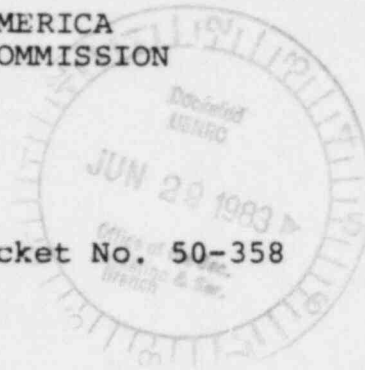


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of: )  
)  
The Cincinnati Gas & Electric )  
Company, et al. )  
)  
(Wm. H. Zimmer Nuclear Power )  
Station) )

Docket No. 50-358



MVPP'S MOTION FOR LEAVE TO FILE A REPLY BRIEF

Pursuant to 10 C.F.R. § 2.730(c), the Miami Valley Power Project ("MVPP") through undersigned counsel moves for leave to file a reply brief by July 6, 1983 to the June 20, 1983 answers of the applicant and the Nuclear Regulatory Commission ("NRC") staff to MVPP's June 3, 1983 motion to reopen the record for submission of eight contentions on quality assurance and character and competence. Although MVPP recognizes that reply briefs are not permitted as a matter of right, it believes that its request is justified due to the following factors:

1. MVPP has researched applicant and NRC staff's legal briefs opposing reopened licensing hearings and has found misstatements of law due to incomplete analysis and inaccurate references on significant issues for this Board's decision. Neither applicant nor NRC staff has specifically contested the merits of the motion. As a result, MVPP submits it is essential that the record fully reflect the misleading and deceptive legal basis for these parties' reliance on technicalities to deprive the public of the only available forum to thoroughly challenge the adequacy of status quo programs designed to remedy the quality assurance breakdown at Zimmer.

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2. MVPP seeks the opportunity to introduce eight additional affidavits that it failed to submit for the record on June 3. At that time, MVPP postponed submission in deference to any staff objections that introduction of the affidavits would interfere with ongoing investigations. The staff has not made any such objection. These affidavits represent the principal basis for major portions of MVPP's proposed contentions and are essential to fairly and accurately evaluate the basis for MVPP's motion to reopen the record.

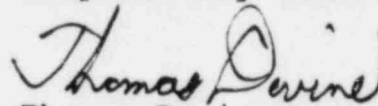
3. In response to the NRC staff's reversal of its previous support for public hearings, four witnesses have agreed to provide additional affidavits. Each affidavit is directly relevant to and highly significant evidence in support of the proposed quality assurance contentions. Two of the affidavits will expose the misleading obfuscation and inaccuracies in applicant's February 28, 1983 response to the NRC's September 24, 1982 Demand for Information pursuant to 10 C.F.R. §50.54(f). Since that document is the only public response by applicant to date to the specific allegations that underlie the eight proposed contentions, it is critical that these affidavits be admitted to demonstrate the reasonableness of MVPP's contentions, as well as the drastic deviations between applicant's response and reality.

The other two affidavits will demonstrate that the effects of the quality assurance breakdown are so endemic that a comprehensive reinspection of accessible and inaccessible items in the plant is essential. The statements will provide evidence of quality assurance

and hardware defects that dwarf anything yet publicly conceded by the applicant or NRC staff.

4. MVPP requests permission to file this reply brief on Wednesday, July 6. Counsel Lynne Bernabei is unable to prepare the brief due to her current participation in ongoing licensing hearings at the Midland nuclear power plant. The undersigned is expecting the already-overdue birth of his first child and is participating in the delivery. As a result, the undersigned seeks this Board's indulgence to avoid the possible necessity of choosing between the birth and filing a brief on behalf of MVPP at a critical stage in these proceedings. This request also is reasonable because no party would be prejudiced by the brief delay.

Respectfully submitted,



Thomas Devine  
Counsel for Intervenor MVPP

Government Accountability  
Project of the Institute  
for Policy Studies  
1901 Que Street, N.W.  
Washington, D.C. 20009  
(202) 234-9382

DATED: June 29, 1983

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Miami Valley Power Project's Motion for Leave to File a Reply Brief have been served upon the following by mailing first-class postage prepaid or by filing with the NRC internal mail service this 29th day of June, 1983.

\*Judge John H. Frye, III  
Chairman, Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Troy B. Conner, Esquire  
Conner and Wetterhahn  
1747 Pennsylvania Ave. NW  
Washington, DC 20006

\*Charles A. Barth, Esquire  
Counsel for the NRC Staff  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

John D. Woliver, Esquire  
Clermont County Community Council  
Box 181  
Batavia, Ohio 45103

Dr. Frank F. Hooper  
Sierra Nevada Aquatic Research  
Laboratory  
Route 1  
Box 198  
Manmoth Lakes, CA 93546

Brian Cassidy, Esquire  
Regional Counsel  
Federal Emergency Management  
Agency - Region I  
John W. McCormack POCH  
Boston, Mass. 02109

Dr. Stanley M. Livingston  
Administrative Judge  
1005 Calle Largo  
Sante Fe, New Mexico 87501

George E. Pattison, Esquire  
Prosecuting Attorney of  
Clermont County, Ohio  
462 Main Street  
Batavia, Ohio 45103 -

\*Chairman, Atomic Safety and  
Licensing Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

\*Docketing and Service Branch  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

\*Chairman, Atomic Safety and  
Licensing Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

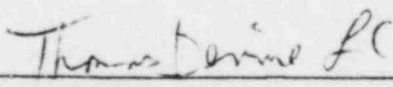
David K. Martin, Esquire  
Assistant Attorney General  
Acting Director, Division of  
Environmental Law  
209 St. Clair Street  
Frankfort, KY 40601

Robert F. Warnick  
Director, Enforcement and  
Investigation  
NRC Region III  
799 Roosevelt Road  
Glen Ellyn, IL 60137

William J. Moran, Esquire  
Vice President and General Counsel  
The Cincinnati Gas and Electric  
Company  
PO Box 960  
Cincinnati, Ohio 45201

Deborah Faber Webb, Esquire  
7967 Alexandria Pike  
Alexandria, KY 41001

Andrew B. Dennison, Esquire  
Attorney at Law  
200 Main Street  
Batavia, Ohio 45103

  
Thomas Devine

\* Internal NRC mail