

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
Niagara Mohawk Power Corporation,)
 et al.) Docket Nos. 50-410
)
(Nine Mile Point Nuclear Station,)
 Unit 2))

APPLICANTS' ANSWER TO PETITION FOR AN
INTERESTED STATE BY THE NEW YORK STATE ENERGY OFFICE

On May 13, 1983, the Nuclear Regulatory Commission ("Commission" or "NRC") published a notice in the Federal Register entitled "Niagara Mohawk Power Corp., et al., Nine Mile Point Nuclear Station, Unit 2; Receipt of Application for facility operating License; Availability of Applicant's Environmental Report; Consideration of Issuance of Facility Operating License: and Opportunity for Hearing ("Notice").^{1/}

In response to that Notice, a petition for leave to participate as an interested State pursuant to 10 C.F.R. §2.715(c) was filed by the New York State Energy Office on June 7, 1983.

Applicants have no objection to this request if in fact, there is a hearing. It is well established, however,

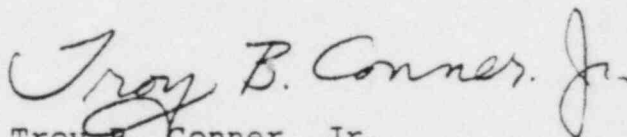
^{1/} 48 Fed. Reg. 21680 (May 13, 1983).

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that a request for participation by an interested state under 10 C.F.R. §2.715(c) "does not itself trigger a hearing." Northern States Power Company (Tyrone Energy Park, Unit 1), CLI-80-36, 12 NRC 523, 527 (1980) (views of Chairman Ahearne and Commissioner Hendrie). Thus, if a hearing would not otherwise be required under the Commission regulations, this request alone is insufficient to cause a hearing to be held.

Respectfully submitted,

CONNER & WETTERHAHN, P. C.



Troy B. Conner, Jr.
Mark J. Wetterhahn
Robert M. Rader

Counsel for the Applicants

June 22, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
Niagara Mohawk Power)
Corporation, et al.) Docket No. 50-410
)
(Nine Mile Point Nuclear)
Station, Unit 2))

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance on behalf of the Applicants in the captioned matter. In accordance with §2.713, 10 C.F.R. Part 2, the following information is provided:

Name	-	Troy B. Conner, Jr.
Address	-	Conner & Wetterhahn, P.C. 1747 Pennsylvania Avenue, N.W. Suite 1050 Washington, D.C. 20006
Telephone Number	-	202/833-3500
Admission	-	Supreme Court of the United States United States Court of Appeals District of Columbia Circuit
Name of Party	-	Niagara Mohawk Power Corporation, <u>et al.</u>

Notice is further given pursuant to §2.708, 10 C.F.R. Part 2, that service upon the Applicant should be made upon the undersigned.

Troy B. Conner, Jr.

Dated at Washington, D.C.,
this 22nd day of June, 1983

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance on behalf of the Applicants in the captioned matter. In accordance with §2.713, 10 C.F.R. Part 2, the following information is provided:

Name	-	Mark J. Wetterhahn
Address	-	Conner & Wetterhahn, P.C. 1747 Pennsylvania Avenue, N.W. Suite 1050 Washington, D.C. 20006
Telephone Number	-	202/833-3500
Admission	-	Supreme Court of the United States United States Court of Appeals District of Columbia Circuit
Name of Party	-	Niagara Mohawk Power Corporation, <u>et al.</u>



Mark J. Wetterhahn

Dated at Washington, D.C.,
this 22nd day of June, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

Niagara Mohawk Power
Corporation, et al.

Docket No. 80-410

(Nine Mile Point Nuclear
Station, Unit 2)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer to Petition for an Interested State by the New York State Energy Office," "Notice of Appearance" for Troy B. Conner, Jr. and "Notice of Appearance" for Mark J. Wetterhahn, all dated June 22, 1983 in the captioned proceeding have been served upon the following by deposit in the United States mail this 22nd day of June, 1983:

Judge Morton B. Margulies
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Judge Ernest E. Hill
210 Montego Drive
Danville, California 94526

Judge Paul W. Purdom
235 Columbia Drive
Decatur, Georgia 30030

Docketing and Service
Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Chairman, Atomic Safety and
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