

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION



In the Matter of

The Cincinnati Gas & Electric  
Company, et al.

(Wm. H. Zimmer Nuclear Station)

Docket No. 50858

MIAMI VALLEY POWER PROJECT'S MOTION TO  
QUASH APPLICANT'S SUBPEONA TO DONALD BLANCH

Miami Valley Power Project hereby moves the Atomic Safety and Licensing Board to quash the subpoena served upon Donald Blanch by Applicants. Donald Blanch has recently shown an unwillingness to participate in the intervention process as a witness. MVPP will not subpoena him to testify on its behalf in its presentation of evidence relating to Contention 14. Thus, there will be no basis for Applicants to cross examine Mr. Blanch. For the above reasons it will be unnecessary for Applicants to depose Mr. Blanch and the subpoena should be quashed.

In the alternative, if the Board will not quash the subpoena, MVPP moves the Board for a modification of the terms of the subpoena relating to the time set for the deposition. MVPP moves that the subpoena require Mr. Blanch to appear for the deposition no earlier than 6:30 P.M. for the reasons that he is obligated to be present at his place of employment during the hours now set for the deposition.

The right to intervene is the right of the public to express its opinions and present its evidence to the Board regarding the compliance of a nuclear power plant to the applicable regulations. Repeatedly these proceedings have been carried on without any consideration on behalf of the Board for the needs of intervenors regarding the necessity of earning a living. The right to intervene is meaningless if it is carried out in such a way as to make it

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impossible or unduly burdensome for members of the public to participate in the intervention by requiring that they be away from their place of employment.

Mr. Blanch has a large family to support and cannot afford to be away from his place of employment for the deposition by Applicants on July 26, 1979 at 9:00 A.M.

For the above reasons MVPP moves to quash the subpoena or in the alternative to modify it as set out.

Respectfully submitted,

Leah S. Kosik

Leah S. Kosik  
Attorney for MVPP

July 24, 1979

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



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

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion to Quash Applicant's Subpeona to Donald Blanch have been sent to all parties listed on the Certificate of Service list.

MIAMI VALLEY POWER PROJECT

Leah S. Kosik

BY: Leah S. Kosik, Counsel  
Miami Valley Power Project

July 24, 1979

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