



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:  
Charles Bechhoefer, Chairman  
Dr. Frank F. Hooper  
Dr. M. Stanley Livingston



SERVED MAY 6 1981

In the Matter of:

CINCINNATI GAS & ELECTRIC  
COMPANY, ET AL.

(William H. Zimmer Nuclear Station,  
Operating License Proceeding)

Docket No. 50-358 OL

May 5, 1981

MEMORANDUM  
(Concerning MVPP's Motion for  
Resumption of Evidentiary  
Hearing on Contention 13)

By motion filed April 21, 1981, Miami Valley Power Project (MVPP) moved to reopen the evidentiary hearing on Contention 13 (financial qualifications). MVPP further moved, if the foregoing motion were granted, "for a continuance in the deadline set for filings of proposed findings of fact and conclusions of law".

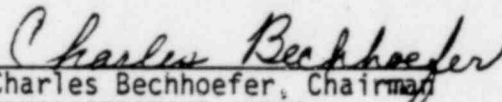
Responses to this motion are not yet due to be filed, and we are not likely to be able to rule on the motion for some time. Nonetheless, we wish to put MVPP on notice that, on the basis of its motion, we are not likely to grant a continuance in the date for filing proposed findings.

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(In MVPP's case, that date is June 5, 1981.) The Applicants have already filed their proposed findings, including those on Contention 13, on the basis of the record to date. We expect MVPP to do so on that same basis. If we should grant MVPP's motion to reopen the record on Contention 13, we will permit all parties to file revised or additional proposed findings and conclusions on that contention.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland,  
this 5th day of May, 1981.

As a result of his extended absence from the country, Dr. Hooper took no part in the consideration or formulation of this Memorandum.