

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
The Cincinnati Gas & Electric )  
Company, et al. )  
(Wm. H. Zimmer Nuclear Power )  
Station) )

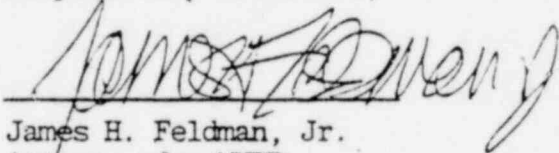
Docket No. 50-358



INTERVENOR MIAMI VALLEY POWER PROJECT'S  
MOTION TO CONTINUE THE EVIDENTIARY HEARING

Miami Valley Power Project (MVPP) hereby moves in the above captioned matter to continue the evidentiary hearing until such time as Congress either affirms the status of the Nuclear Regulatory Commission (NRC) or creates a new regulatory agency charged with the granting of operating licenses.

Respectfully submitted,

  
James H. Feldman, Jr.  
Attorney for MVPP

November 10, 1979

MEMORANDUM IN SUPPORT OF  
INTERVENOR MIAMI VALLEY POWER PROJECT'S  
MOTION TO CONTINUE THE EVIDENTIARY HEARING

On October 30, 1979, the Report of the President's Commission on the Accident at Three Mile Island was presented to President Carter. A major

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recommendation of the report is that the Nuclear Regulatory Commission (NRC) should be totally restructured. The report discussed the issues that led to that recommendation:

While some compromises between the needs of safety and the needs of industry are inevitable, the evidence suggests that the N.R.C. has sometimes erred on the side of the industry's convenience rather than carrying out its mission of assuring safety.

Two of the most important activities of the N.R.C. are its licensing function and its inspection and enforcement activities. We found serious inadequacies in both.

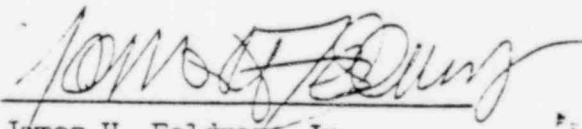
The existence of a vast body of regulations by N.R.C. tends to focus industry attention narrowly on the meeting of regulations rather than on a systematic concern for safety.

We found serious managerial problems within the organization. These problems start at the very top.

We therefore conclude that there is no well-thought-out, integrated system for the assurance on nuclear safety within the current N.R.C.

For all of these reasons we recommend a total restructuring of the N.R.C.

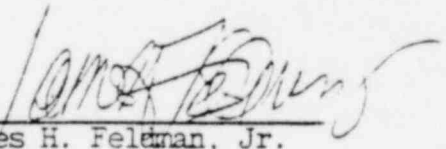
MVPP therefore moves that the evidentiary hearing be continued until such time as the Congress acts on the President's Commission's recommendation that the NRC be restructured. It is only prudent not to expend further resources, both of manpower and finances, in the deliberation of this matter until the status of the NRC has been clarified. Otherwise, a massive duplication of effort might have to occur should a different regulatory agency receive the charge of reviewing applications for operating licenses.

  
James H. Feldman, Jr.  
Attorney for MVPP

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CERTIFICATE OF SERVICE

I hereby certify that copies of the above motion and memorandum have been sent to all parties on the service list by ordinary U.S. mail on the 10<sup>th</sup> day of November, 1979.

  
James H. Feldman, Jr.  
Attorney for MVPP



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