

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CINCINNATI GAS & ELECTRIC
COMPANY, ET AL.

(William H. Zimmer Nuclear
Power Station)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

) Docket No. 50-358
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INTERVENOR MVPP'S MOTION TO STRIKE APPLICANTS'
ANSWER TO INTERVENOR'S MOTION FOR PROTECTIVE
ORDER

Pursuant to 10 C.F.R. §2.730, Intervenor Miami Valley Power Project ("MVPP") moves that Applicants' Answer to MVPP's Motion for Protective Order be stricken as moot and improperly submitted since the Board had already decided the motion the day before the opposition was filed.

On July 8, 1982, MVPP requested a protective order permitting it to submit affidavits with identifying information deleted in support of MVPP's proposed eight contentions. On July 16, 1982, this Licensing Board, sua sponte, reopened the record and raised MVPP's proposed eight contentions. On July 21, 1982, this Board granted MVPP's motion for protective order and ordered that any affidavits submitted pursuant to the protective order be submitted on July 26, 1982. These affidavits are to be further basis for the eight contentions.

On July 22, 1982, the day after this Board's order granting MVPP's motion for protective order, applicants submitted their

opposition to MVPP's motion.

MVPP moves to strike applicants' opposition on the grounds that the Board had previously granted MVPP's motion and any further submission by any party was moot, since the issue had already been decided.

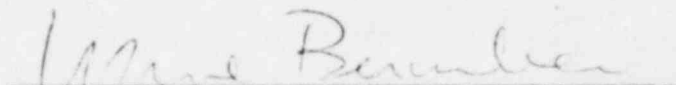
This Board has no authority to receive pleadings other than pursuant to the Nuclear Regulatory Commission's regulations. The regulations clearly provide that any party may raise appropriate issues for Board resolution by motion. 10 C.F.R. §2.730. Applicants' opposition to MVPP's Motion for Protective Order, although filed within the time period allowed by the rules, 10 C.F.R. §§ 2.710, 2.730(c), is not responsive to any issue properly before this Board, since the motion had already been granted.

For the foregoing reasons, Applicants' Answer to Motion by Miami Valley Power Project for a Protective Order should be stricken.

Respectfully submitted,



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DATED: July 26, 1982.