



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 24, 1978

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515


Re: KEPFORD V. NRC (D.C. CIR. NO. 78-1933)

Dear Mr. Chairman:

Dr. Chauncey Kepford has again sued the Commission in the D.C. Circuit, this time for review of ALAB-480, an Appeal Board decision not reviewed by the Commission which establishes the Perkins record as the base case for deciding the radon release issue in 17 pending individual licensing proceedings now before the Appeal Board. See SECY-A-78-63.

Dr. Kepford seeks judicial review of ALAB-480 only insofar as the decision affects the Three Mile Island proceeding. He argues that the court should reverse ALAB-480 because it permits the continued operation of TMI-2 pending final resolution of the radon question, and because it places additional procedural burdens on the intervenors.¹ We shall keep you informed of further developments in this litigation.

Sincerely,


Stephen F. Bilperin
Solicitor

cc: The Honorable Robert Bauman

¹ Although the petition does not go into detail on the procedural matter, Dr. Kepford in his submissions to the Appeal Board has objected, among other things, to the use of the Perkins record on the ground that the Licensing Board made several evidentiary errors. While Dr. Kepford is free to introduce new evidence in rebuttal, he apparently believes this is an unfair burden.

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