

HOGAN & HARTSON

Hogan & Hartson LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
+1.202.637.5600 Tel
+1.202.637.5910 Fax

www.hhlaw.com

October 28, 2008

Catherine E. Stetson
Partner
(202) 637-5491
cestetson@hhlaw.com

BY FEDERAL EXPRESS

Honorable Catherine O'Hagan Wolfe
Clerk of Court
United States Court of Appeals
for the Second Circuit
The Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

**Re: Richard Blumenthal, Attorney General of Connecticut v. United States Nuclear
Regulatory Commission and the United States of America, Case No. 08-4833-ag**

Dear Ms. Wolfe:

On behalf of Entergy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee LLC, and Entergy Nuclear Generation Company (hereinafter and collectively "Entergy"), please find enclosed for filing in the above-referenced appeal an original and three copies of the following:

1. Entergy's Motion for Leave to Intervene;
2. Entergy's Corporate Disclosure Statement;
3. Appearance Form for Catherine E. Stetson; and
4. Certificate of Service.

Also enclosed are additional copies of the above documents to be date stamped and returned in the enclosed, self addressed, stamped envelope provided for your convenience.

Honorable Catherine O'Hagan Wolfe
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As indicated on the Certificates of Service, copies of the Motion for Leave to Intervene, Corporate Disclosure Statement, and Appearance Forms were served on all parties pursuant to F.R.A.P. 15(d).

Sincerely,

Catherine E. Stetson 

Catherine E. Stetson

Enclosures

cc: All Counsel

Petition for Review filed by Richard Blumenthal, Attorney General of Connecticut (“Connecticut”). In support of its motion, Entergy states the following:

1. Connecticut seeks judicial review of a United States Nuclear Regulatory Commission (“NRC”) decision denying two rulemaking petitions, PRM 59-10 and PRM 51-12, addressing consideration of the environmental impacts of the storage of spent radioactive nuclear fuel in spent fuel pools in nuclear power plant license renewal proceedings. Petition for Review 1.

2. Connecticut asserts in the petition that the NRC erred in generically stating that the storage of radioactive spent fuel in large pools would not impact the environment as a result of the issuance of 20-year extended operating licenses in the Nation’s power reactors. Id. at 2. It contends that the NRC violated the Atomic Energy Act, the National Environmental Policy Act, and the Administrative Procedures Act by denying the rulemaking petitions and declining to change its existing assessment and regulation. Id. at 1-2.

3. Entergy has licenses from NRC to operate, among others, Indian Point Energy Center Units 2 & 3 in Westchester County, New York; James A. FitzPatrick Nuclear Power Plant in Oswego County, New York; the Vermont Yankee Nuclear Power Plant in Vernon, Vermont; and the Pilgrim Nuclear Power Plant in Plymouth, Massachusetts. Entergy participated in the rulemaking proceeding that Connecticut asks this Court to review. Entergy also is currently

participating as a party in the NRC license renewal proceedings for its Indian Point, Vermont Yankee, Fitzpatrick, and Pilgrim plants.

4. The NRC decision and Petition for Review directly affect the re-licensing of nuclear plants owned and operated by Entergy. Accordingly, Entergy has substantial, direct and tangible interests in the resolution of this proceeding. As a party to the agency proceeding now on judicial review and as an entity whose interest will be affected if the NRC decision is enjoined, set aside or suspended, Entergy respectfully submits that it is entitled to intervene in this action as a matter of right. See 28 U.S.C. § 2348.

Counsel for Entergy has been authorized by Robert Snook, counsel for Connecticut, and James Adler, counsel for the NRC to represent that they consent to Entergy's intervention in this action.

Respectfully submitted,


Catherine E. Stetson
Jessica L. Ellsworth
HOGAN & HARTSON LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5491

Of Counsel:
William C. Dennis, Esq.
Kim F. Bridges, Esq.
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601
(914) 272-3323

Dated: October 28, 2008

David R. Lewis
PILLSBURY WINTHROP SHAW
PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000

Counsel for Intervenors

wholly owned subsidiary of Entergy Corporation. No other publicly held company has 10 percent or more equity interest in Entergy Nuclear Operations, Inc.

Entergy Nuclear Vermont Yankee, LLC, is incorporated in Delaware and is a direct wholly owned subsidiary of Entergy Nuclear Vermont Investment Company, LLC, and an indirect wholly owned subsidiary of Entergy Nuclear Holding Company #3, Entergy Nuclear Holding Company, and Entergy Corporation. No other publicly held company has 10 percent or more equity interest in Entergy Nuclear Vermont Yankee, LLC.

Entergy Nuclear Generation Company is incorporated in Delaware and is a direct wholly owned subsidiary of Entergy Nuclear Holding Co. #1 and an indirect wholly owned subsidiary of Entergy Corporation. No other publicly held company has 10 percent or more equity interest in Entergy Nuclear Generation Company.

Entergy Nuclear Indian Point 2, LLC, is incorporated in Delaware and is a direct wholly owned subsidiary of Entergy Nuclear Holding Company # 3, and an indirect wholly owned subsidiary of Entergy Nuclear Holding Company and Entergy Corporation. No other publicly held company has 10 percent or more equity interest in Entergy Nuclear Indian Point 2, LLC.

Entergy Nuclear Indian Point 3, LLC, is incorporated in Delaware and is a wholly owned subsidiary of Entergy Nuclear New York Investment Company I, and an indirect wholly owned subsidiary of Entergy Nuclear Holding Company #1

and Entergy Corporation. No other publicly held company has 10 percent or more equity interest in Entergy Nuclear Indian Point 3, LLC.

Entergy Nuclear FitzPatrick, LLC, is incorporated in Delaware and is a wholly owned subsidiary of Entergy Nuclear New York Investment Company I, and an indirect wholly owned subsidiary of Entergy Nuclear Holding Company #1 and Entergy Corporation. No other publicly held company has 10 percent or more equity interest in Entergy Nuclear Indian Point 3, LLC.

Respectfully submitted,

Catherine E. Stetson / *ajs*

Catherine E. Stetson
Jessica L. Ellsworth
HOGAN & HARTSON LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5491

Of Counsel:
William C. Dennis, Esq.
Kim F. Bridges, Esq.
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601
(914) 272-3323

David R. Lewis
PILLSBURY WINTHROP SHAW
PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000

Dated: October 28, 2008

Counsel for Intervenors

Second Circuit Miscellaneous Forms
Notice of Appearance

Short Title: Connecticut v. U.S. Nuclear Regulatory Comm'n

Docket No. 08-4833-ag

NOTICE OF APPEARANCE

Appearance for (provide name of party): Energy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee, LLC, etc.

Status of Party:

- Appellant/Petitioner Cross-Appellee/Cross Respondent
 Appellee/Respondent Intervenor
 Cross-Appellant/Cross-Petitioner Amicus Curiae
 Other (Specify): _____

An attorney will argue this appeal.

- Name of attorney who will argue appeal, if other than counsel of record: _____
- Date of arguing attorney's admission to this Court (month, day, year): September 21, 2005
- Other Federal/State Bar admissions: (month, day, year): _____

- I am a *pro se* litigant who is not an attorney.
 I am an incarcerated *pro se* litigant.

TIME REQUEST

- Oral argument is not desired.
 Oral argument is desired. Party requests 5 minutes or multi-co-parties request a total of _____ minutes to be apportioned as follows:

If more than 20 minutes per side is requested, set forth reasons:

AVAILABILITY OF COUNSEL/PRO SE LITIGANT

I understand that the person who will argue the appeal must be ready at any time during or after the week of argument which appears on the scheduling order.

- I know of no dates which would be inconvenient.
 I request that the argument of this appeal not be calendared for the following dates, which are inconvenient. I have included religious holidays.

COUNSEL OR PRO SE LITIGANT MUST ADVISE THE COURT IN WRITING OF ANY CHANGE IN AVAILABILITY. FAILURE TO DO SO MAY BE CONSIDERED BY THE COURT IN DECIDING MOTIONS FOR ADJOURNMENT BASED ON UNAVAILABILITY.

RELATED CASES

- This case has not been before this Court previously.
 This case has been before this Court previously. The short title, docket number and citation are: _____

Matters related to this appeal or involving the same issue have been or presently are before this Court. The short titles, docket numbers and citations are: _____

Signature of counsel of record or *pro se* litigant:

Catherine E Stetson / ppe

Type or Print Name Catherine E. Stetson

Name of Firm: Hogan & Hartson LLP

Address: 555 13th St. NW, Washington, DC 20004

Telephone: 202-637-5491

Date October 28, 2008

Signature of counsel who will argue the appeal, if different:

Type or Print Name

Date:

CERTIFICATE OF SERVICE

I, Catherine E. Stetson, hereby certify that on October 28, 2008, copies of (1) the Motion of Entergy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee LLC, Entergy Nuclear Generation Company, Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, and Entergy Nuclear FitzPatrick, LLC for Leave to Intervene, (2) the Corporate Disclosure Statement, and (3) the Appearance Form for Catherine E. Stetson were served on the following parties by United States first class mail, postage prepaid:

Robert Snook
Assistant Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
Hartford, CT 06106

James Adler
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

John F. Cordes
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop 0-15021
Washington, D.C. 20555

Honorable Michael B. Mukasey
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530


Catherine E. Stetson