

6/4/79

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

| | | |
|--------------------------------------|---|--------------------|
| In the Matter of |) | |
| |) | |
| PENNSYLVANIA POWER & LIGHT COMPANY |) | Docket Nos. 50-387 |
| and |) | 50-388 |
| ALLEGHENY ELECTRIC COOPERATIVE, INC. |) | |
| |) | |
| (Susquehanna Steam Electric Station, |) | |
| Units 1 and 2) |) | |

APPLICANTS' ANSWER TO MOTION OF
CITIZENS AGAINST NUCLEAR DANGERS

In "A Motion for a Ruling by the Atomic Safety and Licensing Board" dated May 12, 1979, Intervenor Citizens Against Nuclear Dangers (CAND) requests the Board to restrain Applicants from obtaining certain permits from other government agencies relating to operation of the Susquehanna Steam Electric Station (SSES).* CAND asserts that Applicants should not be allowed to obtain permits which are in some way related to admitted contentions prior to the operating license hearings.

Applicants oppose the CAND motion. There is no requirement that Applicants withhold applications for other governmental permits pending actions by the NRC on the operating licenses.

*Since CAND's Motion was not accompanied by proof of service, as required by the Commission's rules, 10 CFR §2.701(a), Applicants are unsure as to the actual date of service. Applicants would request that future CAND filings include the required certificate of service.

The Atomic Safety and Licensing Appeal Board has recognized that decisions of governmental agencies other than the NRC are independent of the NRC's licensing actions. In a 1976 order, the Appeal Board considered whether it should analyze an applicant's compliance with certain State permits. In its decision, the Board said:

The Consolidated Intervenors also claim that the alternative exclusion area of proposal does not comport with the terms of the permit which the applicants received from the California Coastal Zone Conservation Commission to build Units 2 and 3 of the San Onofre facility. The applicants dispute this claim. We do not reach the question. It is for the Coastal Zone Commission to interpret and enforce the terms of its own permit.*

Thus, it has been the Commission policy to permit applicants to pursue applications for permits other than the NRC operating license contemporaneously with NRC licensing activities. Each agency must be the master of its own licensing process. See Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-187, 7 AEC 410, 412-413 (1974).

Completion of administrative procedures before state agencies does not prejudice CAND's right to litigate issues validly before the NRC. CAND has presented neither policy

*Southern California Edison Company (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-308, 3 NRC 20 (1976).

nor legal arguments justifying the remedy it seeks.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By



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Dated: June 4, 1979



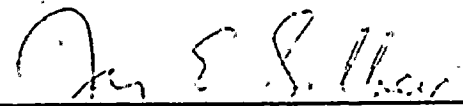
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing
"Applicants' Answer to Motion of Citizens Against Nuclear
Dangers" were served by deposit in the U.S. Mail, first
class, postage prepaid, this 4th day of June, 1979, to all
those on the attached Service List.



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Dated: June 4, 1979

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