

SHAW, PITTMAN, POTTS & TROWBRIDGE

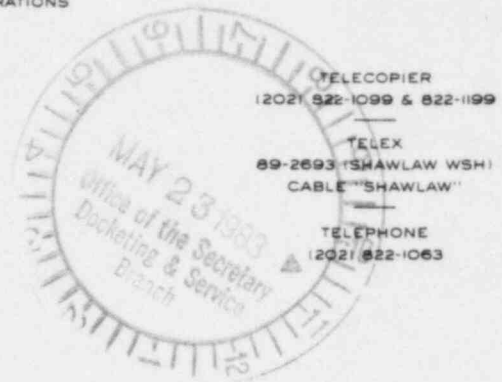
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1800 M STREET, N. W.

WASHINGTON, D. C. 20036

May 19, 1983

JAY E. SILBERG, P.C.



James A. Laurenson, Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. George C. Anderson
Department of Oceanography
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Seattle, Washington 98195

Dr. Hugh C. Paxton
1229 - 41st Street
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Re: Kansas Gas and Electric Company
(Wolf Creek Generating Station, Unit 1)
Docket No. STN 50-482

Gentlemen:

During my May 16, 1983 telephone conversation with Chairman Laurenson, it was agreed that the parties would attempt to negotiate an acceptable statement of contentions. As a result of discussions among the parties on May 16 and 18, the parties have agreed upon a process for developing an acceptable statement of contentions and have agreed upon a resolution of all but one of the "other objections to the proposed issues for litigation" identified in Applicants' Objections to Certain Proposed Issues and Motion for Adoption of Interrogatory Responses as Statement of Issues for Litigation, dated May 3, 1983.

The process for developing an acceptable statement of contentions will involve collating intervenors' interrogatory responses identified in paragraph 6(a)-(h) of intervenors' Response to Applicants Objections, dated May 12, 1983, in a coherent, non-repetitive format. Applicants are undertaking this effort and estimate that it will take several weeks to complete. The parties believe that they have adequate understanding of the issues to continue their testimony preparation in the interim period.

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As for Applicants' objections, the parties have agreed as follows:

1. The scope of the issues to be litigated does not extend to protective actions other than evacuation. The Intervenor's are not raising the issue of sheltering transients at John Redmond Reservoir. Nor are the Intervenor's raising the issue of the use of potassium iodide. (See Applicants' Objections, pp. 11-12.)
2. The scope of the issues to be litigated excludes the ability to evacuate or shelter the people living outside the Plume Exposure Pathway EPZ but inside Coffey County. The scope includes the effect on evacuation of the Plume Exposure Pathway EPZ of an order to evacuate the entire County. (See Applicants' Objections, pp. 12-13.)
3. The scope of the issues to be litigated excludes whether the length of time to conduct a particular activity is too long (apart from the notification times set by regulation), but includes the accuracy of the time estimated to conduct the activity. (See Applicants' Objections, pp. 17-18.)
4. The frequency of drills and exercises is set by NRC regulation and is not appropriate for litigation. (See Applicants' Objections, pp. 19-20.)

The parties have not been able to agree on the issue of medical treatment. Specifically, Intervenor's believe that the issues set forth in paragraphs 7 and 8 of their May 12, 1983 Response (p. 5) should be litigated. These paragraphs state:

7. Coffey County has not arranged for transporting radiologically exposed, radiologically contaminated, or radiologically injured persons to medical support facilities.

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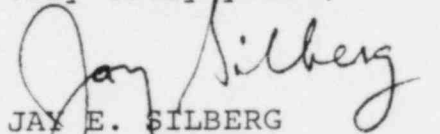
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8. The State and Coffey County have not adequately identified local or regional medical facilities which have the capabilities to provide appropriate medical treatment for persons with dangerous radiation exposure or who are contaminated, injured individuals, and they have not made a determination to what extent those facilities can provide such treatment. The plan should set forth the number and location of medical personnel trained in radiation treatment and should specify the arrangements that have been made with medical facilities about the treatment they will provide.

Applicants and Staff believe that paragraphs 7 and 8 are excluded from the appropriate scope of the issues to be litigated by the Commission's decision in Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10 (April 4, 1983), except that Intervenor may litigate the absence from emergency plans of an identification of those local or regional medical facilities which are capable of providing appropriate medical treatment for radiation exposure. Intervenor believe that the issue of transportation of contaminated injured members of the public is not excluded by San Onofre and that the capability of local or regional medical facilities to handle contaminated injured people may also be litigated under San Onofre. The parties respectfully request that the Licensing Board resolve this disputed issue.

Counsel for the Intervenor and counsel for the Staff have authorized me to file this letter as jointly representing the views of all parties. Counsel for FEMA has authorized counsel for the Staff to represent its views.

Very truly yours,


JAY E. SILBERG
Counsel for Applicants

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cc: Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

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