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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.	)	Docket No. 50-358 OL
	)	
(Wm. H. Zimmer Nuclear Power Station, Unit 1)	)	

NRC STAFF'S FURTHER ANSWER TO
MOTION FOR WITHDRAWAL OF APPLICATION

By motion dated March 20, 1984, filed with the Licensing Board, the Cincinnati Gas & Electric Company, on its own behalf and on behalf of Dayton Power & Light Company and Columbia & Southern Ohio Electric Company ("Applicants"), in accordance with 10 C.F.R. § 2.107, requested "the issuance of an order authorizing the withdrawal of the application in the captioned proceeding and dismissing the proceeding." Motion For Withdrawal Of Application ("Motion") at 1.[1/] The Staff filed on April 9, 1984 "NRC Staff's Answer To Motion For Withdrawal Of Application". ("NRC Staff's Answer").

1/ This motion is a narrow one limited to the withdrawal of the application for an operating license and termination of the proceeding considering the application. Such a motion properly is directed to this Licensing Board which has jurisdiction over this proceeding. This motion does not address what actions the Applicants propose regarding their construction permit or their licenses issued pursuant to 10 C.F.R. Parts 30, 40 and 70 or the subsequent actions which will have to be taken by the Directors of NRR and NMSS in this regard.

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In its filing, the Staff noted that "in the circumstances of this case where the nuclear plant is essentially completely constructed, unless the plant is 'disabled' so that it no longer has the capability to make use of special nuclear material, the Applicants would have to have a facility license to possess the facility." NRC Staff's Answer at 3-4. In its Motion, Applicants stated that "[t]he existing nuclear steam supply system will be modified so that it cannot operate as a 'utilization facility' by isolating the system inside the reactor building by severing and welding caps on two main feedwater lines and the four main steam heads. In addition, control rod drive mechanisms will be removed from the reactor vessel" Motion at 2. The Staff found that the proposed modifications would sufficiently disable the Zimmer plant so that it no longer had the capability to make use of special nuclear material and urged that any order authorizing termination of the proceeding contain the condition that Applicants modify the plant as described in the Motion. NRC Staff's Answer at 4. Applicants have advised the Board that these actions are completed. Applicants' Transmittal Of Information Relating To Their Motion For Withdrawal Of Application, dated August 2, 1984 ("Applicants' Transmittal Of Information") at 1. The Staff has conducted an inspection of the Zimmer plant which confirms that actions modifying the main steam and feedwater piping were completed and that activities leading to removal of all control rod drive mechanisms from the reactor vessel were underway. Inspection Report No. 50-358/84-05, August 3, 1984 at p. 3 (copy attached as Attachment A). In view of the Applicants' representations and the Staff's inspection report, the Board's order need not contain the condition that Applicants modify the plant.

In its filing, the Staff noted that Applicants held a license to possess nuclear material pursuant to 10 C.F.R. Part 70 and that they had new fuel on site. NRC Staff's Answer at 4. Applicants stated that all fuel will be removed from the site not later than August 31, 1984. Motion at 2. The Staff urged that any order authorizing termination of this proceeding be conditioned upon removal of all fuel from the Zimmer site not later August 31, 1984 with such removal to be verified by NRC Staff inspection. NRC Staff's Answer at 4. Applicants have advised the Board that the fuel has been removed from the site. Applicants' Transmittal Of Information at 1. The Staff has conducted an inspection of the Zimmer plant and confirms that the fuel has been removed from the site. Inspection Report No. 50-358/84-05 at 3, 4-5. Since the fuel has been removed from the site, the Board's order need not contain any condition on this matter.[2/]

In its filing, the Staff stated that the technical Staff was conducting a review of the site to determine whether it was necessary to impose any conditions for the protection of the environment. A site visit was made by NRC Staff on June 11-12, 1984. Environmental Review Report at 1. As stated in the attached Environmental Review Report, the primary objective of the site visit was to determine whether the site restoration plan

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2/ While the new fuel has been removed from the site, there still remains on site some materials licensed pursuant to 10 C.F.R. Parts 30, 40 and 70. Applicants state such material has been or shortly will be removed from the site. The Staff intends to continue to inspect the Applicants' program for the transfer, packaging and shipment of such materials offsite. In addition, the Staff will follow-up to ensure appropriate action is taken regarding the outstanding 10 C.F.R. Parts 30, 40 and 70 licenses.

proposed by Applicants considered all critical site areas. Id. Based upon its review of the site, the Staff concludes that with implementation of the restoration plan there will be no significant detrimental environmental impact on or offsite during the period in which the site is sitting idle awaiting the start of construction activities related to conversion of the site to a coal burning facility. Accordingly, the Staff urges that any order authorizing termination of this proceeding be conditioned upon implementation of the Applicants' June 1, 1984 restoration plan with such implementation to be verified by NRC Staff inspection.

Conclusion

The NRC Staff, having completed its review of the site and the need for any conditions for protection of the environment, now fully supports Applicants' Motion For Withdrawal Of Application. For the reasons discussed above, certain conditions recommended in the NRC Staff's Answer no longer are required and the Staff no longer urges their adoption. The Staff urges that any order authorizing termination of this proceeding be conditioned upon implementation of the Applicants' June 1, 1984 restoration plan with such implementation to be verified by NRC Staff inspection.

Respectfully submitted,

Stuart A. Treby

Stuart A. Treby
Assistant Chief Hearing Counsel

Dated at Bethesda, Maryland
this 17th day of August, 1984

ATTACHMENT A

U. S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 50-358/84-05(DRP)

Docket No. 50-358 License No. CPPR-88

Licensee: Cincinnati Gas and Electric Company
139 East 4th Street
Cincinnati, OH 45201

Facility Name: Wm. H. Zimmer Power Station, Moscow, Ohio

Inspection Conducted: April 27 through July 16, 1984

Inspectors: T. P. Gwynn

W. B. Grant

Approved by: W. L. Forney, Chief
Projects Section 1A

8/02/84
Date

Inspection Summary

Inspection on April 27 through July 16, 1984 (Report No. 50-358/84-05(DRP))
Areas Inspected: Verification of licensee actions under an applicant proposed Motion for Withdrawal of Application; current plant conditions; transfer, packaging, and shipment of unirradiated fuel (license number SNM-1823); and miscellaneous inspector activities. The inspection involved a total of 19 inspector-hours onsite by two NRC inspector, including no inspector-hours onsite during off-shifts.
Results: Of the three areas inspected, no items of noncompliance or deviations were identified.

DETAILS

1. Persons Contacted

*J. R. Schott, Site Manager
T. J. Cummins, Assistant Site Manager
D. J. Schulte, CG&E Engineer
R. P. Ehas, CG&E Engineer
A. L. Mosbaugh, CG&E Engineer (Fuel Custodian)
G. Ficke, Licensing Coordinator
J. Shaffer, Quality Assurance Manager

*Designates those attending the exit meeting on July 16, 1984.

The inspector also interviewed other members of the site staff.

2. Licensee Actions Under Motion for Withdrawal of Application

On March 20, 1984, the Cincinnati Gas and Electric Company filed a Motion for Withdrawal of Application with the presiding Atomic Safety and Licensing Board (ASLB). That motion included an applicant proposed ASLB Order which would rescind the Zimmer operating license application and which would preclude the future use of the Wm. H. Zimmer Site for any nuclear activity.

The applicant proposed ASLB Order carried with it four conditions which the applicant committed to. Those conditions were stated in the applicant's motion as follows:

a. Because the applicants will not use the Zimmer site for a nuclear plant at any time in the future, applicants have no objection to the Licensing Board's dismissal of the application with prejudice against the future use of the site for a nuclear plant.

b. All fuel will be removed from the site not later than August 31, 1984.

c. The existing nuclear steam supply system will be modified so that it cannot operate as a "utilization facility" by isolating the system inside the reactor building by severing and welding caps on two main feedwater lines and the four main steam leads. In addition, control rod drive mechanisms will be removed from the reactor vessel.

d. The balance of plant will be used to the extent possible as part of the new fossil fuel-fired electric generating plant. As such, there will be no change in the fundamental character of the Zimmer site as one for the generation of electric power.

This inspection was conducted to confirm the applicant's actions with respect to the above commitments.

a. New Fuel Shipment

The inspector observed the applicant's preparations for off-shipment of new fuel. Those preparations included the checkout of fuel handling equipment, the preparation of approved procedures, and QA surveillance overview of fuel shipment activities.

The inspector maintained an awareness of the status of fuel shipment activities via telephone communications with the applicant's staff. On July 3, 1984, the inspector was informed that fuel shipment activities had been completed. This was confirmed during the exit meeting with the Zimmer Site Manager on July 16, 1984. (See Item 4)

b. Disabling of the Reactor/Nuclear Steam Supply System

The inspector observed the main steam and feedwater piping just outside of the primary containment outboard containment isolation valves. The inspector observed that approximately eight inches of piping had been removed from each of the four main steam lines and from each of the two feedwater lines. The piping was then blank flanged at each open face, seal welded, and the welding painted with a preservative metal primer. This action isolates the reactor vessel from the remainder of the power generating steam cycle equipment.

The inspector also observed the applicant's preparations for removal of all control rod drive mechanisms from the reactor vessel. Those preparations included the removal of all control rod drive housing support steel, removal of all but two bolts from each control rod drive housing flange, removal of obstructions (such as CRD position indicator cables), and the provision of lighting and air handling equipment in the under-vessel area. The applicant stated that the actual removal of control rod drives from the reactor vessel was scheduled to begin on July 17, 1984, and would require five to six weeks to complete. No QA/QC activities were planned. The control rod drive removal was being treated as a non-safety related activity. Current applicant plans are to store the control rod drives in the reactor building, 525' elevation, in the vicinity of the drywell equipment hatch.

The inspector noted that the above actions taken or being taken by the applicant to disable the reactor and nuclear steam supply system were such that the systems and components could be returned to an operable condition with relative ease.

3. Current Plant Conditions

The inspector toured the Zimmer facility on July 13, 1984, to observe the current condition of the plant. Areas toured included the drywell (primary containment), the reactor building (secondary containment), the auxiliary

building (control room), the turbine building, and the QA records storage vault.

The inspector observed that significant actions had been taken by the applicant to seal the turbine building and to provide a controlled, dehumidified environment for the turbine building, turbine building systems, and the auxiliary building. The applicant stated that no action had been taken or was planned to be taken to preserve or protect other portions of the plant (i.e., reactor plant and reactor plant auxiliary systems).

The inspector observed that excess construction materials had been removed from all areas toured and that general cleanliness was good. The construction opening into the reactor building had been sealed. There were no safety-related plant systems in operation. Minimal security forces were being retained commensurate with the protection of CG&E Company property.

A tour of the QA records facility indicated that the building was secure, fire protection systems and atmosphere control systems were operable, and the record storage conditions were generally adequate. The inspector noted that the humidity level in the records storage area was higher than normal due to lack of routine maintenance of a dehumidification unit. This condition was promptly corrected by the applicant.

Discussion with cognizant applicant personnel indicated that there were presently no QA/QC activities planned or in progress for the Zimmer site. Plans are in progress to provide for preventative and corrective maintenance of non-nuclear plant systems and components. A refurbishment program is also planned for selected non-nuclear pumps and valves. Most reactor plant systems have been drained of water but no action has been taken to assure all water was removed or to preserve reactor plant systems and components.

4. Transfer, Packaging, and Shipment of Unirradiated Fuel (Special Nuclear Materials License No. SNM-1823)

The inspector reviewed the licensee's program for the transfer, packaging, and shipment of unirradiated fuel, including: determination whether written implementing procedures are adequate, current, properly approved, and acceptably implemented; determination whether shipments are in compliance with NRC and DOT regulations and the licensee's quality assurance program; and adequacy of required records, reports, shipment documentation, and notifications.

The following procedures were reviewed. No problems were identified.

AD. NP. 17	Revision 00	Removal of Initial Core of Unirradiated Fuel from the Zimmer Site
NE. SAD. 03	Revision 06	Accountability of Special Nuclear Materials

NE. FHP. 32	Revision 00	Movement of Unirradiated Fuel in the Spent Fuel Pool
NE. FHP. 33	Revision 00	Dechanneling Unirradiated Fuel in the Spent Fuel Pool
NE. FHP. 34	Revision 02	Off-loading Empty Fuel Shipping Containers
NE. FHP. 35	Revision 02	Packaging of Unirradiated Fuel for Shipment
NE. FHP. 36	Revision 02	Preparation of Fuel Shipment for Departure.

The licensee is shipping the fuel assemblies in shipping containers which have been issued NRC Certificate of Compliance No. 4986. The certificate authorizes use of the package under the general license provisions of 10 CFR 71.12. The inspector verified that the licensee had met the requirements of 10 CFR 71.12, including an approved quality assurance program (71.12(b)), possession of copy of license and other pertinent documents (71.12(c)(1)), compliance with the certificate conditions (71.12(c)(2)), and NRC notification (71.12(c)(3)).

The shipping containers are right rectangular boxes consisting of an outer container of wooden construction and a metal inner container. The metal inner container is approximately 12 inches by 18 inches by 179 inches. The wooden outer container is approximately 30 inches by 31 inches by 207 inches. Cushioning is provided between the inner and outer containers.

The inspector observed the transfer and loading of ten shipping containers containing two fuel assemblies each. Procedures were followed; no problems were identified. The loaded shipping containers were surveyed for contamination and direct radiation prior to loading onto a flat bed trailer. Radiation levels at the surface of the shipping container averaged about 0.6 mR/hr. No contamination, beta-gamma or alpha, was detected. The inspector independently verified the survey results, using licensee instrumentation. The containers were properly labeled with DOT "Radioactive II" labels. No problems were noted.

Shipping records and survey results were selectively reviewed to verify that procedures were followed. No problems were noted.

5. Miscellaneous Inspector Activities

The NRC Senior Resident Inspector spent a minimal number of inspector-hours working on the Zimmer docket during this report period. Major activities undertaken during this period included the following:

- Assisted the Senior Resident Inspector at the Davis-Besse Nuclear Power Station. Those activities were documented in NRC Inspection Reports 50-346/84-07 and 50-346/84-12.

ENVIRONMENTAL REVIEW OF CINCINNATI GAS & ELECTRIC COMPANY'S REQUEST TO WITHDRAW THE ZIMMER OL APPLICATION

Introduction

By motion dated March 20, 1984 filed with the Atomic Safety and Licensing Board, Cincinnati Gas and Electric Company requested the issuance of an order authorizing the withdrawal of the application to operate Zimmer as a nuclear plant. The NRC staff's response to this motion, dated April 9, 1984, advised the Licensing Board that the technical staff is conducting a review of the site to determine whether any conditions for the protection of the environment are necessary.

To accomplish a thorough environmental review we requested additional information regarding site restoration from the applicant on May 3, 1984. The information was transmitted to NRC by letter dated June 1, 1984 by James R. Schott, Zimmer Site Manager.

After evaluation of the additional information a site visit was made by NRC Staff on June 11-12, 1984. The primary objective of the site visit was to determine whether the site restoration plan considered all critical site areas. A particular effort was made to inspect areas of the site which potentially could be subject to continued erosion and contribute silt to surface waterbodies, as well as identify areas where standing water could result in saturated soils. The entire site, including the sedimentation pond was examined. The two areas with meteorological towers, which are offsite, were also examined.

Evaluation

The applicant's site restoration program transmitted by its June 1, 1984 letter consists of five components: (1) removal of all trailers and temporary buildings not believed useful for conversion of the site to a coal burning facility; (2) grading; (3) the addition of crushed rock; (4) limited modification to site drainage patterns; and (5) reseeding bare areas. All rented trailers were already removed from the site at the time of the site visit. All applicant-owned trailers had been moved from where they were being used and were stored in parking areas prior to sale. All cinder blocks, on which the trailers had rested were neatly piled and identified. These areas were now ready to be regraded, have additional crushed rock added or be seeded as shown on applicant's submittal of June 1, 1984, Plate 2. The NRC Staff did not identify any area that required attention that was not covered in the applicant's restoration plan.

In addition, NRR Staff flew the transmission lines from the Zimmer Station to the Silver Grove substation and from the Silver Grove substation to the Terminal Line substation. These transmission lines are currently energized and will continue to form part of the applicant's transmission grid. Outside of a few areas where trail bikes apparently have killed the herbaceous vegetation and soil erosion was evident, the transmission line right-of-ways are in excellent condition. The applicant will harrow and reseed the eroded areas.

Conclusion

The staff concludes that with implementation of the restoration plan there will be no significant detrimental environmental impact on or offsite during the period in which the site is sitting idle awaiting the start of construction activities related to conversion of the site to a coal burning facility. The restoration plan specifies that seeding should take place no later than the first week in October 1984 and that most trailers and miscellaneous buildings be removed by the end of December 1984.

Accordingly, the staff recommends with regard to environmental protection that termination of the operating license proceeding be conditioned upon implementation of the applicant's June 1, 1984 restoration plan. Implementation will be verified by NRC Staff inspection.