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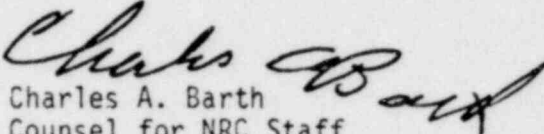
Staff counsel has reviewed the transcript of the hearing held on March 2, 3 and 4, 1981 and is not able to find testimony on behalf of the applicants' that if Zimmer were shut-down there would be little or no cost for replacement power (as MVPP alleges to have occurred). MVPP cites no transcript page or other identification as to where this alleged perjury took place.

As to the April 8, 1981 letter from Borgmann (CG&E) to Denton (NRC) referencing a 5.3 million dollar monthly replacement power cost, this does no more than reiterate what is already in the record. See testimony of Wayne Britz, page 4, following transcript page 2967; See also, testimony of Kevin Rooney page 7, following transcript page 2937. Mr. Borgmann's letter of April 8, 1981 far from being new material, merely repeats the testimony already in the record. The transcript for August 9, 1979 indicates that Mr. Feldman, counsel for MVPP was present during the testimony of Mr. Rooney and Mr. Britz, both of whom were cross-examined by MVPP.

Standards for reopening the record are set forth in Kansas Gas and Electric Company et al (Wolf Creek Generating Station, Unit I), ALAB-462, 7 NRC 320, 338 (1978), and Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2) CLI-81-5, April 1981, 12 NRC-. The movant has a heavy burden to show that there is new and significant information which would require that a different result be reached. The Commission further stated "We emphasize that bare allegations or simple submission of new contentions is not enough" Diablo Canyon, CLI-81-5, supra. Here, there is no new information - rather, the intervenors' only restate the same information that was introduced into the record at

the hearing held on Tuesday, August 9, 1979. The Intervenors have done no more than simply allege without fact or basis or citation that a perjury was committed. For the foregoing reasons, the Intervenors' Motion to Reopen should be denied.

Respectfully submitted,


Charles A. Barth
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 7th day of May, 1981

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket No. 50-358

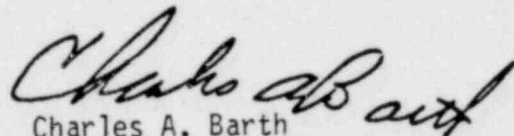
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