

50-592,593



March 27, 1979

Mr. Joseph Hendrie
United States Nuclear Regulatory Commission
Washington, D.C.

Dear Mr. Hendrie:

I was very pleased to receive your letter of February 26th addressed to Mr. Anthony Roisman of the National Resources Defense Council.

Since I was not granted standing as a participant until the recent hearing and I have just received official copy of that standing granted, I now feel that I can request intervenor funding.

As Mr. Roisman's letter of January 10th stated, he had not had any contact with me so he could not contend that funding was especially required for the public intervenor effort. Now, with my standing granted, I am legally party to the proceedings and I do request consideration for funding. It is especially required if the citizen intervention effort is to play any significant role in the hearing process.

Briefly stated, this is the situation: the ability to successfully fund the presentation needed in the licensing proceedings is outside my personal financial resources, and because deadlines in the procedures limit attempts to raise private funding, it becomes necessary for special consideration to be given the granting of intervenor funding.

Sincerely,

Larry Bard
Larry Bard



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

February 26, 1979

CHAIRMAN



Anthony Z. Roisman, Esq.
Natural Resources Defense Council, Inc.
917 15th Street, N.W.
Washington, D.C. 20005

Re: Arizona Public Service (Palo Verde Units 4 & 5)
Docket Nos. 50-592 and 593

Dear Mr. Roisman: *Taney*

This is in response to your letter of January 10, 1979 suggesting that the Commission fund intervention in the Palo Verde proceedings.

The Commission has previously considered the question of intervenor funding and decided against it in general. Nuclear Regulatory Commission (Financial Assistance to Participants in Commission Proceedings), 4 NRC 494 (1976). The Commission is currently considering whether it should draft a bill to reform the nuclear licensing process and what form such a bill might take, and it is again considering the issue of intervenor funding in that context. The desirability of funding without Congressional authorization and the Commission's authority to do so are matters of current discussion. In addition, no party to the proceeding has requested funding, and you do not contend that it is especially required here.

Finally, the fact that a Commissioner will sit on the panel does not sufficiently distinguish Palo Verde from other Commission licensing proceedings so that the Commission could fund intervention here without setting a substantial precedent for other cases.

Therefore, we do not believe it appropriate to provide intervenor funding in the Palo Verde proceeding. We are fully aware of your support for the concept of intervenor funding and will consider your views in our consideration of this issue.

Sincerely,
[Signature]
Joseph M. Hendrie

cc: Attorneys for all parties
50-592

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