

QERA

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



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

APPLICANTS' RESPONSE TO "MIAMI VALLEY POWER PROJECT'S  
MOTION TO QUASH APPLICANT'S SUBPOENA TO  
DONALD BLANCH"

On July 24, 1979, the Miami Valley Power Project, an intervenor in the captioned proceeding, moved the Atomic Safety and Licensing Board to quash the subpoena issued by the Chairman for Donald Blanch as requested by the Applicants. The reasons given were that "Donald Blanch has recently shown an unwillingness to participate in the intervention process as a witness" and "Miami Valley Power Project will not subpoena him to testify on its behalf in its presentation of evidence relating to Contention 14." The essence of this point was stated orally to the undersigned by counsel for Miami Valley Power Project on Tuesday, July 24, 1979. On this basis, the subpoena was not served.<sup>\*</sup> With the understanding that Mr. Blanch will not appear as a witness, Ap-

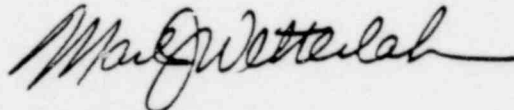
<sup>\*</sup>/ See Letter to Leah Kosik, Esq. from Mark Wetterhahn, Esq. dated July 24, 1979.

plicants submit there is nothing before the Board upon which to rule.

Applicants want it clearly understood, however, that in the event Mr. Blanch were to be subsequently offered as a witness in this proceeding, the Applicants will first pursue discovery through deposition or otherwise.

Respectfully submitted,

CONNER, MOORE & CORBER

A handwritten signature in dark ink, appearing to read "Mark J. Wetterhahn", with a long horizontal flourish extending to the right.

Mark J. Wetterhahn  
Counsel for the Applicants

July 26, 1979

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response to 'Miami Valley Power Project's Motion to Quash Applicant's Subpoena to Donald Blanch,'" dated July 26, 1979, in the captioned matter, have been served upon the following by deposit in the United States mail this 26th day of 1979:

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