, and Brown County residents located in the western sector of Brown County, would be U.S. 52, S.R.'s 756, 774, Sodom Road and Vandament Road, using radial or pie-shaped evacuation roads, access routes, as the most direct means of providing timely and direct egress from the area in the event of a Zimmer-related emergency requiring population evacuation. Tr. 5258[3]*, 5839, 5867-8, 7769.

*indicates transcript page where direct testimony commences and bracket indicates page number of direct testimony.

8. The western portion, sector, of Brown County is within 10.04 to 10.6 air miles from the Zimmer Station, the closest Brown County point by air miles to the Zimmer Station is 10 miles, 762 feet. Tr. 4972, 5832.

9. The eastern sector of the Clermont County population which may evacuate to Brown County is approximately 6600-6700 people, and the census of the Brown County population within 15 miles of the Zimmer Station is 3587 people, including two incorporated villages: Higginsport, 343; and Hamersville, 688. Tr. 5847, 5854.

10. The Clermont County Radiological Emergency Response Plan provides evacuation routes for the eastern portion of Clermont County by proceeding on U.S. 52 in an easterly direction from the Zimmer Station to the junction with S.R. 133 and then proceeding in a northerly direction on S.R. 133 to S.R. 125, and with alternate routing from S.R. 133 via S.R.'s 222 and 232 to S.R. 125, without providing any evacuation routing into Brown County; however, during the course of the hearings the aforesaid evacuation routing was altered by the State of Ohio and Clermont County to provide evacuation routes from Clermont County and Brown County utilizing U.S. 52, U.S. 68 and U.S. 62 and S.R.'s 32 and 125, portions of S.R. 505, and S.R.'s 756 and 747. Board exhibit 2, p. II-I-18; Tr. 7769-71, 7785-6.

11. U.S. 52, as a roadway, is superior to S.R.'s 133, 222 and 232; S.R. 133 is steep, winding, hilly and a narrow roadway, in which U.S. 52 is generally flat and straight, would provide, as a roadway, double the traffic volume of S.R. 133, and would support the intentions of the state to get people out of the area rapidly, spreading out the route to reduce congestion, density of traffic, and incidents of accident. Tr. 5258[2], 5258A, 5288, 7794.

12. The selection of the area encompassed within the EPZ for plume exposure is the prerogative of the county government in which the nuclear facility is located, and in which the state's position is to permit the county government to determine how to care for its citizens. State policy is if the county government can not provide adequately for the relocation of its citizens, the county immediately adjacent to the involved county shall plan to provide for relocation centers for individuals coming from the county of the plant location which requires coordination by the state government to insure that efforts of the individual county disaster service agencies and respective county governments are well coordinated to provide all of the requirements of NUREG 0654. The county government selects the location of relocation, host centers, in which Brown County may engage in such selection. Coordination is required between Brown and Clermont Counties for disaster service-related matters. Tr. 4972-3, 4993-4, 5323-4, 5866-7, 7776.

13. Individuals leaving the plume exposure zone, Clermont County residents, will in many cases go to friends' home or some other location and will not go to a relocation center. Approximately 20% of the evacuating population will proceed to a relocation center. Contaminated individuals departing the EPZ may pass on residue to others and contaminate other persons and other areas. Tr. 4991-2, 4998, 7792.

14. The distance required to be traveled by Clermont County evacuees from the Clermont-Brown County boundary through Brown County on routes 52, 68, 62, 125 and 32 to arrive at a relocation center in Williamsburg (Clermont County), Ohio, is from 37 to 41 miles. Tr. 7788.

15. The Villages of Higginsport and Ripley are approximately seven and 12-14 miles, respectively, from the Clermont-Brown boundary on U.S. 52 and each have school facilities. Located in the Village of Mt. Orab is the Western Brown High School facility and Hamersville school on S.R. 125, respectively approximately 10-12 miles and approximately three miles from the Brown County line. Each of the schools has cafeterias and capabilities for providing shelter and sleeping facilities. Evacuation routes are dictated by the selection of relocation, care, centers, in which all care centers currently designated are school buildings. The placement of care centers on U.S. 52 is dictated because of the superior evacuation route presented by that federal roadway. There was no evidence presented that Brown County school facilities could not be used for relocation centers. All relocation centers currently designated are not in Clermont County: one care center is located in Hamilton County, the Anderson Middle School, being selected because of the availability of superior roadways leading to that center. Considering the distance involved in traveling S.R. 133 from U.S. 52 to the Williamsburg center, as opposed to continuing on U.S. 52 to Higginsport and Ripley care centers is twice the distance, and applying the state of Ohio's newly created evacuation routing through Brown County via U.S.'s 52, 68, 62 and S.R.'s 32 and 125 back to Williamsburg (37 to 41 miles), the distance is greatly enlarged. Tr. 4992-3, 5269-70, 5276, 5278-9, 5287-87A, 5865, 5869, 587102, 7781-3, 7788.

16. Brown County does not have any emergency response plan and is unprepared to cope with the influx of Clermont evacuees or the potential for evacuation, or other protective actions, by Brown County residents located in the western sector of the county. There is no means, or plan, for monitoring potentially contaminated individuals entering,

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and who remain in, Brown County. There is no plan for disseminating information as to protective action to be taken by any portion of the Brown County population, although the Brown County Sheriff's office could present information to a commercial radio station located near Georgetown, Ohio, to advise the Brown population; however, no plan is in existence pertaining to such information distribution. The state of Ohio has reached an agreement with the Ohio State Patrol Post located at Georgetown, Ohio, and the Brown County Sheriff for the assistance of that Patrol Post in access control points and traffic control on state and federal roadways in Brown County and the assistance of the Brown County Sheriff as to county and township roadways, but no plan has been created for the deployment of personnel, use of vehicles or matters pertaining to access control points, traffic control, road barricade and communications. The applicant has no knowledge, and there is no evidence, pertaining to whether state patrolmen assigned to the Georgetown Post were committed under the existing plan for deployment in Clermont County or retention in Brown County, or a division of the two responsibilities. Tr. 4979, 5258[3], 5258[4], 5272-3, 5289-90, 5843-5, 7902-3.

17. The FEMA witness Meyer engaged in no calculations to determine the air-mile distance from the Zimmer Station to Brown County. The determination of inclusion or exclusion of Brown County in Zimmer-related planning would be determined by the State of Ohio and Brown County. There is present a network of access roads leading from Clermont into Brown County between U.S. 52 and S.R. 125. No FEMA witness discussed contention 20X with any state or Clermont County planner. This witness did not know the census of the Clermont and Brown populations within two miles of the county boundary. Tr. 6985, 6987-9, 6997, 7016.

18. NRC Staff, through its witness, acknowledged that Clermont residents could evacuate into Brown County by traveling S.R. 125 or U.S. 52, or any roadway connecting the two counties between U.S. 52 and S.R. 125. The exact location, configuration, of the plume EPZ area is determined by FEMA. Tr. 6881[8], 6926-30.

19. The intent of the state of Ohio is to get people out of the plume exposure area of the EPZ as rapidly as possible and to spread out the evacuation routing to reduce traffic congestion, traffic density and incidents of accidents, and thus the state during the final week of hearings altered its original evacuation routes from U.S. 52 to S.R. 133 to the relocation center in Williamsburg, to a continuation of the evacuation route in U.S. 52 through Ripley and proceeding on U.S. 62 and U.S. 68 and S.R. 125 and S.R. 32 to return to the Williamsburg center and to also utilize other roadways leading from Clermont to Brown County, i.e., S.R.'s 756 and 774. The Brown County Commissioners seek involvement in the Zimmer planning and preparedness, in which the county has buildings available for care centers but the county has no plan or equipment for monitoring. Brown County government is concerned for its citizens in the event of a Zimmer accident, especially its concern that contaminated individuals will enter Brown County. Brown County governmental officials testified that Brown County needs a method for monitoring and the equipment necessary to decontaminate contaminated individuals in that county for the protection of Brown County residents. There is not, and has not been, any coordination between the sheriff offices and the governments of Clermont and Brown Counties. Brown County seeks a radiological emergency response plan for its preparation and protection in the event of a Zimmer-related accident. No care centers for monitoring or sheltering of evacuees has been developed by plan for

location in Brown County. Brown County is in the process of acquiring a director and the establishment of a Disaster Service Agency for that county. Tr. 5258[3], 5258[4], 5260, 5282, 5285, 7785, 7794, 7900-03, 7906.

CONTENTIONS 20(b)[5][i]-[v] AND 20(b)[6][i]-[vi]

20. James Fite, Administrative Assistant to the New Richmond School District Superintendent, Jeffrey Sittison, participated in the development of the Clermont County Radiological Emergency Response Plan, and the testimony presented by Mr. Fite was based upon his experience and knowledge as the Administrative Assistant, as a past Principal within that school system and his involvement in the emergency planning for that Ohio school district. Tr. 5626, 5697, 5707-8.

21. A problem within the New Richmond School District's emergency planning for the protection of the health and safety of school children within that district is communications with school bus drivers during the periods close to the commencement of driving school bus routes or during in-route driving of those buses because of the lack, or failure, to communicate with the bus drivers. Tr. 5632.

22. Attempts to contact school bus drivers in route by telephoning a parent or someone on the bus route to stop the bus and advise the driver is totally inefficient and as a consideration of the emergency plan for school children as it relates to a Zimmer emergency. Tr. 5633.

23. The problems addressed in paragraphs 21 and 22 have been discussed with county and state planners and with representatives of the Cincinnati Gas & Electric Co., including the Clermont Director of the Disaster Services Agency, Kenneth Conover, but no planner with whom the problem has been discussed has offered any plan for communication with in route school bus drivers, except the plan to call a person

on the route which has been rejected by the New Richmond School District as being inadequate as a plan. Tr. 5633-4.

24. Within the New Richmond School District the Superintendent's office has three telephone lines, the High School has three telephone lines, the Middle School has three telephone lines, the Elementary School has two telephone lines, in which all telephone lines of the district have been subject to overload and the inability to telephone or receive telephone calls. Tr. 5638-9, 5692-3.

25. Telephone overload has been experienced in the past at the New Richmond School District due to parental incoming calls, exemplified by snow and flood situations, and in which it is difficult to obtain an open line timely during normal operations. Tr. 5639-40.

26. Contact of school bus drivers at the driver's home is dependent upon the use of commercial telephones, in which the current school directs that Mr. Fite telephone and direct 10 bus drivers and Mrs. Seiger, Superintendent of Transportation, telephone and direct the remaining eight bus drivers. There is no school policy or regulation requiring school bus drivers to be on standby at their respective homes during the day and between routes. There is no school policy or regulation requiring that the drivers call either the school or the transportation superintendent during the period between morning and afternoon routes when the weather is bad. Tr. 5663, 5667, 5689.

27. The experience of the New Richmond School District in the past has been frequent problems in communications between school and bus drivers in cancelling or announcing delay in the commencement of school in advising the transportation superintendent and the school bus drivers. Tr. 5693-4.

28. There are no plans in being for a two-way radio communication between school personnel and the schools within the district, and in which one-way radios, NOAA and Emergency Radio Broadcasting would be of no assistance in school communications between school personnel, but would be assistive in providing information pertaining to circumstances at the Zimmer Station during an emergency. Tr. 5696, 5699-5700.

29. A one-way radio providing information would be inadequate for school communications during a Zimmer emergency. Tr. 5651-2.

30. On Monday preceding the testimony by the New Richmond School District personnel, the transportation superintendent attempted to notify all 18 buses of the district not to transport middle and elementary school children because school for those schools had been cancelled for the day. Fourteen bus drivers were contacted at the high school site, but there was a failure to contact four bus drivers at that site. Of those four drivers, only one was contacted in route with a failure to contact in route experienced as to three due to lack of communication. Tr. 5659-5661.

31. In the event of a Zimmer emergency, the New Richmond area telephone system, prefixes 553 and 557, will overload due to the public's use of telephones during an emergency, in which in the past during heavy snowfall, blizzard, rising water and flood the telephone system has overloaded as a frequent occasion. Tr. 5753[3], 5783-5.

32. No school within the plume exposure of the EPZ in Ohio has more than four telephone lines and some have only one or two lines. Tr. 5038.

33. The Clermont County planner has made no inquiry concerning the overloading of telephone lines at schools during snow emergency or in general and the Clermont plan does not address this circumstance, although the situation has been advised to a Stone & Webster employee assisting the Clermont planner. Tr. 5039-40, 5042.

34. The Clermont planners are aware that school buses for the schools in the plume exposure area of the EPZ are at different locations during the course of the day and that the means to communicate with those bus drivers may vary, the Clermont plan does not address that situation. Tr. 5058.

35. The Clermont plan provides that school communications between school personnel during a Zimmer emergency is by commercial telephone as the primary means of communication with a one-way NOAA radio and Emergency Broadcast as the secondary means of communications. Tr. 5879-80, 5880, 5882.

36. The applicant has no reason to disbelieve that the 553 and 557 prefixes (New Richmond telephone system) will overload.

37. School communications during a Zimmer emergency is limited to the use of commercial telephones for two-way communication between school officials and school personnel. Tr. 5901-2.

38. School bus drivers in the Ohio plume exposure area of the EPZ must rely upon NOAA radio or messenger for directions in the event of a telephone circuit overload during a Zimmer emergency, but the Clermont plan does not provide for a messenger identification. Tr. 5903-4.

39. In the event of school telephone overload, school cannot communicate with school personnel or county emergency response personnel

and the Clermont plan does not address that circumstance, as that circumstance is applied to the New Richmond, Bethel-Tate and Franklin-Felicity school districts. Tr. 5905, 5907-9.

40. Bus drivers may or may not be able to hear NOAA and Emergency Radio Broadcasts pertaining to instructions presented by that medium to school bus drivers. Tr. 5909.

41. The applicant has no knowledge whether school buses in the involved Ohio school districts are equipped with commercial radios to receive NOAA and Emergency Radio Broadcasts while in route and during a Zimmer emergency. Tr. 5911.

42. Approximately 15 minutes is necessary to forward a message for announcement on the Emergency Broadcast System. Tr. 5919.

43. The Franklin-Felicity School District must utilize long distance trunk lines for communications with or receipt of communications from the county EOC, the applicant's EOF and the county school superintendent. Tr. 7024-5.

44. The FEMA witness, in presenting his opinion pertaining to the use of commercial telephones for the involved Ohio school as to the number of bus drivers to be contacted by the school or the times involved for summoning drivers to the school, although this information would be an important circumstance in determining the adequacy of any commercial telephone system utilized for emergency communications, as well as the ignorance of the number of calls necessary for school communications to summon drivers or the times involved. Tr. 7025-6.

45. The FEMA witness acknowledged that there was no method for two-way radio communications with Ohio school bus drivers and that communications with school bus drivers was dependent upon the ability

of school personnel to utilize commercial telephones. School bus drivers are emergency personnel within the principal organization of the school as a part of the emergency response planning. Tr. 7032,7035.

46. The FEMA witness acknowledged that it was necessary that school officials communicate with their personnel, including school bus drivers, for purposes of presenting instructions and directions through the use of commercial telephones. Tr. 7057.

47. The FEMA witness acknowledged that with a telephone overload that school officials could not communicate with school personnel, and this witness did not know whether the "Badger secret system" would remove this difficulty in school communications during a Zimmer emergency. Tr. 7060-1, 7064.

48. In the Campbell County School District the superintendent's office has four telephone lines, Campbell County High School has three lines, the bus garage and Alexandria Elementary has each two lines, and the remaining schools within the district have only one line, all of which are subject to overload during snow and other emergencies, and in the event of a Zimmer emergency the school telephone lines would be overloaded by parental calls and the resulting inability of school officials to communicate with schools and with school bus drivers and that the Campbell County School system cannot timely and effectively communicate with personnel and summon school bus drivers to evacuate school children for the protection of their health and safety, in which evacuation would require several hours due to the complexity of bus location, communication with drivers, nature of roadways and population reaction, limited telephone lines, resulting in the inability to effectively respond to timely and safe evacuation of school children. Tr. 6371[6], 6371[7].

49. The Campbell school district has no means to communicate with drivers in route and the only means of communications with drivers during the period between routes is by commercial telephone in which there is no reasonable assurance that school bus drivers can be contacted to commence school evacuation. Tr. 6371[5].

50. The Superintendent of the Campbell County School District has not been advised that a two-way radio would be installed in the superintendent's office and in A. J. Jolly and St. Peter and Paul Schools. If such a radio system was installed, it would not be assistive for communications with school bus drivers or with Grants Lick Elementary or Southern Campbell Middle Schools. Tr. 6373-4.

51. The school district has no control over the "flag down" communication device for contacting school bus drivers in route and that method is not a permissible communications device to contact and instruct a school bus driver in route. Tr. 6375.

52. A NOAA radio is not an effective means of communications for school emergency communications during a Zimmer emergency because it is a one-way radio. Tr. 6399-6400.

53. The Kentucky emergency response planners do not know whether Campbell County is served by the 635 prefix telephone exchange and have been advised by the Superintendent of the Campbell County School District that the telephones in the area are subject to overload and cannot be relied upon by that school district for contact with and instructions to the school district's bus drivers, and in which the planners have no details for notifying school bus drivers during the course of the day and between morning and afternoon routings. Tr. 6071-2.

54. The Kentucky and Campbell County Emergency Response plans have no method for school evacuation and no SOP's for the

protection of school children, inclusive of communication within the school system during a Zimmer emergency. Tr. 6043-4.

55. The entire 635 exchange, the telephone exchange for the plume exposure area of the EPZ in Campbell County, Kentucky, has been traditionally subject to overload of the circuits. Tr. 7965.

56. The 635 prefix telephone system overloads in an emergency as evidenced by a busy signal or the absence of dial tone. Tr. 6521-2.

57. Although some future planning is indicated that the Campbell County School Superintendent and the Jolly and St. Peter and Paul Schools will be provided with two-way radios, the communications between school officials and school bus drivers to provide those drivers with instructions and directions is dependent upon commercial telephone communications. Tr. 6522, 6525.

58. Applicant's witness Badger has a system for dealing with school communications by commercial telephone to provide one or more lines being free from school overload — not circuit overload — but this system is neither revealed on the record nor is it revealed to state and local planners. Tr. 6535.

59. The use of 10% of the telephones, subscribers, within a telephone system is sufficient to overload the circuits of that system, e.g., a system possessing 3000 subscribers is subject to overload of the circuit where 300 subscribers use a telephone at one time. Tr. 6542-3.

60. The FEMA witness acknowledged that the Campbell County school system's telephones are subject to overload and that there is no reasonable assurance that the Campbell School District telephone system would not be overloaded in the event of a 30-minute atmospheric radiological release from the Zimmer Station. Tr. 7068-9.

61. The Campbell County School District emergency response plan cannot be implemented as to communications with school personnel by commercial telephone where those telephones are subject to overload. Tr. 7077.

62. The use of commercial telephones to summon school bus drivers to school sites would not provide assurance that the drivers would be contacted. Tr. 7078.

63. The use of the communications device of two-way radios at Jolly and St. Peter and Paul Schools would have no effect on the summoning of school bus drivers to those sites. Tr. 7083.

CONTENTIONS 21(c)[1], [3], [4]; 21(d)[1]-[4]; 21(e)[1]-[3]

64. The New Richmond School District site consisting of the High, Middle and Elementary Schools, is located on Bethel-New Richmond Road, also referred to as "Long Hill," and situated approximately one mile from U.S. 52, from which one would enter a long hill leading to the school site. Tr. 5629.

65. Bethel-New Richmond Road is the road passing in front of the school site and is the only ingress, egress road for the site. S.R. 132 is approximately one mile distant from the school site and Gee Hill Road (actually Frank Willis Memorial Road) is approximately one and one-half to two miles from the school site. Tr. 5700-02.

66. The student populations at the Bethel-New Richmond Road site is: high school, 638; middle school, 392; elementary school, 473; and 147 students bused into and away from the site daily for attendance at U. S. Grant. Monroe Elementary School is located within the plume exposure area of the EPZ having a student population of 549 and Pierce Elementary is outside of the plume exposure area of the EPZ, but part of this district, and has a student enrollment of 363. Tr. 5636, 5645-6.

67. The Bethel-New Richmond school site possesses two roadways entering into the school site and flowing into a single road, in which the nature of the roadway at this site subjects it to vehicular congestion and a concern by the school that when parents proceed to the site to obtain their child that parent vehicles will block the roadway and consideration has been given by school officials to obtaining assistance from the New Richmond police. Based upon past experience, the school officials assume that parents will come to the school to obtain their children in the event of a Zimmer emergency. Two years ago a tornado warning was announced after school had been dismissed, but school officials had made the decision that it was safer to keep the students in school, and without contact with parents several parents came to the school to get their children and the child was released to the parent because the school is required to release the child to the parent on request. Emotional stress was detected more on the parents than on the children. Tr. 5636-8, 5679, 5708-10.

68. School officials in the Ohio districts of the plume exposure area of the EPZ have failed to keep parents advised of any comprehensive planning in the event of a Zimmer emergency resulting in a lack of confidence that school children will be adequately protected and the parents' election to obtain their children from the school in the event of a Zimmer emergency. Tr. 5534[3], 5534[4], 5544.

69. Parents of New Richmond School District students although advised not to go to the school to obtain their child will proceed to the school in the event of a Zimmer emergency to transport their child and that will create traffic blockage and congestion for which there is an insufficient number of police officers to direct or control such

activity, in which the New Richmond site (Bethel-New Richmond Road) is particularly vulnerable to both traffic blockage and vehicular accident. Chief Harold Kennedy, New Richmond Police, has six full-time police officers and four auxiliary, volunteer, police officers. Chief Kennedy is aware that parents would come to the school site and that such an event would slow evacuation. Chief Kennedy is unaware of any Ohio law which would permit police officers to restrict entry of parents to a school site where the purpose of the parents would be to obtain their children. There is not a sufficient number of police officers to remove the traffic blockage created by parents converging on the New Richmond school site. Tr. 5753[4], 5755, 5757, 5776-8.

70. A vehicular accident on "Long Hill" of Bethel-New Richmond Road in December, 1981 blocked the roadway, resulting in a one and one-half hour delay in buses with students and teachers in private vehicles arriving at school. Any vehicular mishap on "Long Hill" would halt all traffic until the vehicle could be removed. Tr. 5630-1.

71. School buses have difficulty in negotiating "Long Hill", particularly where there is any ice or snow accumulation and as exemplified by four buses waiting "quite a long time" to travel the hill, waiting at the bottom of that hill until the roadway was cleared of snow accumulation. Tr. 5630-1.

72. The New Richmond School District employs three bus trips per route, morning and afternoon, in which the morning routing commences at 6:00 a.m. and concludes at 9:06 a.m. and the afternoon routing commences at 1:50 p.m. and terminates at 4:40 p.m. During the period between routes, 13 buses are parked at drivers' homes; two buses are parked at Monroe School, in which one driver lives in Bethel,

8-9 miles from the school site, and the other lives at Lakeside Estates on Bethel-New Richmond Road, approximately 6-7 miles from the school site (Monroe School is 6-7 miles from the New Richmond site); one bus is parked at Pierce Elementary and its driver is the custodian of that school; and two buses are parked at the New Richmond Village bus garage, both drivers live at Hilltop Estates on S.R. 132. All drivers live in the school district except two, one previously identified as living in Bethel and the other one who lives in the West Clermont School District. Tr. 5643-4, 5646-8, 5653.

73. Thirteen buses are parked at the drivers' homes, in which two or three drivers are farmers. The drivers are at their liberty to go anywhere they choose during the period between morning and afternoon routes and may proceed to the Eastgate Mall or shopping centers in Hamilton County, or elsewhere. Tr. 5661-3.

74. The New Richmond bus fleet includes 18 regular buses and two spares. Occasionally a bus is out of operation for repairs. The model years for the buses range from 1972 to 1981 and most have replaced engines. Tr. 5641.

75. The students of this district live in Pierce, Ohio, Monroe and Washington Townships, in which all children enrolled in the middle and high school attend the New Richmond site. Tr. 5648.

76. There are not enough buses to transport all 2600 students of this school district in one trip. The bus passenger capacity for each bus is 65 students with the availability to transport six additional students for a capacity of 71 per bus. Tr. 5645, 5688.

77. No meetings have been conducted with school bus drivers to discuss the risk and obtain assurance that the drivers would respond

for evacuation of students in the event of a Zimmer emergency; however, a future meeting is anticipated to make this determination. Tr. 5679-80, 5682-3.

78. The West Clermont School District has agreed to send buses in the event of a Zimmer emergency to the New Richmond School District, but the number and circumstances attending that sending of buses is not known. Tr. 5690.

79. The transportation superintendent is the only school personnel individual at the school garage that can drive a school bus with children. Tr. 5687.

80. Ohio and Clermont County planners acknowledge that the New Richmond School District does not have a sufficient number of buses to evacuate students in one trip and the planners are aware that buses are parked off school site. The planners are unaware of the West Clermont circumstance pertaining to supplying buses to New Richmond. Time estimates for supplying buses to New Richmond from other districts were unknown. Tr. 5047, 5050, 5056.

81. No discussion has been held pertaining to the situation of buses in route as it pertains to evacuation times. There is no contingent plan to cope with parents arriving at the New Richmond site in the event of a Zimmer emergency. Education of the parents may reduce but not eliminate the problem of parents present at the school site in the event of a Zimmer emergency. Tr. 5059, 5076-8.

82. The Superintendent of the Campbell County School District is responsible for the health and safety of students enrolled in the public schools in that district at the times and within the control of the district at school sites and in the transportation of school children,

including the transportation of students enrolled in private schools within the district; and to provide programs and measures necessary for the well-being and protection of school children within the district. Tr. 6371[1], 6371[2].

83. The school district possesses 49 buses with a capacity for 65 passengers, plus 9 spare buses with 65-passenger capacity, and 2 lift buses, each possessing 12-passenger capacity and 2 wheel chair positions. Of the 60 buses possessed by the district, 25 are eight years old or older. Due to the age and mileage of the buses, they are not dependable. During the 1980-1981 scholastic year, buses were out of service for repairs for 78 days out of 175 school days for the year. Tr. 6371[3], 6371[4], 6407.

84. 4347 students are enrolled in the schools situated within the plume exposure zone of the EPZ and the total enrollment for the district is 6111 students. 6371[3].

85. The district employs 54 regular drivers, 25 of whom have other employment, and several school bus drivers are engaged in farming. Drivers are not available at all times and one driver has no home telephone. 37 buses are parked at the bus garage overnight and 21, plus the 2 lift buses, are parked at other locations, including the drivers' homes and away from the school site that they service, involving distances from 5 to 15 miles. No buses are parked at the Jolly or St. Peter and Paul Schools. Tr. 6371[4].

86. The Kentucky and Campbell County plans are inadequate for any emergency response for school children protection. School officials have not been advised of Zimmer hazards, times for response, and other matters critical for planning and information to advise

school staff and drivers. There are not present the means by which parental support can be gained and parents will respond to school to transport their children, which will create traffic congestion at school sites, frustrating timely evacuation by school bus. There is an insufficient number of buses and the absence of communications to effectively implement any plan for the health and safety of school children. Tr. 6371[8], 6371[9].

87. The school district cannot permit the use of TANK buses, church buses, non-school buses, and school buses from other school districts to be utilized for the evacuation of school children in the Campbell County School District during a Zimmer emergency. Private automobiles, vehicles, cannot be used to transport school children. Tr. 6375-7.

88. The plans for schools and the SOP's are not adequate, presenting little planning effort as reflected by draft SOP's for Bracken, Pendleton and Clermont Counties. Tr. 6383-93, 6398-9.

89. Stone & Webster, as planners, and all other planners with whom this school district has had contact, have little knowledge of what is encompassed in evacuation, including building sites, roads, etc., none of which have been envisioned by the planners. Tr. 6421.

90. Buses for the Jolly students will be dispatched from the bus garage, a distance of 11-12 miles. The buses are at the garage but the drivers are not, in which only one or two drivers would be available at the bus garage. Teachers cannot drive school buses because they must be accountable for the students in their charge and teachers must account for their classes. Tr. 6396-7, 6405, 6412-3.

91. Four buses are required to evacuate the Jolly students

and two buses are required to evacuate the St. Peter and Paul students. Tr. 6409.

92. If the school is not advised before the public, a traffic congestion will ensue at the Jolly site, blocking buses at that time due to the Route 8 problems, in which one to two hour delays have been experienced in the past because of snow, accident or flooding. Under optimum conditions it will take one hour to dispatch and have Jolly students boarded, based upon the absence of public notice before the student boarding and departure of the buses from the site. Tr. 6411-12, 6418, 6422-5.

93. The Kentucky and Campbell County plan provide no method or plan for school evacuation and there are no SOP's for the protection of school children. Tr. 6043-4.

94. SOP's not in existence will have to deal with many aspects of school evacuation, including buses in route. Tr. 6069.

95. State and local Kentucky planners have no details for notifying school bus drivers during the course of the day. Tr. 6071.

96. Buses cannot be dispatched to the Jolly school site within 30 minutes. Tr. 6076.

97. The current plan provision to return children to home will be altered. Tr. 6105-6.

CONTENTION 20(e)[3]-[6], [7]-[15], 36(H)

98. Members of the Monroe Township Volunteer Life Squad have not received radiological training for emergency response in the event of a Zimmer emergency. Several members of that life squad would not undertake their assigned emergency response role at the time of a Zimmer emergency because such personnel would assist their families in evacuation and many members of the life squad may be unavailable due to the nature and location of their employment, as well as declining to participate because of the risk involved. The permanent chief of this squad will not participate or assume her assigned role in emergency response during a Zimmer emergency. Tr. 5443[2].

99. Jimmi McIntosh, a member of the Monroe Township Life Squad, was uncertain whether she would respond to a Zimmer emergency in the response role assigned to that unit by the Clermont County plan. Tr. 5453.

100. To qualify as an emergency medical technician one must successfully complete a 70-hour course in which less than 30 minutes of that course is devoted to radiological training. Tr. 5456-7.

101. A member of a volunteer life squad is not required, as part of the responsibility of membership, to accept any and all risks, and the members of the Monroe Township Life Squad have not been advised of what risks they might experience during a Zimmer Station radiological release. Tr. 5457-8.

102. The Chief of the Monroe Township Life Squad has elected not to participate in any Zimmer emergency and this has resulted in halting any emergency planning pertaining to this life squad relating to a Zimmer Station off-site emergency plan. Tr. 5458-9, 5462.

103. This life squad member would first ensure the safety of her family before engaging in any emergency response role related to a Zimmer emergency. Tr. 5461.

104. From approximately 8:00 a.m. to 5:00 p.m. there is a low availability of New Richmond life squad and firemen, in which approximately 95% of the New Richmond life squadmen have indicated that they will not respond to a Zimmer emergency, and 25% of the firemen have

indicated that they will not respond in an emergency response role in the event of a Zimmer accident. The leader of this life squad would first attend to the needs of his family and then determine whether he would undertake his emergency response role in the event of a Zimmer accident. Tr.5467[1]-[3], 5470, 5475-6.

105. Of the total firemen and life squadmen of New Richmond, 42, only 12 completed the course and training for radiological response to a Zimmer emergency. Tr. 5470-2, 5476.

106. Chief Feldkamp, New Richmond Life Squad and Fire, would not be able to perform his emergency response role as either a life-squadman or as a fireman in the event of an evacuation resulting from a Zimmer accident because he would assist his family in the evacuation and the majority of this volunteer group would likewise respond to their family evacuation first. Tr. 5492-3.

107. Members of the New Richmond Volunteer Life and Fire Squads and members of the Monroe Township Volunteer Life and Fire Squads would first evacuate their families and subsequently decide whether to undertake their emergency response roles in the event of a Zimmer accident. Tr.5575[4], 5583.

108. The Clermont County plan is depended, in several respects, upon the availability and involvement of volunteer fire and life squad personnel. During the course of the day, when volunteer fire and life squad personnel are at their places of employment, it is difficult to obtain the services of such personnel. The majority of these volunteers will evacuate their families first and then decide whether to undertake their emergency response roles related to a Zimmer emergency. Tr. 5753[6], 5769-73.

109. The Eastern Campbell County Fire Department has received inadequate training or no training to undertake an emergency response role in the event of a Zimmer accident and has only three to five firemen available during the course of the day. The Campbell County plan assigns the emergency response role to this fire department to assist in the evacuation of the mobility impaired; however, the department has no means for identifying those to whom transportation is to be offered. Tr. 6442[1]-[4].

110. The members of the Eastern Campbell Fire Department, except

three, work outside of the 10-mile radius of the Zimmer Station and the firehouse is not manned on a 24-hour basis. This department could not notify Camp Sunshine in the event of a Zimmer emergency during the period that the firehouse was unmanned. Tr. 6446-8.

111. The Eastern Campbell Fire Department will assist their families in evacuation, in which their responsibility to their families is the first priority. Tr. 6480-81.

112. The Kentucky and Campbell County plans do not specify whether fire personnel would use private vehicles or fire department equipment in door-to-door verification for occupant notification of a Zimmer emergency. All fire personnel in Campbell County are volunteers. Tr. 6108.

113. Meetings have been conducted in Kentucky to explain the risks to be assumed by emergency response personnel but there is no indication that such personnel would accept such risks. Tr. 6110.

114. The Campbell County plan is dependent upon volunteers for initial response to a Zimmer emergency. Tr. 6110.

115. Kentucky state and local planner have no knowledge of where volunteer response personnel are employed and no inquiry has been made of fire chiefs to determine if firemen could respond during daylight hours in the event of a Zimmer emergency. SOP's for fire personnel are to be developed in the future and all SOP's are in draft form. Tr. 6129-30, 6135-8, 6140.

116. The availability of volunteer personnel cannot be predicted from the state and local plans. Factor to be considered in the availability of volunteer personnel is vacations, illness, job and other employment. Tr. 7449.

117. The FEMA witness has no knowledge as to whether training has been provided to Kentucky firemen and without knowledge as to the presence or absence of training cannot determine if the duties assigned by plan can be discharged. Tr. 7488.

CONTENTION 23

118. Portions of the population involved in the plume exposure area of the EPZ do not follow direction and respond to written or verbal communications absent the opportunity to make inquiry as to the instruction

to be followed, including a severe inability to follow simple directions. This portion of the population will not follow directions as to notification of a Zimmer emergency, i.e., place a card or towel at door or mailbox. Tr. 5427[3]-[5], 5431.

119. As to Monroe Township residents it is unlikely that a large number of that population will utilize the notification cards or towel placement and this population will not follow evacuation or take shelter directions disseminated to them. This population possesses a high degree of anxiety and fear concerning radiation and doubt the credibility of information supplied during a Zimmer emergency. The period involved for door-to-door verification of Monroe Township residence would require a three and one-half to four-hour period due to the number and type of roadways within the township, including residences serviced by 200-foot and longer driveways. Tr. 5575[3].

120. Residents of the Village of New Richmond and the townships of Monroe and Ohio will not follow directions presented to them before or during a Zimmer emergency. Approximately one-half of this population will display a notification symbol. In the event of a Zimmer accident this community will overreact and probably panic resulting in vehicular accidents together with an inadequate number of emergency response personnel to cope with that circumstance. Tr. 5467 [3]-[4], 5480, 5494, 5497, 5579-80.

121. The populations residing in the villages of Moscow and New Richmond and the townships within the plume exposure area of the EPZ, based upon past conduct pertaining to tornadoes and flood, have failed to undertake protective actions upon direction and with previous advise and education concerning protective actions to be taken. That public contacts the police department and lodges inquiry and it is difficult to have that public follow police direction. This population will not read or understand, if read, informational materials submitted to that population. An approximate 10% of the population will follow the directions for placement of a card or towel at the residence to indicate notification of a Zimmer emergency, and that population will delay in undertaking protective action in the event of a Zimmer accident. In the event of a Zimmer emergency this population will overreact and will not follow police direction, e.g., proceed through erected barricades. Parents, although advised to the contrary, will

proceed to the New Richmond school site and block traffic at that site. Tr. 5753[2]-[4], 5763-4.

122. This population may obey the law but exercise poor judgment in their conduct. Characteristic would be the disobedience of posted signs and disregard of verbal instructions, e.g., in 1978 in New Richmond the National Guard was activated and posted in the village acting under the authority of the police and driving past posted guardsmen and through erected barricades for the reasons: "I have a family in there," "I have to get to the flooded area," "I want to move my furniture." Tr. 5781-3.

CONTENTIONS 4(12) and 23(3)

123. Dr. Fankhauser's Contention 4(12) states that the document entitled "Circle of Safety" is written in vague language and language not calculated to insure that the populace will take the appropriate protective measures in the event of a general emergency.

124. ZAC-ZACK's Contention 23(3) states that the "Circle of Safety" as the mode of educating the affected population as to the nature of nuclear power, radiation, protective action, preparation is beyond the capabilities of the majority of the population within the affected area. Based on the average number of sentences and syllables per 100 words the publication, in accord with Fry's Read ability Graph, the document is within college level readability. The publication is too involved, too long and too sophisticated in its writing style to be either read or understood by a large segment of the involved population. The publication's style is comparable to text-book industry publications which do not interest the average reader and due to length frustrates the average reader and deters complete reading. Further, the publication in preliminary sentences attempting to minimize the potential hazards directs the average reader to stop reading those portions because the reader is initially informed that the matter will probably not occur and thus is extraneous information. The publication has no reasonable assurance of being read, understood or educating the population within the EPZ and thus has no educational value of informing the affected public of the matters necessary to be known by that public to properly respond to an emergency at the Zimmer Station.

125. The "Circle of Safety" is intended to be the primary means for dissemination of information to members of the public who reside within the plume EPZ. Appl. Ex 15.

126. Subsequent to the filing of Intervenor's testimony relating to these Contentions the applicants rewrote the "Circle of Safety" essentially by simplifying the language and reducing the readability level to a seventh grade level on the Fry Readability Graph. Tr. 5818.

127. Kenneth Conover, who has been responsible for the overall coordination of the development of the Clermont County Emergency Radiological Response Plan (Tr. 5008), has not reviewed the revised "Circle of Safety". Tr. 5109.

128. The Clermont County officials have made no inquiries into the general educational levels of the Clermont County plume EPZ population. (Tr. 5107-8) No evidence was presented to the Board by the applicants, county and state officials or by FEMA on the affected population's general educational level to establish that the readability level of the revised "Circle of Safety" will be appropriate.

129. Dr. George Wolff, Ph.D, a professor of English at Clermont College who teaches writing and has had experience translating technical written material to a level of general lay understanding, reviewed the revised "Circle of Safety". Tr. 5715-16, and 5751.

130. Although the readability level of the revised "Circle of Safety" has been reduced, the style and content of the "Circle of Safety" fails to communicate basic necessary information which would be calculated to ensure that the general populace will take the appropriate protective action in the event it is warranted by a general emergency. Necessary basic additional information should answer such questions as: What will the public expect to encounter at relocation centers as to services available, sleeping space, and availability of basic necessities such as food, etc.? What should be done if conflicting protective actions are given, i.e. who is ultimately in authority? Tr.5718-22.

CONTENTION 24[10]

131. The Clermont Association of the Physically Handicapped and Developmentally Disabled (CAPH/DD) has two vehicles equipped with lift for non-ambulatory individual transportation. One vehicle has two wheel chair tiedowns and seating capacity for six passengers; the other is equipped with eight wheel chair tiedowns and a seating capacity for 11 persons, being approximately the size of a 52-passenger school bus. The agency has only one driver and that driver has no home telephone and the mode of contact with the driver is to telephone her mother whose residence is eight miles from the driver's and request that a message be delivered. Tr. 5500[2].

132. Some of the country lanes present within the plume exposure area of the EPZ may be inaccessible for the larger of the two vehicles. Tr. 5500[2]-[3].

133. The list of handicapped individuals which would require evacuation in the event of a Zimmer emergency is incomplete, the total number of persons requiring evacuation by this agency is unknown, as well as temporarily disabled persons who would not identify themselves until a Zimmer accident. Statically it is presumed that there are 976 handicapped individuals within the plume exposure area of the EPZ.

In addition there are 153 identified mentally disabled individuals living within the 10-mile radius of the Zimmer Station. Tr. 5500[3]-[4], 5509, 5524.

CONTENTION 25[3] AND [4]

134. There are several goats present in Clermont County which produce goat's milk for human consumption. The farms in which goats are maintained have inadequate storage facility to keep feed covered and it would be difficult to maintain roughage under cover. The monitoring and maintenance of milking goats is a problem. It is unknown whether goat's milk is transported within or without the county for retail sales and subsequent consumption. There is little testing done for goat's milk in which there are only two goat producers in the county which are tested. The remaining goat's milk is consumed at the farm of its source or from farm site sales and possibly retail sales. Tr. 5557[2] and [4].

135. There is no provision in the state and local Ohio plans for the monitoring of goat's milk and that question, and for the first time, is currently being considered by the state of Ohio, Tr. 5140-2.

CONTENTIONS 20(c)[1]-[14], 36(B), 36(C), 36(D), 36(G)

136. The roadways situated in the involved counties within the plume exposure area of the EPZ are steep, hilly, narrow and winding roadways, subject to snow and ice accumulation and to impassability resulting from flooding, all of which retards effective, prompt and timely evacuation of the population involved in those areas. Tr. 5303-5315, 5323-5351, 5360[3]-[6], 5364-5421, 5575[2], 5629, 5643-4, 5654-5, 5672-5, 5683-4, 6371[5]-[6], 6494[1], et seq., 6495-6515, 6516[1]-[6].

137. The Ohio state and county planners have no knowledge of what roadways in Clermont County do not have berm or shoulders, have no information pertaining to the residents served by 200 ft. lanes, have no knowledge as to the time required to clear roads of snow or

ice accumulation, and presented no consideration in the county plan of the manner and means by which the county engineer will maintain roads in the event of snow, awareness of narrow bridges and culverts on S.R.'s 133, 222, 232, 125 and U.S. 52, in which the maximum safe speed in these locations would be 20 m.p.h., and possesses knowledge of the snow accumulation and the impassability of roads during the 1977 and 1978 winters. Tr. 5010, 5013-4, 5026, 5035, 5099, 5117-8.

138. The Kentucky state and local planners acknowledge that Campbell County is hilly, that Kentucky has crooked and narrow roads and are, to a certain extent, steep and curving, possessing maximum speeds of 35 m.p.h., in which it is unknown whether the roadways can adequately handle an evacuation, and it is unknown whether there is sufficient equipment for snow removal and that during severe weather most routes would be impassable and that there are many hills in which ice accumulation would prevent vehicles from traversing the evacuation routes and that R.8 is impassable at 58 ft. flood stage and the Goshen Mill area is subject to flash floods rendering the roads impassable. Tr. 6045-6, 6053-4, 6056, 6058, 6064-5.

139. The FEMA witness acknowledges that FEMA considers the evacuation estimates high, questioning the number for highway capacity as listed in all of the involved plans, in which such question raised by FEMA may be significant to the decision-making process in electing evacuation, raising a question of the inadequacy of the plans as now constituted, in which each involved plan relies upon the Stone & Webster time estimate. Tr. 7121-2.

OTHER FACTUAL MATTERS

140. Brian K. Grimes, Director of the Division of Emergency Preparedness in the office of Inspection and Enforcement by the Nuclear Regulatory Commission, stated that procedures should be developed by the state and local planners for the schools and bus drivers and those persons trained so that protective actions can and will be taken, by example: procedures should be developed to direct the actions of school personnel and bus drivers within conditions of schools being in session or students in transit. Tr. 7395.

141. This witness presented his understanding that the hearing process is available to provide the opportunity for individuals or organizations to raise particular issues of emergency preparedness as a forum for the discussion of those issues. Tr. 7402.

142. The witness further acknowledged that in accord with NUREG 0654 that at the time plans are submitted for review of contentions before an atomic safety and licensing board that such plans should make clear what is to be done in an emergency, how it is to be done, and by whom. Tr. 7405.

PROPOSED CONCLUSIONS OF LAW

143. The Atomic Safety and Licensing Board is required to decide the issues in controversy among the parties, in this instance the revised contentions as consolidated, or separately presented, and the evidence set forth in the record. The basic issue governing the determination of the contentions herein is whether the issuance of the license here sought will be inimical to the health and safety of the public as that provision is set forth in 10 C.F.R. Part 2, App. A, Section VIII(b)(6), and in which this Board shall make findings

on the matter in controversy among the parties. It is therefore a fundamental concept of due process of law that the parties are entitled to a determination based upon this record as now constituted with or without the completion of the planning efforts by the state and local governments involved in the off-site planning.

144. The state of off-site emergency preparedness fails to provide a reasonable assurance that adequate protective measures can be taken and that the state and local government off-site plans are capable of being implemented in the event of a radiological emergency at the Zimmer Nuclear Power Station, in which the planning for schools in both the states of Kentucky and Ohio are inadequate on their face and incapable of being implemented for the health and safety of the school populations involved in the plume exposure area of the emergency planning zone; that the plans in their implementation fail to provide a reasonable assurance that the volunteer emergency response personnel can or will be available and involved in their respective response roles for which the public's health and safety rests in jeopardy; that the plans on their face and as sought to be implemented are incapable of providing a reasonable assurance that school personnel can communicate emergency directions for the summoning of buses and communications between school sites to insure the protection of the health and safety of school children; that the roadways situated in the involved areas and the circumstances of road impassability due to ice and snow accumulation and flooding conditions, and the failure to provide for adequate removal of roadway impediments due to vehicular mishap, is inadequate upon the

face of the plans, rendering them incapable of being implemented for timely and effective protective actions of evacuation to afford reasonable assurance for the safety and health of the involved public; and the total absence within the plans or the capability of implementing protective actions to safeguard the public from the consumption of goat's milk, absent any plan for the surveillance and monitoring of goat's milks renders that plan incapable of providing a reasonable assurance that the health and safety of the public will be protected.

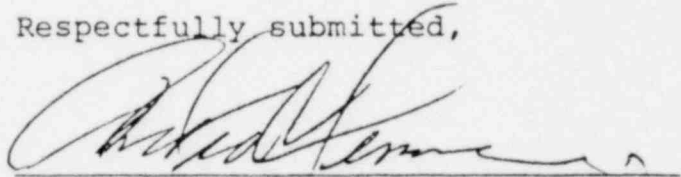
145. The testimony of the witnesses offered in behalf of the Federal Emergency Management Agency was totally lacking in any individual findings of fact or the manner in which plans should be implemented by the inability of such witnesses to have any knowledge of the number, circumstances and involvement of emergency response personnel, the dependability of such emergency response personnel or the capabilities of being trained or in fulfilling the assigned role.

146. In the alternative, the record appropriately demonstrates that Brown County, Ohio is an area which requires radiological emergency response plans in that that county requires local emergency response as it is affected by the conditions of the land characteristics and access routes of transporting evacuating Clermont County residents into that county without any reasonable assurance that those evacuees will not contaminate persons in areas of Brown County and that it has and possesses the suitability for the creation and placement of relocation, care, centers and as such this Board finds that the contentions heretofore denied and which relate to Brown County are hereby admitted.

PROPOSED ORDER

147. WHEREFORE, it is ordered that the Director, Office of the Nuclear Reactor Regulation, shall deny the application of the Cincinnati Gas & Electric Co., Dayton Power & Light Co., and Columbus Southern Electric Co. operating license, upon the finding that the state of off-site emergency preparedness fails to provide a reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the Zimmer Nuclear Power Station.

Respectfully submitted,



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Dated: April 13, 1982

CERTIFICATE OF SERVICE

02 15 1982

I hereby certify that copies of the foregoing document entitled "Proposed Findings of Fact and Conclusions of Law Submitted by Lead Intervenor ZAC-ZACK Pertaining to Issues of the Sufficiency of Off-Site State and Local Emergency Response Plans and as Presented by Contentions 20X, 20-25, and 4(12) has been served by ordinary U.S. Mail postage prepaid upon the following persons this 13th day of April, 1982:

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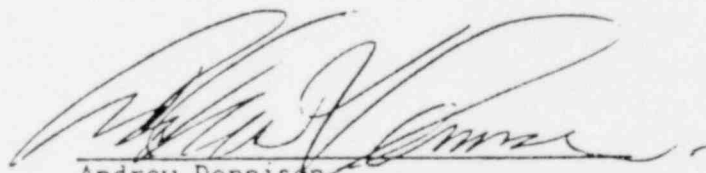
Copies of the same above referenced document have been served upon the following parties this 13th day of April, 1982, by service upon the offices of The Cincinnati Gas & Electric Company, Fourth and Main Streets, Cincinnati, Ohio for transmittal to:

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