

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

In the Matter of)
)
THE CINCINNATI GAS AND ELECTRIC)
COMPANY, ET AL.)
)
(Wm. H. Zimmer Nuclear Power)
Station))
)

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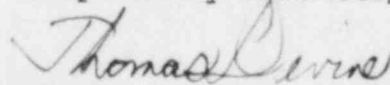
Docket No. 50-358
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MIAMI VALLEY POWER PROJECT'S MOTION FOR LEAVE
TO FILE A REPLY BRIEF TO APPLICANTS AND STAFFS'
ANSWERS TO MVPP MOTION TO COMPEL DISCOVERY

On August 3, 1983 the Applicants, through counsel, filed "Applicants' Response to Reply Brief by Miami Valley Power Project in Support of Motion to Reopen the Record and Applicants' Answer to Motion to Permit (sic) Discovery" in the above-captioned matter. The Nuclear Regulatory Commission ("NRC") Staff similarly had filed an answer on August 1, 1983. Both the Applicants and Staff opposed the MVPP motion. The Miami Valley Power Project ("MVPP") moves for leave to reply to both briefs on this issue.^{1/}

Both the Staff and Applicant asserted without authority a boundary on discovery that disqualifies MVPP's motion. MVPP had cited precedents that applied the discovery rules to motions to reopen.^{2/} MVPP requests the opportunity to fully brief the issue, if this Board has any doubt about its authority to order discovery at this stage of the proceedings.

Respectfully submitted,



Thomas Devine
Counsel for Miami Valley Power Project

August 11, 1983

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^{1/} MVPP has been informed that this Board will not consider Applicants' response to MVPP's reply brief on the motion to reopen. On that basis, MVPP is not moving to strike the response.

^{2/} Reply Brief by Miami Valley Power Project in Support of Motion to Reopen the Record for Admission of Eight Contentions on Quality Assurance and Character and Competence; and Motion to Compel Discovery on those Contentions (July 12, 1983), at 32 n. 32-34.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing "Miami Valley Power Project's Motion For Leave To File A Reply Brief To Applicants and Staffs' Answers to MVPP'S Motion To Compel Discovery" has been served upon the following by mailing first-class, postage prepaid, this 11th day of August, 1983.

DOCKETED
11/13/83
AUG 12 1983

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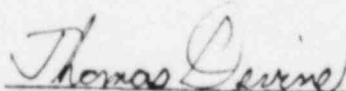
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