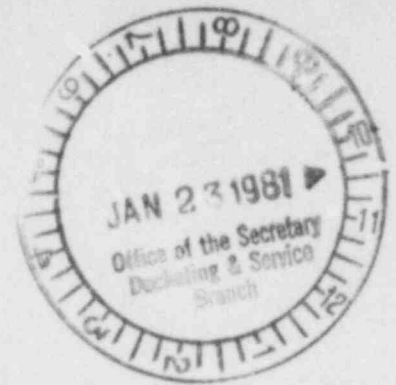


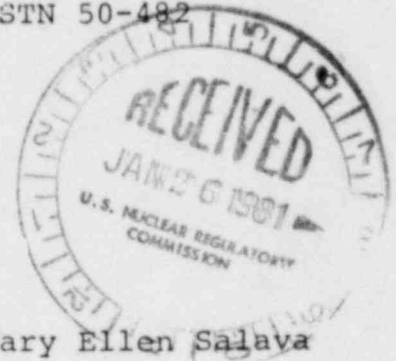
January 21, 1981



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
KANSAS GAS & ELECTRIC COMPANY) Docket No. STN 50-482
) et al.)
(Wolf Creek Generating)
Station, Unit No. 1))

APPLICANTS' ANSWER TO LETTER
FROM MARY ELLEN SALAVA



In a letter dated January 13, 1981,^{*/} Mary Ellen Salava registered her opposition to the issuance of an operating license for the Wolf Creek Generating Station, Unit No. 1, and further stated her "wish to intervene." Notwithstanding Ms. Salava's use of the term "intervene," it appears to Applicants that her letter is a request to make a limited appearance pursuant to 10 C.F.R. § 2.715(a) and not a petition for full intervenor status pursuant to 10 C.F.R. § 2.714(a).

Ordinarily, generally worded letter requests from individuals asking that a hearing be held do not satisfy the requirements of 10 C.F.R. § 2.714(a) for petitions to intervene. Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), AEC "Memorandum and Order," 4 AEC 728, 731 (1971). As provided in the notice of "Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report;

^{*/} Ms. Salava did not serve a copy of her letter on counsel for Applicants, despite the explicit instructions of the Federal Register notice.

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Consolidation of Issuance of Facility Operating License and Notice of Opportunity for Hearing," published at 45 Federal Register 83360 (December 18, 1980), a petition for leave to intervene pursuant to 10 C.F.R. § 2.714(a) must:

* * * set forth with particularity the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors [listed in the Federal Register notice] in paragraph (d) of this section, and the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene.

10 C.F.R. § 2.714 [emphasis supplied].

The Commission thus insists that a prospective intervenor articulate the basis of his interest clearly and, moreover, specify the focus of the desired hearing before the petitioner is entitled to be admitted to a proceeding. Kansas Gas & Electric Co. (Wolf Creek Generating Station, Unit No. 1), ALAB-279, 1 NRC 559, 574 (1975). Ms. Salava's general statements that she opposes issuance of the Wolf Creek operating license because "there is not a viable emergency plan" and "there has been virtually no publication of the * * * [NRC's] intent to consider the application" are wholly insufficient to satisfy the Commission's "interest" and "aspects" requirements for intervention petitions. In an operating license proceeding such as this -- unlike a construction permit proceeding -- a hearing is not mandatory. There is, accordingly, especially strong reason

in an operating license proceeding for the exercise of "utmost care" to ensure that petitions for intervention clearly demonstrate a "real stake" in the proceeding.

Cincinnati Gas & Electric Co. (Zimmer Nuclear Power Station), ALAB-305, 3 NRC 8, 12 (1976). Accord, Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-547, 9 NRC 644, 649 (1979).

Applicants would therefore oppose the intervention of Ms. Salava, but do not object to her limited appearance by oral or written statement on matters germane to the proceeding, if a hearing is held.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By:

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Dated: January 21, 1981

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer To Letter From Mary Ellen Salava" were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 21st day of January, 1981.



Delissa A. Ridgway

Dated: January 21, 1981

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