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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
OF SERVICES
BRANCH

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

MOTION TO ESTABLISH SCHEDULE FOR
COMPLETION OF CONSIDERATION OF
"QUALITY ASSURANCE" CONTENTIONS

Today, undersigned counsel for the Applicants in the captioned proceeding were informed by counsel for the NRC Staff that the Atomic Safety and Licensing Board ("Licensing Board") is reopening the record and admitting the contentions proposed by the Government Accountability Project ("GAP") on behalf of the Miami Valley Power Project ("MVPP"). Inquiry was made as to Applicants' availability for the scheduling of a prehearing conference sometime in August.

The Zimmer operating license proceeding has been pending since 1975 and the record on all contentions was finally closed in March 1982. As the Applicants pointed out in their opposition to the motion by the new representatives of MVPP, no purpose was seen for rehashing matters long since considered directly by the Commissioners in the issuance of the Notice of Violation dated November 24, 1981.

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Despite the admission of the new contentions, it nevertheless remains the Commission's policy that all operating license hearings should be conducted on an expedited basis such that the licensing reviews have been completed by the time the facility is ready for initial operation. Accordingly, any delay by the Licensing Board in the hearing it has now granted on "quality assurance" contentions should be avoided.

The Licensing Board's decision to delay the prehearing conference for approximately one month presumably is predicated upon the fact that a member of the Board, Dr. Hooper, is in Mammoth Lakes, California until August 15. It is submitted that if Dr. Hooper is unable to return for a prehearing conference, the Board may legally, and should, at this late stage, conduct the prehearing conference with the quorum of two as provided for in §2.721(d).

Accordingly, the Applicants move that the following schedule for resolution of the new matters granted by the Licensing Board be adopted:

- | | | |
|-----------------------------------|---|---|
| July 16 | - | Opening of Discovery |
| July 22 or 26 | - | Prehearing Conference |
| August 31 | - | Completion of All Discovery |
| September 15 | - | Submission of Written Testimony
by all Parties |
| September 21 - until
completed | - | Evidentiary Hearing |
| October 15 | - | Submission of Proposed Findings of
Fact and Conclusions of Law by all
Parties |

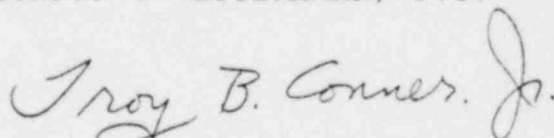
- October 26 - Submission of Reply Findings
- December 1 - Supplemental Initial Decision on "Quality Assurance" Matters

Adoption of this schedule will obviate the licensing process from being the critical path to the start-up of the plant.

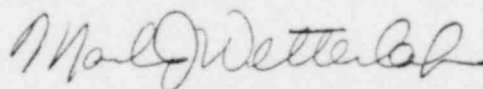
On another aspect of the proceeding, Staff counsel inquired if Applicants wanted the Board to delay ruling on the pending motion for reconsideration until after argument at the prehearing conference. To the contrary, the Applicants believe that the Board should rule immediately upon the motion for reconsideration in order to clarify the record, such that any additional information on emergency planning can be dealt with in order to avoid any delay. This is particularly true in view of the Commission's adoption of the rule that provides, inter alia, that for issuance of operating licenses authorizing only fuel loading and low power operation (up to 5% of rated power), no NRC or Federal Emergency Management Agency (FEMA) review, findings and determination concerning the state or adequacy of offsite emergency preparedness shall be necessary.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.



Troy B. Conner, Jr.



Mark J. Wetterhahn
Counsel for the Applicants

July 15, 1982

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Motion to Establish Schedule for Completion of Consideration of 'Quality Assurance' Contentions," dated July 15, 1982 in the captioned matter, have been served upon the following by deposit in the United States mail this 15th day of July, 1982:

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