



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

October 17, 1978



NRC PUBLIC DOCUMENT ROOM

Ms. Linda Werner
Route 2, Box 2107
Dear Island, Oregon 97054

In the Matter of Portland, General Electric Company, et al.
(Trojan Nuclear Plant)
Docket No. 50-344 (Control Building)

Dear Ms. Werner:

I have received your letter of September 21, 1978 in which you express your concerns with regard to the Atomic Safety and Licensing Board's consolidation of intervenors Nina Bell, Gail Parson and David McCoy.

The Licensing Board consolidated these intervenors because their interests in the proceeding appeared to be very similar, if not identical, and because there was no indication that any of these intervenors could make a greater contribution acting individually than he or she could make acting jointly. The Commission's regulations empower the Licensing Board to order consolidation in just the type of circumstances which are present here where such consolidation is justified and might reasonably be expected to result in a more efficient and expeditious proceeding.

As you may know, Mr. McCoy appealed the Licensing Board's consolidation order. While the Appeal Board denied Mr. McCoy's appeal on the ground that such an appeal is inadmissible prior to the conclusion of the proceeding under the Commission's Rules of Practice, it also found the appeal to be without substantial merit (Portland General Electric Company (Trojan Nuclear Plant), ALAB-496, ___ NRC ___ (September 12, 1978)). As the Appeal Board noted, Mr. McCoy provided no cause to believe that effective coordination with Ms. Parson and Ms. Bell would prove impossible. In addition, the Licensing Board has pointed out in its denial of Ms. Bell and Ms. Parson's motion for reconsideration of the consolidation order, that Mr. McCoy has consistently alleged that he makes frequent trips to the Portland area for business and recreational purposes and that such trips require extended stays in the area. These trips should provide an opportunity for coordination.

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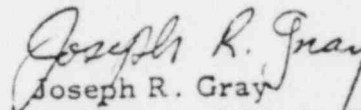
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Although it is true that the Licensing Board's consolidation order and the coordination of efforts required by it may result in increased expenses for mail and telephone communications for Ms. Bell, Ms. Parson and Mr. McCoy, there is no indication thus far that such expenses would be unreasonable or burdensome. Indeed, to date there is no indication that these intervenors have even attempted to coordinate their efforts. If the consolidation turns out in practice to be significantly prejudicial to the protection of these intervenors' interests, the Appeal Board has made it clear that the intervenors may again seek to obtain relief from the Licensing Board's consolidation order.

In your letter, you express your view that the referenced proceeding has not been readily accessible to the public because of the "maze of . . . regulations" and the cost to intervenors of printing, postage, transportation and loss of job hours. While the Staff recognizes your concerns in this regard, we would also point out that intervention carries with it certain duties, responsibilities and costs. These responsibilities and costs may at times, seem burdensome but they are reasonable and necessary incidents to providing all parties with a full opportunity to present their positions. Similarly, the regulations may appear complicated but they are also necessary to assure that the rights of all parties are protected and to maintain an orderly and efficient proceeding.

I trust that this has been responsive to your concerns. By means of this response, copies of your letter will be forwarded to the Licensing Board and parties for information.

Sincerely,


Joseph R. Gray
Counsel for NRC Staff

Enclosure:

Ltr. fm. Linda Werner to Joseph
R. Gray dtd. September 21, 1978

cc w/enclosure:

Marshall E. Miller, Esq., Chairman	William W. Kinsey
Dr. Kenneth A. McCollom, Dean	Ms. Nina Bell
Dr. Hugh C. Paxton	Mr. Stephen M. Willingham
Mr. John A. Kullberg	Mr. Eugene Rosolie
John A. Socolofsky	Gregory Kafoury, Esq.
Robert M. Johnson	Atomic Safety and Licensing Board Panel
Robert Lowenstein	Atomic Safety and Licensing Appeal Panel
Mr. David B. McCoy	Docketing and Service Section
Ms. C. Gail Parson	
H. H. Phillips, Esq.	