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December 27, 1983

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CABLE ADDRESS: ATOMLAW

Mr. Richard C. DeYoung
Director
Office of Inspection and
Enforcement
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Dear Mr. DeYoung:

By letter distributed at the Commission meeting on December 14, 1983, the Miami Valley Power Project ("MVPP") by its counsel, Government Accountability Project, filed another request pursuant to 10 C.F.R. §2.206 which petitioned the Nuclear Regulatory Commission ("Commission") "to defer any judgment or decision on the proposed Course of Action" for the completion of the Wm. H. Zimmer Nuclear Power Station ("Zimmer") until a Commission briefing by "whistleblowers" nominated by MVPP, "public release of a report" by the NRC Office of Investigations ("OI") related to Zimmer, and "public comments" on the briefing and the OI report. We are hereby responding on behalf of The Cincinnati Gas & Electric Company, et al. ("Company") to record the Applicants' opposition to the petition.

The Commissioners referred the MVPP petition to you as a matter of first business at the meeting. As you are aware, the Commissioners, being fully briefed on the particulars of the proposed Course of Action, raised no objection to Region III's approval of the proposal. By letter dated December 16, 1983, Mr. Keppler officially approved the Course of Action under the authority previously vested in him by the Commissioners in the issuance of the Order to Show Cause and Order Immediately Suspending Construction (November 12, 1982).

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Add: R.C. DeYoung

Under the circumstances, any request by MVPP to defer approval of the Course of Action is now moot. Under the Commission's precedents, we assume that there is no relief which could be granted by you under the Section 2.206 request and that MVPP will be so advised. See Texas Utilities Generating Company (Comanche Peak Steam Electric Station, Units 1 and 2), Docket Nos. 50-445 and 50-446 "Order" (November 29, 1983) (slip op. at 2); Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit 1), CLI-83-3, 17 NRC 72, 74 (1983); United States Department of Energy (Clinch River Breeder Reactor Plant), CLI-82-23, 16 NRC 412, 419 (1982); Consolidated Edison Company of New York, Inc. (Indian Point, Unit No. 2), CLI-81-7, 13 NRC 448, 449 (1981); Public Service Company of Oklahoma (Black Fox Station, Units 1 and 2), CLI-80-8, 11 NRC 433, 435 (1980).

Accordingly, while the Company strongly disagrees with the many unfounded charges contained in MVPP's Section 2.206 petition, we see no point in addressing the allegations at this time. However, in the event you contemplate taking some action upon the petition other than the formal denial which would require a substantive response by the Company, we would appreciate an opportunity to provide further input into your disposition of the petition.

Sincerely,

Troy B. Conner, Jr. / RMR

Troy B. Conner, Jr.

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine
Thomas Devine