UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
THE CINCINNATI GAS & ELECTRIC COMPANY, et al.	)	Docket No. 50-358
	)	
(Wm. H. Zimmer Nuclear Power Station)	)	

APPLICANT'S ANSWER TO MIAMI VALLEY POWER PROJECT'S MOTIONS TO REOPEN DISCOVERY FOR CONTENTION 13 AND FOR FULL DISCLOSURE

On August 24, 1979, the Miami Valley Power Project ("Project") intervenor in the captioned proceeding, filed two motions related to Contention 13. They were entitled "Miami Valley Power Project's Motion for Full Disclosure," and "Miami Valley Power Project's Motion to Reopen Discovery for Contention 13." Applicants, The Cincinnati Gas & Electric Company, et al., oppose both motions.

With regard to the motion for full disclosure, Applicants believe it completely lacks any merit. The Project has not shown that the Applicants have not met their obligation to inform this Board and parties of any matter which is required to be reported. The Project is sent all amendments to the Application which describe the facility and any changes being made to it. In addition, there is no outstanding informational request regarding Contention 13. The request is devoid of any substance, fails to state what is sought, is subsumed by the motion to reopen discovery as discussed, infra, and should be denied.

With regard to the motion to reopen discovery, it is generally recognized that cost increases for nuclear power plants are the rule rather than the exception, and the cost figures will change over time. In the circumstances, Applicants do not feel that the Project has made a showing which would require reopening of discovery.

However, if the Board decides to reopen discovery with regard to Contention 13, because of the very limited nature of the discovery, and the status of the proceeding, it should limit the time available, and the scope of such discovery to new information relating to Contention 13. The Board should make it clear that any reopening of discovery on this limited matter would not signal an opportunity to explore existing matters which may now occur to intervenors and which have existed for the almost three year period discovery has been open.

In conclusion, discovery with regard to Contention 13 should not be reopened. However, if it is, the Board should carefully control the scope and timing of discovery.

Respectfully submitted,

CONNER, MOORE & CORBER

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September 7, 1979