

August 7, 1981

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' MOTION FOR
SUMMARY DISPOSITION OF
CONTENTION 1 (RADON)

Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. ("Applicants") move the Atomic Safety and Licensing Board, pursuant to § 2.749 of the Commission's Rules of Practice (10 C.F.R. § 2.749) and the Special Prehearing Conference Order of March 6, 1979, LBP-79-6, 9 NRC 291, 328, for summary disposition in Applicants' favor of that portion of Contention 1 in this proceeding that questions the quantities of radon-222 which will be released during the fuel cycle required for the Susquehanna facility, and the radiological health effects of those radon releases. As grounds for their Motion, Applicants allege that there is no genuine issue of material fact to be heard with respect to the radon-222 aspect of Contention 1 and that Applicants are entitled to a decision in their favor on it as a matter of law.

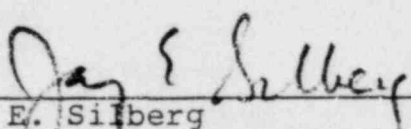
This Motion is supported by the Applicants' Statement Of Material Facts As To Which There Is No Genuine Issue To Be Heard

(Contention 1 (Radon)), Applicants' Memorandum in Support of Motion, and the Affidavit of Morton I. Goldman, all filed simultaneously herewith, together with all pleadings and other papers in this proceeding. As discussed in the Memorandum the factual matters relating to the quantities of radon-222 releases attributable to the Susquehanna facility have been adjudicated by the Atomic Safety and Licensing Appeal Boards in the consolidated radon proceeding, Philadelphia Electric Company, et al. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-640 (May 13, 1981), and should not be relitigated in this proceeding under the accepted principles of collateral estoppel and stare decisis.

As set forth in the March 6, 1979, Special Prehearing Conference Order, supra, 9 NRC at 328, responses to this Motion are due three weeks from its filing date.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



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