

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD '83 JUN-6 P1:39

Mr. John H. Frye III
Judge Stanley M. Livingston
Dr. Frank F. Hooper

In the Matter of :
: CINCINNATI GAS AND ELECTRIC :
COMPANY, ET AL. : DOCKET NO. 50-358
(William H. Zimmer Nuclear :
Power Station) :

CASE'S MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF IN SUPPORT
OF MVPP'S MOTION TO REOPEN THE RECORD FOR ADMISSION OF EIGHT
CONTENTIONS OF QUALITY ASSURANCE AND CHARACTER AND COMPETENCE

I. IDENTIFICATION

Pursuant to 10 C.F.R. §2.715 the Coalition for Affordable,
Safe Energy ("CASE") moves for leave to file an Amicus Curiae
Brief in support of the Miami Valley Power Project's ("MVPP") motion
to reopen the record for admission of eight contentions of quality
assurance and character and competence before the Atomic Safety
and Licensing Board ("ASLB" or "Board") of the Nuclear Regulatory
Commission ("NRC").

II. OUR INTEREST IN THE QUALITY ASSURANCE PROBLEMS AT THE
WILLIAM H. ZIMMER NUCLEAR POWER PLANT.

Our organizations have an intense interest in and concern
about the quality assurance problems at the William H. Zimmer
Nuclear Power Station ("Zimmer"). Our coalition formed in the
fall of 1982 prior to the November 12 shutdown order of the NRC
Commissioners. We saw the necessity for our organizations to

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form a collective voice for all of our constituents to make sure that 1) all safety related problems at Zimmer be resolved, not covered up, and 2) that no utility consumer be required to pay for the construction of Zimmer unless or until it produces electricity. As organizations which represent a significant portion of Southern Ohio and Northern Kentucky, we, the members of CASE which have joined in this motion, have a responsibility to monitor the safety and welfare of our members.

The overall safety of our community is a vital interest to us. A nuclear power plant that has serious unresolved safety problems can have many repercussions for our community. Independent business constituents of our organizations could easily suffer from a negative investment climate in our area due to the uncertainty of this plant's safety. This could in turn affect the employment of our members and the overall economic viability of our communities. An accident resulting from unresolved safety problems at Zimmer could unfairly burden many of our members in the form of higher than anticipated utility bills to pay for any repairs to the plant. And an accident at Zimmer could also endanger the lives of many of our constituents.

III. WHY IT IS DESIRABLE FOR THE ASLB TO HEAR OUR VIEWS.

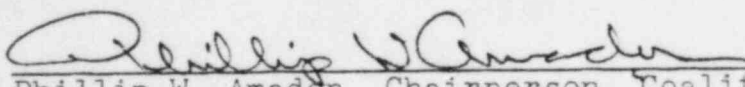
Although the NRC regulations discuss Amicus Curiae briefs only in the context of appeals, we understand that similar briefs can be submitted in support of a motion to reopen licensing hearings provided all the relevant requirements are met. Further, we

understand that in the past the NRC has accepted Amicus briefs on the appellate level as a matter of discretion, even before there were regulations allowing for administrative appeals. In Licensing Hearings, the NRC has routinely allowed concerned members of the public "limited appearance" statements. As the NRC has recognized, "This form of participation by members of the public ... has been a welcome and valuable part of the Commission's licensing proceedings."

43 Federal Register p. 17800 (April 26, 1978). Because licensing hearings do not exist, we do not have the option of a "limited appearance" statement. In this instance, then, we interpret the amicus brief as a way of making such a statement and expressing our concerns to the NRC.

As concerned members of the public, we think that our opinion is important and useful to NRC proceedings. In the past the NRC has expressed genuine interest in public confidence for nuclear power in general, any nuclear power plant in particular, and the NRC's ability to proficiently regulate the nuclear power industry. Our participation in this process, by being allowed to file an amicus brief, is necessary to help develop public confidence in Southern Ohio and Northern Kentucky for the NRC. We are a representative body of citizens from this area of the country and our opinion of federal governing or regulating bodies does matter. Thus, we believe that our request has met all the requirements and is entirely appropriate.

Respectfully submitted,



Phillip W. Amadon, Chairperson, Coalition for Affordable,
Safe Energy

(C.A.S.E. Steering Committee Members' signatures attached)

STEERING COMMITTEE FOR THE COALITION FOR AFFORDABLE, SAFE ENERGY

Tim Kraus

Tim Kraus--Community Church of Cincinnati

Phillip W Amadon

Phil Amadon--Brotherhood of Railway Carmen Lodge #362

Susan Lynn Fremont

Susan Fremont--Women's City Club of Cincinnati

Marian A Spencer

Marian Spencer--NAACP of Cincinnati

Anne E. Mercier

Anne Mercier--Cincinnati Federation of Teachers

Tom Carpenter

Tom Carpenter--Cincinnati Alliance for Responsible Energy

Richard A Reiter

Richard Reiter--Citizen's Party of Cincinnati & Hamilton Co.