

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

In the Matter of)
)
KANSAS GAS & ELECTRIC COMPANY AND) Docket No. STN 50-482-SP
KANSAS CITY POWER & LIGHT COMPANY)
) (Construction Permit
(Wolf Creek Generating Station,) Amendment)
Unit No. 1))

REQUEST FOR ADDITIONAL TIME IN WHICH TO RESPOND TO ORDER

Comes now the Public Service Commission of Missouri, by and through its General Counsel, and respectfully requests the Atomic Safety and Licensing Board to grant this request for additional time in which to reply to Order. In support of this request, the Public Service Commission states the following:

1. On October 24, 1979, the Missouri Public Service Commission filed a petition for leave to intervene as an interested state pursuant to the provisions of 10 CFR §2.715(c).
2. On November 23, 1979, the Atomic Safety & Licensing Board issued an order requesting the Missouri Public Service Commission to make certain filings with the Board within ten (10) days of the date of the order.
3. The Public Service Commission received a handwritten note apprising it of the order from a staff attorney with the

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Nuclear Regulatory Commission on November 30, 1979.

4. The actual order was not received by the Missouri Public Service Commission until December 3, 1979, the same date that such answer was due.

For the above reasons, the Public Service Commission respectfully requests an extension of time in which to answer until December 21, 1979.

Respectfully submitted,

Paul W. Phillips
by Arthur J. Loman
Paul W. Phillips *Deputy General Counsel*
General Counsel

Treva J. Hearne

Treva J. Hearne
Assistant General Counsel

Attorneys for Public Service
Commission of the State of Missouri
P. O. Box 360
Jefferson City, Missouri 65102

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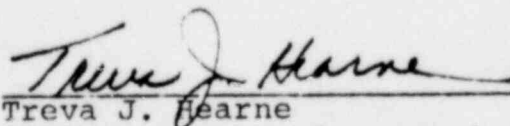
NOTICE OF APPEARANCE

Pursuant to 10 CFR Section 2.713(a), I, Treva J. Hearne of P. O. Box 360, Jefferson City, Missouri, telephone number (314) 751-4273, hereby submit this notice of appearance in a representative capacity in this proceeding.

The basis of my eligibility is admission to the bar of the Supreme Court of the State of Missouri.

I will appear on behalf of the Public Service Commission of P. O. Box 360, Jefferson City, Missouri, Intervenor in the above-entitled proceeding.

Dated December 3, 1979.




Treva J. Hearne
Assistant General Counsel for the
Missouri Public Service Commission

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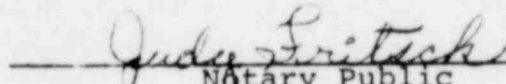
AFFIDAVIT

I hereby swear that I have signed the foregoing document in a representative capacity as attorney for the Missouri Public Service Commission, with full authority in that capacity; that I have read said document and am familiar with its contents; and, that to the best of my knowledge, information and belief the statements made in it are true.



Treva J. Hearne
Assistant General Counsel

Subscribed and sworn before me this 3rd day of December, 1979.



Judy L. Fritsch
Notary Public

My Commission expires

NOTARY PUBLIC STATE OF MISSOURI
MY COMMISSION EXPIRES MAY 30 1980

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CERTIFICATE OF SERVICE

I, Treva J. Hearne, certify that a copy of the foregoing Notice of Appearance and Petition for Leave to Intervene was served on the Executive Legal Director, a member of the General Counsel of the Nuclear Regulatory Commission, at the United States Nuclear Regulatory Commission, Washington, D.C. 20555, and on Herbert Grossman, Atomic Safety and Licensing Board Chairman, United States Nuclear Regulatory Commission, Washington, D.C. 20555, and on Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036, by deposit of such copies in the United States Mail properly stamped and addressed on the December 3, 1979.

Dated December 3, 1979.

Treva J. Hearne
Treva J. Hearne
Assistant General Counsel for the
Missouri Public Service Commission

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UNITED STATES OF
NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

Herbert Grossman, Chairman
Glenn O. Bright, Member
Richard F. Cole, Member

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In the Matter of

KANSAS GAS & ELECTRIC COMPANY AND
KANSAS CITY POWER & LIGHT COMPANY)

(Wolf Creek Generating Station,
Unit No. 1))

) COMMISSION COUNSEL
) PUBLIC SERVICE COMMISSION

) Docket No. STN 50-482-SP

) (Construction Permit
) Amendment)

ORDER DIRECTING A FURTHER SUBMISSION
BY THE PUBLIC SERVICE COMMISSION OF MISSOURI

On September 24, 1979, the Nuclear Regulatory Commission published in the Federal Register a notice of a proposed issuance of amendment to Construction Permit CPPR-147 that had been issued to the Kansas Gas & Electric Company and Kansas City Power & Light Company (applicants) on May 17, 1977 for the construction of the Wolf Creek Generating Station, Unit No. 1, located in Coffey County, Kansas. 44 Fed. Reg. 55071. The proposed amendment would add Kansas Electric Power Cooperative, Inc. as a co-owner assuming a 17 percent interest in the Wolf Creek facility in accordance with the application, dated July 30, 1979.

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The notice provided that the applicants might file a request for a hearing with respect to the issuance of the amendment to the construction permit and that any person whose interests might be affected by the proceeding who wished to participate as a party in the proceeding must file a written petition for leave to intervene pursuant to 10 C.F.R. §2.714, by October 24, 1979.

DUPLICATE

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By that date, and until now, no petitions for leave to intervene under §2.714 have been received. However, a petition for leave to intervene as representative of a State pursuant to 10 C.F.R. §2.715(c), dated October 24, 1979, was filed by the Public Service Commission of Missouri. The petition did not request a hearing, nor did it raise any contentions adverse to the proposed amendment. Rather, it indicated the Public Service Commission's desire merely to fulfill "its statutory obligation to carefully monitor the construction or sale of plant and the appropriate allocation of costs between jurisdictions".

On November 14, 1979, an Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered. The members of the Board are Mr. Glenn O. Bright, Dr. Richard F. Cole and Mr. Herbert Grossman, Chairman.

It appears that, in the absence of either a §2.714 intervenor or the indication of a specific aspect of the subject matter that an intervenor might wish to raise, no hearing is required to amend a construction permit. Accordingly, the Board directs that within 15 days of the issuance of this order, the Public Service Commission of Missouri file one of the following with the Secretary:

- 1) a statement indicating its agreement that no further proceedings are in order;
- 2) a motion to amend its petition to intervene under 10 C.F.R. §2.714, together with its proposed amended petition raising at least one specific aspect on which a hearing should be held;

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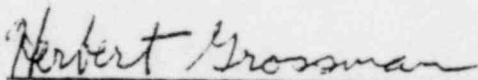
3) a memorandum supporting the position that a hearing should be held on the basis of the petition to intervene under 10 C.F.R. §2.715(c) that has already been filed; or 4) any other document which the petitioner feels would resolve the issue of whether further proceedings are in order.

The applicants are given 10 days and the NRC staff 15 days from service of the petitioner's submission to respond to it.

Board members Glenn O. Bright and Richard F. Cole concur in this order.

BY ORDER OF THE BOARD

THE ATOMIC SAFETY AND
LICENSING BOARD



Herbert Grossman, Chairman

Dated at Bethesda, Maryland
this 21st day of November, 1979

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