

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)
THE CINCINNATI GAS &)
ELECTRIC COMPANY, et al.)
(Wm. H. Zimmer Nuclear)
Power Station))

Docket No. 50-358



MIAMI VALLEY POWER PROJECT'S MOTION TO DELAY
DELIVERY OF FUEL TO ZIMMER SITE

MVPP moves the Atomic Safety and Licensing Board for an order disallowing the delivery of fuel to the Zimmer site.

MVPP understands that said delivery is scheduled to take place in August 1979.

In a letter from counsel for Applicants to the Board dated July 30, 1979, it was stated that the estimated date for fuel loading has been changed to July 15, 1980. Thus the fuel loading date is at present eleven months beyond the date of fuel delivery. There is clearly no need to bring the fuel on site this far in advance of fuel loading.

The unnecessary presence of the nuclear fuel shipment constitutes costs and risks unduly born by the residents of the areas surrounding the Zimmer site. Customers of the Applicant companies will ultimately absorb, through service charges, the additional costs of insurance and security which will arise at this time, instead of later, due to unnecessary fuel delivery. Thus customers will be required to pay the additional costs resulting from nuclear fuel being on site over a substantial period of time when there are no productive benefits flowing from the presence of the fuel. Additionally, nuclear fuel is a highly toxic substance and thus

the presence constitutes an inherent risk to the health and safety of area residents. These costs and risks must not be forced on citizens without any present and existing offsetting benefits.

As of the date of this motion licensing proceedings are underway. At the earliest, the licensing proceedings will not be completed until the fall of 1979. It is MVPP'S understanding the the purpose of the licensing proceedings is to determine whether or not the plant should be licensed to operate. Thus it is undeniable that the possibility exists, at least until an initial decision is handed down by the Board, that the plant will be denied an operating license. To allow delivery of fuel to the site, which delivery and storage thereof constitutes extra costs and risks, prior to the issuance of an operating license and during the pendency of the licensing proceedings, proves that the licensing hearings are a mere rubber stamp of approval, that the issuance of the license is a foregone conclusion, no matter what evidence is presented at the proceedings.

Suppose though that the result of these proceedings is that the operating license is denied or delayed. Then the costs and risks of fuel delivery will have been unnecessarily born by Applicant's customers.

Due to the immediacy of the issue MVPP urges the Board to rule on this motion during the week of hearings

August 7, 1979

Respectively submitted,

Leah S. Kosik
Leah S. Kosik

Attorney for MVPP

CERTIFICATE OF SERVICE

The above motion was delivered or mailed by ordinary U.S. mail to all parties on the 7 day of August, 1979.

Leah S. Kosik
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