



Federal Emergency Management Agency

Region I J.W. McCormack Post Office and Court House
Boston, Massachusetts 02109

July 11, 1983



Jay E. Silberg, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street N.W.
Washington, D.C. 20036

Re: Matter of Kansas Gas & Electric Company
(Wolf Creek Generating Station, Unit 1)
Docket No. STN 50-482

Dear Mr. Silberg:

I am writing to you and to Mr. John M. Simpson to express my concern regarding the current status of the proposed contentions.

The Atomic Safety and Licensing Board (ASLB), in concert with the representation made by counsel at the prehearing conference, ordered that "specific objections to the emergency plan in the form of a proposed stipulation of contentions" be filed on or before April 7, 1983. Mr. Simpson filed a proposed stipulation of contentions on April 6, 1983. The proposed stipulation of contentions was the subject of a conference call amongst counsel on April 27, 1983. The bottom line of that conference was that there was no agreement to the proposed stipulation of contentions. Subsequent to the conference call, there has been an on-going dialogue between counsel for the Applicant and Intervenor but no agreement on the stipulation of contentions. During that time the number of proposed contentions has grown from twenty-one (21) filed by Mr. Simpson on April 6, 1983 to a number in excess of three hundred (300), counting the subparts, proposed by you.

It has been my experience as a trial lawyer that if the parties cannot stipulate to issues the trier of fact will resolve it in a timely manner. I certainly anticipated resolution of the contentions in this matter long ago. Obviously, neither the Applicant nor Intervenor has sought resolution by the ASLB. I think that resolution by the ASLB is long overdue and that the parties should seek such resolution immediately.

It is my position that until there is a ruling on the admissibility of these proposed contentions that it is unreasonable to expect my Agency to commit resources to preparing testimony for prefilings on August 30, 1983. It is also my position that if the ASLB admits three hundred or more contentions it may be necessary, contrary to the representations made

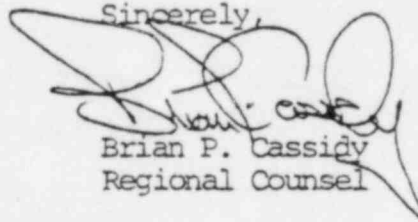
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at the prehearing conference, to seek summary disposition on some of these matters. I am sure you appreciate the effect of that on the current schedule.

Since FEMA is a non-party whose role is circumscribed by the ASLB's pre-hearing order, I have limited control over the finalization of these contentions. As I have stated here, I believe that it is the responsibility to the Applicant and Intervenor to resolve these matters as quickly as possible in order that FEMA may proceed to prepare detailed and timely responses to the legitimate concerns regarding the adequacy of off-site emergency planning.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian P. Cassidy", is written over the typed name and title.

Brian P. Cassidy
Regional Counsel

cc: Service list
Spence W. Perry, OGC
Kenneth Green, SL-TH
Frank Begley, TH Region VII
Stephen Ferris, TH Region VII