

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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

'83 JUN -6 P1:40

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

CASE'S 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

The Coalition for Affordable, Safe Energy (CASE), files this Amicus Curiae brief in support of the Miami Valley Power Project's (MVPP) motion to reopen the licensing hearings on their eight contentions concerning (1) the systematic Quality Assurance ("QA") breakdown and its consequences of the William H. Zimmer Nuclear Power Station ("Zimmer"); and (2) the lack of corporate character and competence of the applicant, C.G. & E., to operate a nuclear power plant.

For nearly three years now the people of Southern Ohio and Northern Kentucky have lived with the uncertainty of Zimmer. We have watched the "war of words" escalate between the NRC and C.G.&E., the NRC and the concerned public, C.G.&E. and the public, and even C.G.&E. and its partners in Columbus and Dayton with very little being accomplished. The initial allegations of a massive QA breakdown at Zimmer and willful corporate violations of NRC regulations still remain unsolved. We believe that there cannot be significant

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progress toward resolving the Zimmer nightmare until licensing hearings into the MVPP contentions begin. To date, all efforts to settle the problems at Zimmer by either the NRC or the utility have resulted in piecemeal studies or actions. Licensing hearings offer the only comprehensive way of airing and addressing all problems and finally establishing a groundwork of fact from which corrective action can proceed.

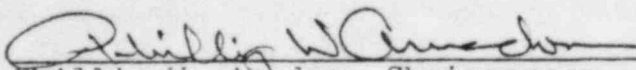
We also think the MVPP has earned the chance to finish the job it started in unravelling the Zimmer coverup and all of its repercussions. We find it significant that it took a poorly financed, understaffed legal team working for a citizens' organization to discover problems of major proportion at Zimmer when the NRC staff and utility officials, present at the plant from the beginning of construction, failed to do so. This indicates to us a need for a legal inquiry, such as licensing hearings, into the MVPP allegations and also an inquiry into why the NRC staff and utility officials did not identify any major deficiencies in all the years they observed and directed construction at Zimmer.

The NRC and C.G.&E. suffer from a severe credibility problem with the public and this needs to be faced. C.G.&E., for its part, has taken a less than helpful attitude toward all of the controversy surrounding Zimmer. They have refused to participate in any public forums set up to discuss Zimmer, most notably the City of Cincinnati's Environmental Advisory Council Hearings in September of 1982. And, most recently in March of 1983, C.G.&E. filed a 341 page response to the MVPP allegations characterizing all the charges made by MVPP as "not valid" or previously identified and "already being addressed".

We find this response curious when viewed in the light of the most recent NRC Evaluation Team (NET) report on the Quality of Construction at the Zimmer Nuclear Power Station. In many respects the NET report parallels allegations that MVPP filed with the NRC in August of 1982, particularly in the contention that the as-built condition of the plant does not match the final version of the Sargent and Lundy design for Zimmer. Where is the truth in this debate? We believe that the MVPP should be allowed to prove its case before the Atomic Safety and Licensing Board (Board). And likewise, C.G.&E. should be given the opportunity to argue its position before the Board in an attempt to clear its name and record.

In our estimation the NRC has a unique opportunity to reaffirm its commitment to restoring public confidence in Zimmer while assuring that Zimmer will be built safely and properly. Any effort at this time by the NRC to prevent a full disclosure of the facts about Zimmer will only prolong the inevitable to the detriment of all the people of Southern Ohio and Northern Kentucky. Unless and until all the safety problems at Zimmer are addressed and corrected the residents of this area can look forward to far greater expense in the long run of events and a much increased chance of a major operating accident. We do not find these alternatives acceptable nor should the NRC.

Respectfully submitted,



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

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

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COALITION FOR AFFORDABLE, SAFE ENERGY
(C.A.S.E.)

POSITION STATEMENT

We, the undersigned organizations of the Ohio, Kentucky, and Indiana Tri-State area charge our Federal, State, and Local lawmakers and regulators to take the necessary political and legal steps to assure that until all safety problems are resolved that the William H. Zimmer Nuclear Power Station is not licensed and that the consumers are not required to pay any further rate increases in any way on Zimmer until it produces electricity.

American Association of University Professors--Executive Board U.C. Chapter
Americans for Democratic Action/Independent Voters of Ohio--Cincinnati Chapter
American Federation of Government Employees--NIOSH Local
Brotherhood of Railway Carmen Lodge #362
Christians for Peace and Justice of Northern Kentucky
Cincinnati Alliance for Responsible Energy
Cincinnati Federation of Teachers
Cincinnati Food Cooperative
Citizens Party of Cincinnati and Hamilton County
Community Church of Cincinnati
Congress Watch--Cincinnati Chapter
East Walnut Hills Assembly
Dominican Community Services
Drop-In-Center
Institute of Secular Missionaries
Jerriel Baptist Church
Grailville
Ministry Council--Sisters of Divine Providence of Kentucky
NAACP of Cincinnati
National Lawyers Guild--Cincinnati Chapter
Progressive Coalition of Central Kentucky
Provincial Administration of the Sisters of Divine Providence
Peace & Justice Committee of the Sisters of Divine Providence of Kentucky
Socially Concerned Students of the University of Kentucky
Sorghum Alliance
St. Bernards Social Concerns
United Mine Workers of America District 6 (42 Locals in Ohio & West Virginia)
United Steel Workers of America Local #1859
Urban Appalachian Council
Voices--Newspaper of the Over-the-Rhine Community
West End Alliance of Churches and Ministers
Women's City Club of Cincinnati
Women Helping Women
Women's International League for Peace and Freedom--Cincinnati Chapter
1199 Hospital Workers Union--Ohio, Kentucky, West Virginia Region

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CERTIFICATE OF SERVICE

I hereby certify that copies of Motion for Leave to File
Amicus Curiae and Amicus Curiae Brief
_____ in the above-captioned proceed-
ing have been served on the following persons by posting the same
in the U.S. Mails, postage prepaid, this 3rd day of June
1983.

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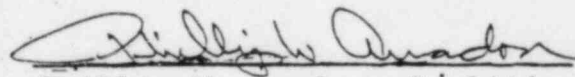
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