

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of )  
 )  
The Cincinnati Gas & Electric ) Docket No. 50-358  
Company, et al. )  
 )  
(William H. Zimmer Nuclear )  
Power Station) )

APPLICANTS' STATEMENT OF MATERIAL FACTS AS TO WHICH  
THERE IS NO GENUINE ISSUE TO BE HEARD

Contention 11

1. CG&E owns a 40% share of the Zimmer Station.
2. C&SOE owns a 28.5% share of the Zimmer Station.
3. DP&L owns a 31.5% share of the Zimmer Station.
4. The Station will be operated in accordance with the William H. Zimmer Unit 1 Operation Agreement ("Agreement").
5. Under the Agreement, the output from the Station will be distributed in proportion to the ownership interest of each of the participants.
6. Under the Agreement, each owner is required to use its best efforts to schedule its undivided ownership share of the available capacity.
7. CG&E is required, as the operator, subject to plant safety and fuel performance criteria, to operate the facility so as to produce an output equal to the sum of the participants required scheduled generation and to operate the plant at less than available capacity should one of the owners request less than its undivided ownership share of the available capacity.

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8. If DP&L did not require any output from the facility until 1985, CG&E would be obligated to operate the facility for the benefit of the other owners.

9. The Agreement requires each participant to use its best efforts to schedule output share.

10. Even if DP&L had no increase in load beyond its historic peak load for 1978 (or even in the hypothetical case that its peak would decrease), it is required to utilize its output share.

11. For DP&L, were the Zimmer Station delayed a year, additional fuel costs of \$30 million would be incurred.

12. Since power produced by the Zimmer Station would displace power produced by the use of fossil fuels, including oil, these resources would be saved by operation of the Zimmer Station.

13. DP&L does need its output share of the Zimmer Station to meet its customers' demands.

14. DP&L has estimated its load growth over the next six years using econometric and other predictive techniques.

15. If Zimmer is not on line to meet the summer peak of 1980, the DP&L generation reserves would fall to 16% for the summer peak, and 18% for the winter peak which fall below a reserve requirement which is acceptable.

16. DP&L's evaluations of the need for the Zimmer Station assume that other units scheduled to begin operation during this time frame, in fact, came on line as scheduled.

17. The generation reserve levels without Zimmer installed for the summer of 1980 is 11.7% for CG&E and for the

summer of 1981, the values are 16.4% for CG&E and 18.8% for C&SOE.

18. Installed reserve requirements for C&SOE are approximately 5% higher than the other two utilities.

#### Contention 12

19. In the River Bend and Wolf Creek proceedings, the record established the number of existing and currently planned reactors to be 236 with a capacity of 236,000 Mw and the resultant requirements to be 1,577,000 tons of  $U_3O_8$ .

20. Current estimates show that  $U_3O_8$  requirements would total 1,075,000 tons corresponding to 199,100 MWe.

21. Correcting the current estimate for  $U_3O_8$  requirements for various losses in processing, the requirements for the currently operating or planned reactors would be 1,134,000 tons.

22. An assumption of a transactional tails of 0.2% is a reasonable one for the foreseeable future.

23. Even if a transactional tails analysis of 0.3% were used, the requirements for currently operating or planned reactors would be increased only by 20% to 1,361,000 tons.

24. The Department of Energy's latest estimates of U.S. resources in the reserves and probable resources categories with forward costs of \$30 per pound of 1,760,000 tons is reasonable. Even making a downward adjustment of 10% in the latest DOE projections to account for mill losses, the  $U_3O_8$  available would be 1,584,000 tons.

#### Contention 13

25. The Zimmer Station is over 90% complete.

26. The completion of the Zimmer Station will be financed in a manner similar to the remainder of the construction and as a part of the construction program of the three owners.

27. The remaining cost to complete the Zimmer Station is only a small part of the funds to be committed in the construction budgets of the Applicants over the next five years.

28. Based upon the amount of remaining construction and an analysis of the various sources for construction funds available to the companies, there is reasonable assurance that the remainder of construction can be financed.

29. Operating costs for the Zimmer Station as contained in response to Question 1a and b of the Financial Submittal dated January 9, 1979 are reasonable.

30. Decommissioning costs for the Zimmer Station as contained in response to Questions 2 and 3 of the Financial Submittal dated January 9, 1979 are reasonable.

31. The Applicants' plans for obtaining the funds for decommissioning by collection from their customers through annual depreciation charges during the service life of the facility are reasonable.

32. The annual payments to be paid to the decommissioning trustee as contained in the response to Questions 2 and 3 of the January 9, 1979 Financial Submittal are reasonable.

33. Based upon the plans of the Applicants and their financial structure, there is reasonable assurance that the Applicants could cover the costs associated with decommissioning.