

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CINCINNATI GAS AND ELECTRIC
COMPANY, et al.

(Wm. H. Zimmer Nuclear Power
Station, Unit No. 1)

)
)
)
)
)

Docket No. 50-358

NRC STAFF RECOMMENDATIONS THAT THE COUNTY
OF CLERMONT BE ADMITTED TO THIS PROCEEDING

INTRODUCTION

By a petition dated May 1, 1980, the County of Clermont, State of Ohio, the county in which the proposed Zimmer facility is located, has petitioned to be admitted as a participant in these proceedings pursuant to 10 C.F.R. §2.715(c). According to the petition, there are approximately twenty-seven thousand (27,000) residents of the County living within a ten-mile radius of the proposed Zimmer facility. As discussed more fully below, the County seeks to participate on the issues of emergency preparedness and radiological monitoring. The petition is unopposed by the Applicants.

DISCUSSION

In its petition, Clermont County expresses its "concern"^{1/} regarding the adequacy of emergency preparedness plans for the County and the implementation

^{1/} As an "interested county," petitioner is not required to set forth contentions as a precondition to its participation in the proceeding. Project Management Corporation et al. (Clinch River Breeder Reactor Plant), ALAB-354, 4 NRC 383, 392-93 (1976); Gulf States Utilities Company (River Bend Station, Units 1 and 2), ALAB-317, 3 NRC 175, 179 (1976); id., ALAB-444, 6 NRC 760, 768; 10 C.F.R. §2.715(c).

of such evacuation plans. It is also concerned with the monitoring of possible radiological releases from the plant. Both of these issues have been deferred by the Licensing Board at the request of the Staff and will be heard at a future date. Accordingly, the County's participation should not delay this proceeding.

Moreover, it appears likely that the expertise of Clermont County officials (those who are the most directly concerned with emergency preparedness and implementation of emergency plans) may assist in developing a sound record in this proceeding with respect to the two issues delineated above. Accordingly, the Staff supports the admission of Clermont County as a participant, provided Clermont takes the proceeding as it finds it and does not seek to relitigate issues previously litigated. This is the same position taken by the Staff upon the petitions to intervene filed by the State of Kentucky and the City of Mentor, Kentucky.^{2/}

CONCLUSION

The Staff recommends the admission of Clermont County as a participant pursuant to 10 C.F.R. §2.715(c) upon the same terms and conditions as the Board imposed when it admitted the State of Kentucky and the City of Mentor, i.e. that the

^{2/} As the Appeal Board noted in Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-583, 10 NRC ____ (March 12, 1980), Slip Op. at 4, 10 C.F.R. §2.715(c) directs the presiding officer to afford interested governmental subdivisions "a reasonable opportunity to participate." Permitting the participation by Clermont County at this time would be consistent with that direction, given the fact that the subject matters delineated by the County have not yet been heard.

County take the proceeding as it finds it and does not seek to relitigate issues previously heard.

Respectfully submitted,

Charles A Barth /CPJ

Charles A. Barth
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 30th day of May, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
CINCINNATI GAS AND ELECTRIC) Docket No. 50-358
COMPANY, et al.)
(Wm. H. Zimmer Nuclear Power)
Station, Unit No. 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RECOMMENDATIONS THAT THE COUNTY OF CLERMONT BE ADMITTED TO THIS PROCEEDING" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 30th day of May, 1980:

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

Dr. Frank F. Hooper
School of Natural Resources
University of Michigan
Ann Arbor, Michigan 48109

Mr. Glenn O. Bright*
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Troy B. Conner, Esq.
Conner, Moore and Corber
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Leah S. Kosik, Esq.
3454 Cornell Place
Cincinnati, Ohio 45220

W. Peter Heile, Esq.
Assistant City Solicitor
Room 214, City Hall
Cincinnati, Ohio 45220

Timothy S. Hogan, Jr., Chairman
Board of Commissioners
50 Market Street
Clermont County
Batavia, Ohio 45103

John D. Woliver, Esq.
Clermont County Community Council
Box 181
Batavia, Ohio 45103

William J. Moran, Esq.
General Counsel
Cincinnati Gas & Electric Company
P.O. Box 960
Cincinnati, Ohio 45201

Atomic Safety and Licensing
Board Panel *
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

David Martin, Esq.
Office of the Attorney General
209 St. Clair Street
First Floor
Frankfort, Kentucky 40601

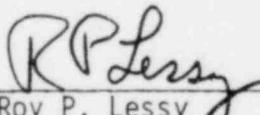
Mrs. Mary Reder
Box 270, Rt. 2
California, Kentucky 41007

Dale D. Brodkey
Assistant Attorney General
Division of Environmental Law
Office of Attorney General
209 St. Clair Street
Frankfort, KY 40601

Atomic Safety and Licensing
Appeal Board*
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Robert A. Jones
Prosecuting Attorney of
Clermont County, Ohio
154 Main Street
Batavia, Ohio 45103



Roy P. Lessy
Counsel for NRC Staff