

City of Cincinnati



Arn Bortz
Mayor

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Office of the Mayor

OFFICE OF THE
COUNCILING & SERVICE
BRANCH

Room 150, City Hall
801 Plum Street
Cincinnati, Ohio 45202
Phone (513) 352-3250

December 12, 1983

Commissioners
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

50-358

Gentlemen:

We are writing in reference to the November 25, 1983 letter from the Nuclear Regulatory Commission's Region III office rejecting a proposal by the City of Cincinnati, many groups and citizens in this region for the establishment of a Zimmer public oversight committee. This committee would serve to monitor Cincinnati Gas & Electric's and the Nuclear Regulatory Commission's future steps to assure that all safety-related problems of the Zimmer Nuclear Power Station are resolved before the plant is licensed.

The senior City Councilmembers of both the Republican and Democratic parties, and the two newly-elected Councilmembers, join me in maintaining that the acceptance of our proposal by the Commissioners would serve the welfare of the citizens of this region and also serve the best interests of the NRC.

For over a decade CG&E and the NRC repeatedly assured this community that the Zimmer Nuclear Power Station would meet all requisite safety standards. Even after the \$200,000 fine, the utility and the Regional NRC office indicated that the problems at the plant were paperwork problems. Now the disclosure of the scope of the problems, which were originally brought to your attention by workers and members of the public, has been confirmed by an independent management review and by your own investigators. The history of the NRC Regional Office's failure to assess the scope of the QA breakdown has been costly, both in terms of dollars and the credibility of CG&E and the NRC.

As a result of this history, the public simply will not believe the further assurances of the NRC and CG&E nor any of its partners unless there is a mechanism for ongoing public verification. Region III's proposal to build public confidence by holding more public meetings and by enlarging CG&E's internal oversight committee completely ignores the seriousness of local concerns with the result that major questions involving the credibility of the process will continue to increase.

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Equal Opportunity Employer

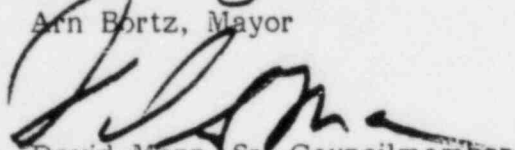
U.S. Nuclear Regulatory Commission
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The NRC must take at least two steps to restore public confidence. First, there must be a hardware review done by a group of experts who have no stake, real or perceived, in the outcome. Second, the NRC's and CG&E's implementation of the findings of the hardware review must be monitored by a group of knowledgeable citizens appointed, for the most part, by local and state officials. Accordingly, I have attached the citizen oversight committee proposal for your consideration. Many hours of volunteer time went into building public support for this plan. Your regional staff heard many groups endorse it at the November 1, 1983 public hearing in Cincinnati. The aim of the proposal is neither to infringe upon the legal responsibility of the NRC nor to veto the decisions of the utility. The committee would cast a light on the major selective policy decisions of both entities, thereby helping the public understand the policy implications of these decisions.

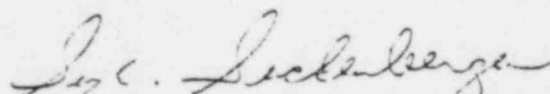
The goals of the NRC would be furthered by the creation of such a committee. The citizens of this area deserve no less than those living near Diablo Canyon and Three Mile Island. Failure to approve such a group of interested citizens would create a crisis in the already strained relationship between the community, the utility and the NRC.

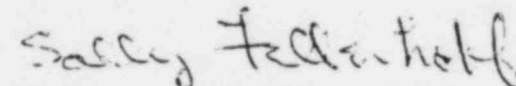
Sincerely,


Arn Bortz, Mayor


David Mann, Sr. Councilmember


Marian Spencer, Vice Mayor


Guy Guckenberger, Sr. Councilmember


Sally Fellerhoff, Councilmember

cc: Governor Richard F. Celeste
Governor Martha Layne Collins
Mr. James G. Keppler
Mr. William Dircks



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

RECEIVED NOV 21 1983

November 25, 1983

Docket No. 50-358

The Honorable Thomas B. Brush
Mayor, City of Cincinnati
City Hall
801 Plum Street
Cincinnati, OH 45202

Dear Mayor Brush:

This is in response to Resolution No. R/195-1983 of the Cincinnati City Council, which was transmitted to me and others at the NRC by the Clerk of Council's letter of October 14, 1983. The Resolution addresses the need for citizens of Cincinnati area community to be informed regarding activities affecting the construction of the Zimmer plant. The NRC staff understands this need and has taken or plans to take the following actions to keep the public informed of developments at Zimmer:

1. We are committed under the Zimmer Plan of Action to conduct a meeting, open to public, with CG&E and the independent auditor of the Plan to Verify the Quality of Construction ("PVQC") prior to approval of the PVQC. The staff will respond to questions from members of the public at the close of the meeting. A similar meeting will be held before approval of the Continuation of Construction Plan ("CCP") submitted by CG&E.
2. The NRC staff also intends to hold monthly meetings, open to the public, with the PVQC auditor, CG&E, Bechtel and other contractors to CG&E, as appropriate, to discuss the progress of the PVQC and the CCP. At the close of each meeting, the staff will respond to any questions from the public regarding the topics covered.
3. I am prepared to meet periodically with interested elected officials to discuss the status of CG&E's compliance with the Commission's Order to Show Cause and Order Immediately Suspending Construction (November 12, 1982).
4. We have requested that CG&E expand the public representation on the Advisory Staff to its proposed Zimmer Oversight Committee. CG&E has agreed to seek three suitable respected members of the community, if possible one each from the communities served by CG&E, Dayton Power and Light Company and Columbus and Southern Ohio Electric Company for inclusion on the staff. Additionally, CG&E has indicated that it is amenable to including on the Advisory Staff one suitable present or former elected official. The NRC staff will stay advised of CG&E's activities in filling these positions.

Mayor Brush

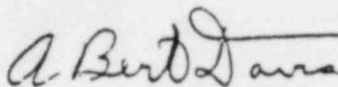
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November 25, 1983

We believe that the above steps will permit state and local government representatives and members of the public to be kept informed of actions being taken by CG&E and the NRC under the PVQC and CCP and will provide opportunities for comment by the public. However, as I indicated at the meeting on November 1, 1983 with you and Councilmen Guckenberger and Mann, we do not believe there is any basis to require as a condition of our approval of CG&E's Course of Action that the public oversight committee proposed in the Resolution be created and be funded by the Zimmer owners.

We will be pleased to discuss our plans and proposals further with you.

Sincerely,



for James G. Keppler
Regional Administrator

cc: See Distribution

W.P.H.
W.P.H.

RESOLUTION NO. *R/195* 1983

Expressing council's support for the creation of a Zimmer Oversight Committee in substantially the same form as that recommended in the attached proposal from the Environmental Advisory Council (EAC).

WHEREAS, Torrey Pines Technology has submitted a Zimmer Project Management Review to the NRC detailing management deficiencies which, to a great extent, resulted in the current problems with the construction of the facility; and

WHEREAS, said management review report included a recommendation for a Zimmer Oversight Committee to keep the public apprised of the status of the Zimmer facility, including information as to the cost of completion, the exact nature of any construction problems at Zimmer, the scope and form of remedial measures to correct hardware deficiency, and related matters contained in the attached recommendation of the EAC; and

WHEREAS, the function of said Oversight Committee would be purely advisory and educational, and therefore would not usurp the decision-making powers from those primarily responsible for the completion, conversion, or abandonment of the Zimmer Facility, but rather, would provide a basis for establishing public confidence in any future determinations regarding the facility; now, therefore,

BE IT RESOLVED by the council of the city of Cincinnati, state of Ohio:

Section 1. That council hereby expresses its support for the creation of a Zimmer Oversight Committee in substantially the same form as that recommended in the attached proposal from the Environmental Advisory Council. *-Said Commission shall remain in existence no longer than the date on which the NRC licenses the facility.

Section 2. That this resolution be spread upon the minutes of council, and that copies be sent to the appropriate officials at the U. S. Nuclear Regulatory Commission, the President and Board of Directors of the Cincinnati Gas and Electric Company, the Environmental Advisory Council, and to such other officials and agencies as may be appropriate.

Passed October 12 A.D., 1983

[Signature]
Mayor

Attest: *William W. Posey*
Clerk

*- Amended on the floor of Council Session of October 12, 1983.

City of Cincinnati



Sylvester Murray
City Manager

Environmental Advisory Council

October 7, 1983

City Council
City of Cincinnati
801 Plum Street
Cincinnati, Ohio 45202

RE: EAC Proposal for Zimmer Oversight Commission

Dear Councilmember:

In August, 1983, Torrey Pines Technology submitted a Zimmer Project Management Review to the NRC. This report outlined the scope of the management problems as they pertain to the Zimmer plant.

Included among the recommendations was a call for a Zimmer Oversight Committee. Acting upon this suggestion, the Environmental Advisory Council has discussed the question of how such a committee should be formed and what its responsibilities should include.

The following proposal is based upon our belief that an oversight committee, or commission, should, by its composition, reflect the interests and concerns of the public at large and that it should be able to remedy a heretofore serious deficiency in the public education process by communicating its observations, findings and conclusions directly to the appointing entities and the interested public. The EAC requests that the City Council of the City of Cincinnati endorse the following proposal:

1. Membership. The Commission should be composed of five individuals who have demonstrated knowledge of and concern for the problems at Zimmer. These individuals should be appointed, one each, by the Governor of the State of Ohio, the Governor of the State of Kentucky, the County Commissioners of Clermont County, the City Council of the City of Cincinnati and the joint intervenors.

2. Purpose. The Commission, as a minimum, should monitor all steps taken by the NRC and the utility under the November, 1982 shutdown order to insure that the order is interpreted and implemented in a manner which: (a) reveals the exact nature of any construction problems at the site, and (b) insures that all remedial work will be carried out with the

October 7, 1983

primary goal of safety and quality. The work of the Commission should extend to all hardware audits, to all remaining construction, rework and quality reviews, to the adequacy of the evacuation plans, and to providing information for audits by public utility commissions.

3. Responsibilities. The Commission should periodically advise the appointing governmental entities and representatives of the public of the nature of major utility and NRC decisions and their impact on cost and safety. In order to discharge this obligation the Commission should have access to information from all sources which would help the Commission formulate, on behalf of the public, an evaluation of the degree to which safety and quality of construction are being emphasized in remedying the problems outlined by Torrey Pines, the NRC, Congressional committees and the intervenors. The Commission members should have the obligation to communicate the status of the project to the public through the media and through public forums.

4. Legal Status. The NRC Commissioners or the regional staff should require the Public Oversight Commission to be part of any Zimmer Reorganization Plan approved under the November, 1982 shutdown order. Precedent for the Commission can be found in both the Diablo Canyon and the Three Mile Island advisory committees and commissions.

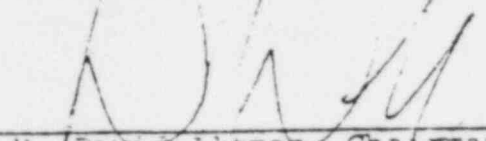
5. Staff. The staff should be comprised of independent consultants and organizations without ongoing or significant past financial relationships with present and past partners and agents of the utility. The staff would include specialists with construction, strength of materials, nuclear engineering, design, quality assurance, mechanical engineering, thermohydraulics and economics expertise. The staff would also include clerical, research interns and legal and accounting consultants.

6. Funding. The owner utilities would provide the funding for the Commission's operation.

Respectfully submitted,

ENVIRONMENTAL ADVISORY COUNCIL
CITY OF CINCINNATI

By


D. David Altman, Chairman

cc: Honorable Sylvester Murray