

A MOTION FOR A RULING BY THE ATOMIC SAFETY AND LICENSING BOARD

and  
A PETITION TO THE GOVERNOR OF PENNSYLVANIA

May 12, 1979

The Citizens Against Nuclear Dangers (Citizens), Berwick, Pa. are informing the Board that the Pennsylvania Power and Light Company has applied to the Pennsylvania Department of Environmental Resources (DER) for a permit to discharge industrial waste, such as chloride, from the Berwick atomic power plant, sometime in the future, into the Susquehanna River and into the biosphere. This is the subject of various admitted contentions pending before the Board, namely Contentions Nos. 1, 2, 9, 11, 16, 18, et al. (NRC Docket Nos. 50-387 & 50-388).

The Citizens object to the Applicant's apparent defiance of the Board's Order of March 6, 1979. The P.P.& L., as a party to the NRC licensing proceedings, has knowingly disregarded the fact that there are legal contentions raised by the interveners relating to the discharge of industrial waste that will be litigated at public hearings before the Board in the near future.

If the permit application is not withdrawn, and, if the DER acts on the P.P.& L. application before the NRC hearings are concluded, then the Applicant will be flaunting the intent of the NRC licensing procedures. The mere fact that a permit request has been made to the DER is evidence of the Applicant's callous disregard for the Board's adjudicative powers. The electric company seems to be making a mockery of established Federal licensing rules and regulations by this circumvention. In light of the Three-Mile-Island catastrophe and exposé, this is incredibly irresponsible!

The Citizens, therefore, seek a ruling from the Board restraining the P.P.& L. from obtaining government permits, including the industrial waste disposal permit from the DER cited above, that involve environmental and safety matters before the Board, prior to the evidential hearings for the Berwick operating license.

The DER, by the way, is supposedly a party to the intervention. But, how can the DER issue a permit prior to obtaining the findings of fact and the decisions of the Board?

A PETITION

Because the DER is a party to the intervention, the Citizens hereby petition the Governor of the Commonwealth of Pennsylvania to issue an Executive Order, or other decree in the public interest declaring a moratorium on the issuance of state permits for the Berwick atomic project until the Nuclear Regulatory Commission's environmental and safety related public hearings are concluded. 3/12/79 *Chapman G. H. J.*

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