



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

PERMITTEES' ANSWER TO
"PETITION FOR LEAVE TO INTERVENE
AS REPRESENTATIVE OF STATE PURSUANT
TO TITLE 10 SECTION 2.715(C) CODE
OF FEDERAL REGULATIONS (CFR)"

On September 24, 1979, the Commission published in the Federal Register a notice that it was considering the issuance of an amendment to the Construction Permit No. CPPR-147 authorizing the construction by Kansas Gas and Electric Company and Kansas City Power & Light Company (Permittees) of the Wolf Creek Generating Station, Unit No. 1, 44 Fed. Reg. 55071. The amendment would add Kansas Electric Power Cooperative, Inc. as a co-owner of the Wolf Creek facility. The Commission's notice provided that any requests for hearing or petitions for leave to intervene were to be filed by October 24, 1979.

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By letter dated October 23, 1979, the Missouri Public Service Commission (PSC) filed its "Petition For Leave To Intervene as Representative of State Pursuant to Title 10 section 2.715(c) Code of Federal Regulations (CFR)." The Petition did not request a hearing. Rather, it seeks permission to "participate as an intervenor in this proceeding with respect to the issuance of the amendment...."

Section 2.715(c) provides that an atomic safety and licensing board will afford representatives of an agency of an interested State "a reasonable opportunity to participate" in NRC proceedings. PSC as an agency of an interested State clearly comes within the scope of this provision. However, absent a request for a hearing, there would be no proceeding in which PSC could participate.

Although the Commission has yet to decide whether a petition filed under 10 CFR §2.715(c) by itself can trigger a hearing*, that question need not be reached in this case. Counsel for PSC has informed Permittees' counsel that PSC did not intend to request a hearing and does not want a hearing convened solely as a result of its petition. Counsel

*See Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1, 2, 3), CLI-73-3, 6 AEC 3 (1973); Niagara Mohawk Power Corp. (Nine Mile Point, Unit No. 1), LBP-74-21, 7 AEC 657 (1974).

for PSC further stated that PSC wants to participate in the proceeding only if a hearing is held at the request of some other person. Since no requests for hearing and no other petitions for leave to intervene have been filed, no hearing is appropriate in this case.

Respectfully submitted

SHAW, PITTMAN, POTTS & TROWBRIDGE

By 

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Dated: November 7, 1979

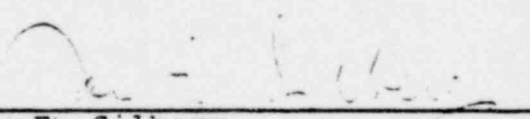
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing
"Permittees' Answer to Petition for Leave to Intervene as
Representative of State Pursuant to Title 10 Section 2.715(C)
Code of Federal Regulations (CFR)" were served by deposit in
the U.S. mail, first class, postage prepaid, this 7th day of
November, 1979, to all those on the attached Service List.



Jay E. Silberg

Dated: November 7, 1979

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