

NOV 8 1979

Docket No. 50-255

The Honorable Donald W. Riegle, Jr.
United States Senator
Western Regional Office
Suite 780 G.R. Ford Bldg.
Grand Rapids, Michigan 49503

Dear Senator Riegle:

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OCA (3)	SECY (3)

I am pleased to respond to your inquiry of October 4, 1979, in which you ask us to comment on a letter to you of September 21, 1979 from Mr. Thomas J. Edwards of the Valley Alliance inquiring as to whether there are conflicts between agencies which must issue permits in order that the Palisades steam generator be replaced, and inquiring as to financial assistance to intervenors.

In regard to whether there is an inter-agency conflict in actions on the replacement of the steam generator at the Palisades Nuclear Power Plant, Consumers Power Company is presently applying for a Corps of Engineers permit without first getting NRC approval of the replacement. We do not see this as a conflict. This is the usual situation where many permits are needed from different agencies for a particular project. Without these concurrent applications, there would be much time lost in getting necessary approvals. Here the Corps of Engineers has statutory duties and authority separate and apart from the NRC's authority. Application for, and issuing of, a permit by one agency in no way indicates whether the permit should be issued by the other agency under the separate law it administers. Thus, we believe no conflict exists.

The question of public funding of intervenors in individual licensing proceedings is a difficult one. The Commission is in the process of studying this matter. As you know, several proposals have been made to provide the Commission with explicit statutory authority to extend financial assistance to intervenors. However, present language in the House of Representatives Report accompanying the NRC's appropriation measures for fiscal year 1980 states that the appropriation does not include funds for intervenors (H. Rpt. 96-243, p. 139).

If we can supply you with any further information, do not hesitate to contact us.

Sincerely,

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Original signed by R. G. Smith

OFFICE	OEED	OEED	OCA	Lee V. Gossick Executive Director for Operations	EDO
SURNAME	E.Reis/dkw	T.Engelhardt			
DATE	11/06/79	11/07/79	11/8/79	8001180	11/7/79

ESR concerned orally
J.P.
S.M.C.
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