

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	Docket Nos. 50-247-LR and
ENTERGY NUCLEAR OPERATIONS, INC.)	50-286-LR
(Indian Point Nuclear Generating Units 2 and 3))	
	February 24, 2014

**ENTERGY’S ANSWER OPPOSING THE STATE OF CONNECTICUT’S MOTION
FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

Pursuant to 10 C.F.R. §§ 2.323 and 2.315, Entergy Nuclear Operations, Inc. (“Entergy”) files this Answer opposing the State of Connecticut’s (“Connecticut”) Motion for Leave to File Brief *Amicus Curiae* in Support of the State of New York’s Petition for Review of the Atomic Safety and Licensing Board’s Partial Initial Decision LBP-13-13 (“Motion”). Connecticut’s Motion should be denied for two reasons. First, contrary to 10 C.F.R. § 2.323, Connecticut failed to timely contact the other parties in the proceeding to potentially allow resolution of the issues raised in Connecticut’s Motion. Second, contrary to 10 C.F.R. § 2.315, Connecticut fails to demonstrate that consideration of its *amicus* brief would be desirable. In the alternative, should the Commission accept Connecticut’s Motion, then Entergy respectfully requests an opportunity to file a response to Connecticut’s *amicus* brief along with Entergy’s answer to the State of New York’s (“New York”) Petition for Review (“Petition”).

I. THE CONSULTATION ON THE MOTION WAS FUNDAMENTALLY FLAWED

On November 27, 2013, the Atomic Safety and Licensing Board (“Board”) issued its partial initial decision (“PID”) in this proceeding concerning the nine Track 1 hearing contentions and related issues.¹ Petitions were due on February 14, 2014.²

At approximately 1:30 p.m. on February 14, counsel for Connecticut e-mailed the parties to this proceeding to initiate consultation on a motion that it planned to file that same afternoon seeking leave to present an *amicus* brief in support of a Petition by New York. Counsel for Entergy responded shortly thereafter, noting that it did not yet have sufficient information to engage in consultation given the very general description of the motion and brief provided by Connecticut and because New York had not yet filed its Petition at that time. Counsel for Entergy also noted that the short time allotted by Connecticut for consultation may not be adequate, given ongoing Entergy efforts to finalize and file its own Petition that same afternoon. Nevertheless, counsel for Entergy informed counsel for Connecticut that he was reviewing the issue (which included preliminary research on the standards for and timing on filing *amicus* briefs). In turn, counsel for the NRC Staff suggested that Connecticut could instead file a reply in support of New York’s Petition. Connecticut initially expressed approval for this proposal, but then reconsidered. Shortly before 4 p.m., counsel for Entergy reiterated to Connecticut that the consultation remained incomplete because it had not yet provided any additional information regarding the content or scope of its proposed filing. Connecticut filed its Motion a few minutes

¹ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), LBP-13-13, 75 NRC ___, slip op. (2013).

² *See Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), Commission Order (Dec. 18, 2013) (unpublished).

later, without responding to Entergy’s request for further information and prior to the filing of New York’s Petition.³

By initiating consultation less than three hours before it filed its Motion and by failing to provide any information regarding the scope or content of its motion and brief, despite repeated requests by counsel for Entergy, Connecticut failed to engage in *any* “sincere effort to contact other parties in the proceeding and resolve the issue(s) raised in the motion.”⁴ The parties to this proceeding, including Connecticut, have long been on notice that more than “minimal efforts” are required to comply with the consultation requirements.⁵ Accordingly, as it did in the *High Level Waste Repository* proceeding, the Commission should deny Connecticut’s Motion for inadequate consultation.⁶

II. CONNECTICUT HAS FAILED TO DEMONSTRATE THAT THE BRIEF IS DESIRABLE

Entergy does not dispute Connecticut’s right to participate in this proceeding as an interested governmental entity. Nor does Entergy dispute Connecticut’s right to submit a Motion consistent with the Commission’s regulations. But Section 2.315(d) requires the movant to demonstrate “the reasons why a brief is desirable.” Connecticut has not made that showing.

First, Connecticut’s brief raises a host of unrelated issues that are outside the scope of contention NYS-12C—the only contention New York has appealed—including claims related to

³ The series of communications between the parties on the afternoon of February 14, 2014 are included in Attachments 1-4 to this Answer.

⁴ 10 C.F.R. § 2.323(b).

⁵ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), Licensing Board Memorandum and Order (Summarizing Pre-Hearing Conference) at 3 (Feb. 4, 2009) (unpublished) (citations and quotations omitted) (stating further that it “expects a real effort on the part of the parties to resolve the issues presented before the motion is filed, not just simply a notice at the last minute that the motion is going to be filed”).

⁶ See *U.S. Dep’t of Energy* (High Level Waste Repository: Pre-Application Matters), CLI-08-22, 68 NRC 355, 359 (2008) (denying a motion for leave to file an *amicus* brief in part because the movant failed to consult).

the Price Anderson Act, emergency planning, and evacuation plans.⁷ As this information is both irrelevant to NYS-12C and outside the scope of this proceeding, it should not be considered.

Second, while the *amicus* brief discusses some matters that are related to the issues raised in NYS-12C, it does so only in a general and conclusory manner, with just one citation to record evidence or the Board's PID.⁸ As a result, Connecticut's brief largely duplicates certain arguments raised by New York, but at a high level, and does not "supply a perspective that would materially aid" the Commission's deliberations."⁹ Nor has Connecticut demonstrated that its brief is necessary as "a matter of fairness or sound decisionmaking."¹⁰ Therefore, the Commission should not consider it.

⁷ See Amicus Brief of the Attorney General of Connecticut at 5-6 (Feb. 14, 2014).

⁸ *Id.* at 5 ("The input values appear to lack primary support or are based on out-of-date assumptions and documents."); *id.* ("the inputs do not begin to adequately account for the cost of effectively decontaminating, for example, the commercial and residential areas of Stamford, Greenwich, or Danbury").

⁹ See *Pub. Serv. Co. of New Hampshire* (Seabrook Station, Units 1 and 2), ALAB-862, 25 N.R.C. 144, 150-51 (1987).

¹⁰ *High Level Waste Repository*, CLI-08-22, 68 NRC at 359.

III. CONCLUSION

For the reasons set forth above, the Commission should deny the Motion because of inadequate consultation, and because the proposed material is irrelevant and not desirable. In the alternative, Entergy respectfully requests an opportunity to file a response to Connecticut's *amicus* brief.

Respectfully submitted,

Executed in Accord with 10 C.F.R. § 2.304(d)

Paul M. Bessette, Esq.
Raphael P. Kuyler, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: (202) 739-5796
E-mail: pbessette@morganlewis.com
E-mail: rkuyler@morganlewis.com

Dated at Washington, DC
this 24th day of February 2014

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	Docket Nos. 50-247-LR and
)	50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.)	
)	
(Indian Point Nuclear Generating Units 2 and 3))	
)	February 24, 2014

CERTIFICATION OF COUNSEL

Counsel for Entergy certifies that he has made a sincere effort to make himself available to listen and respond to the moving party, and to resolve the factual and legal issues raised in the motion, and that his efforts to resolve the issues have been unsuccessful.

Executed in accord with 10 C.F.R. § 2.304(d)

Paul M. Bessette, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave
Washington, DC 20001
Phone: (202) 739-5796
Fax: (202) 739-3001
E-mail: pbessette@morganlewis.com

Counsel for Entergy Nuclear Operations, Inc.

Attachment 1

Escher, Lance A.

From: Bessette, Paul M.
Sent: Friday, February 14, 2014 1:53 PM
To: Janice Dean
Cc: Snook, Robert D.; Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos; Sutton, Kathryn M.; Brian Harris
Subject: Re: amicus brief

I assume as part of a proper consultation CT would discuss the general basis for their motion and general topics. I am not offering an opinion one way or another, but how can I offer an informed opinion without complete information? Also, as I noted, we are extremely busy right now and would need more time to review and consider the standards for amicus filings. The Board has cautioned previously about last minute consultations.

Sent from my iPhone

On Feb 14, 2014, at 1:44 PM, "Janice Dean" <Janice.Dean@ag.ny.gov> wrote:

Paul, do you have a basis for denying an interested governmental entity's request to file an amicus? I believe governmental entities have the right to participate if they wish to.

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:43 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; Janice Dean; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos; Sutton, Kathryn M.; Brian Harris
Subject: Re: amicus brief

Thank you, but not having seen NY's petition and given our own efforts to complete our filing, I don't see how we can have an adequate consultation just a few hours before your planned filing.

Sent from my iPhone

On Feb 14, 2014, at 1:39 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Late today if I can get it done

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:39 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; janice.dean@ag.ny.gov; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos
Subject: Re: amicus brief

Mt. Snook, when would you propose to file your motion?

Sent from my iPhone

On Feb 14, 2014, at 1:31 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Re: State of Connecticut – § 2.323 Consultation Request

Good morning Counsel:

The State of Connecticut is considering presenting a motion to the Office of the Secretary and the NRC Commissioners seeking leave to present an amicus brief in support of a petition for review by State of New York. The State of Connecticut is an interested governmental entity and has an interest in this proceeding. The amicus brief likely will not exceed 10 pages and will discuss Connecticut's interest in this proceeding.

The purpose of this e-mail is to determine the position of the other parties with respect to Connecticut's proposal to submit an amicus brief. Accordingly, please let me know the position of your client. If your client believes a conference call is necessary, I would be happy to make arrangements for such a call. I am available this afternoon for such a call.

Attachment 2

Escher, Lance A.

From: Bessette, Paul M.
Sent: Friday, February 14, 2014 2:52 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; janice.dean@ag.ny.gov; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos; Sutton, Kathryn M.; Brian Harris
Subject: Re: amicus brief

We are reviewing the issue.

Sent from my iPhone

On Feb 14, 2014, at 2:02 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

I hear you Paul. Sorry about the last minute thing but I just figured out the deadline myself recently and between major storm(s) and state holidays I'm just drafting today. Also I think I could file as of right (being a state) but wanted to at least try to reach out to everyone.

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:43 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; janice.dean@ag.ny.gov; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos; Sutton, Kathryn M.; Brian Harris
Subject: Re: amicus brief

Thank you, but not having seen NY's petition and given our own efforts to complete our filing, I don't see how we can have an adequate consultation just a few hours before your planned filing.

Sent from my iPhone

On Feb 14, 2014, at 1:39 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Late today if I can get it done

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:39 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; janice.dean@ag.ny.gov; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos
Subject: Re: amicus brief

Mt. Snook, when would you propose to file your motion?

Sent from my iPhone

On Feb 14, 2014, at 1:31 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Re: State of Connecticut – § 2.323 Consultation Request

Good morning Counsel:

The State of Connecticut is considering presenting a motion to the Office of the Secretary and the NRC Commissioners seeking leave to present an amicus brief in support of a petition for review by State of New York. The State of Connecticut is an interested governmental entity and has an interest in this proceeding. The amicus brief likely will not exceed 10 pages and will discuss Connecticut's interest in this proceeding.

The purpose of this e-mail is to determine the position of the other parties with respect to Connecticut's proposal to submit an amicus brief. Accordingly, please let me know the position of your client. If your client believes a conference call is necessary, I would be happy to make arrangements for such a call. I am available this afternoon for such a call.

Attachment 3

Escher, Lance A.

From: Bessette, Paul M.
Sent: Friday, February 14, 2014 3:38 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; Janice.Dean@ag.ny.gov; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; mannajo@clearwater.org; rwebster463@gmail.com; John.Sipos@ag.ny.gov; Sutton, Kathryn M.; Harris, Brian; Kuyler, Raphael Philip
Subject: Re: amicus brief

That makes sense to us as well, subject to S. Turk's qualifications.

Sent from my iPhone

On Feb 14, 2014, at 3:35 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

That's a very practical suggestion. Paul, what do you think?

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]
Sent: Friday, February 14, 2014 3:23 PM
To: 'Janice.Dean@ag.ny.gov'; 'pbessette@morganlewis.com'; Snook, Robert D.
Cc: 'dbrancato@riverkeeper.org'; 'dcalhoun@morganlewis.com'; 'phillip@riverkeeper.org'; 'mannajo@clearwater.org'; 'rwebster463@gmail.com'; 'John.Sipos@ag.ny.gov'; 'ksutton@morganlewis.com'; Harris, Brian
Subject: Re: amicus brief

Robert,
After NY files its petition, other parties will have a right to respond within 25 days (or more, if an extension is granted). We (NRC staff) would not oppose your filing a response along with the parties at that time.

Sent from an NRC Blackberry.
Sherwin E. Turk
301-263-4236

From: Janice Dean <Janice.Dean@ag.ny.gov>
To: 'Bessette, Paul M.' <pbessette@morganlewis.com>; Snook, Robert D. <Robert.Snook@ct.gov>
Cc: Turk, Sherwin; dbrancato@riverkeeper.org <dbrancato@riverkeeper.org>; Calhoun, Doris E. <dcalhoun@morganlewis.com>; phillip@riverkeeper.org <phillip@riverkeeper.org>; mannajo@clearwater.org <mannajo@clearwater.org>; rwebster463@gmail.com <rwebster463@gmail.com>; John J. Sipos <John.Sipos@ag.ny.gov>; Sutton, Kathryn M. <ksutton@morganlewis.com>; Harris, Brian
Sent: Fri Feb 14 13:44:28 2014
Subject: RE: amicus brief

Paul, do you have a basis for denying an interested governmental entity's request to file an amicus? I believe governmental entities have the right to participate if they wish to.

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:43 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; Janice Dean; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos; Sutton, Kathryn M.; Brian Harris
Subject: Re: amicus brief

Thank you, but not having seen NY's petition and given our own efforts to complete our filing, I don't see how we can have an adequate consultation just a few hours before your planned filing.

Sent from my iPhone

On Feb 14, 2014, at 1:39 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Late today if I can get it done

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:39 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; janice.dean@ag.ny.gov; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos
Subject: Re: amicus brief

Mt. Snook, when would you propose to file your motion?

Sent from my iPhone

On Feb 14, 2014, at 1:31 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Re: State of Connecticut – § 2.323 Consultation Request

Good morning Counsel:

The State of Connecticut is considering presenting a motion to the Office of the Secretary and the NRC Commissioners seeking leave to present an amicus brief in support of a petition for review by State of New York. The State of Connecticut is an interested governmental entity and has an interest in this proceeding. The amicus brief likely will not exceed 10 pages and will discuss Connecticut's interest in this proceeding.

The purpose of this e-mail is to determine the position of the other parties with respect to Connecticut's proposal to submit an amicus brief. Accordingly, please let me know the position of your client. If your client believes a conference call is necessary, I would be happy to make arrangements for such a call. I am available this afternoon for such a call.

Attachment 4

Escher, Lance A.

From: Bessette, Paul M.
Sent: Friday, February 14, 2014 3:54 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; Janice.Dean@ag.ny.gov; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; mannajo@clearwater.org; rwebster463@gmail.com; John.Sipos@ag.ny.gov; Sutton, Kathryn M.; Harris, Brian
Subject: Re: amicus brief

Robert, to be clear, we read the rules as requiring consultation on your motion, and we consider the consultation incomplete unless you can provide more information regarding the scope of your brief and how it relates to issues CT previously expressed an interest in regarding participation. And without even knowing the subjects of NYs petition, we remain at a disadvantage.

Sent from my iPhone

On Feb 14, 2014, at 3:43 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

I see your point. Because the rules seem to say that my amicus should be filed the same day as NYS's petition and b/c I do not want to deny you or Paul from being able to respond to anything I say that may be construed as outside of NY's arguments, I guess I'll just file what I have ready today. Only a few pages anyway.

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]
Sent: Friday, February 14, 2014 3:35 PM
To: 'Janice.Dean@ag.ny.gov'; 'pbessette@morganlewis.com'; Snook, Robert D.
Cc: 'dbrancato@riverkeeper.org'; 'dcalhoun@morganlewis.com'; 'phillip@riverkeeper.org'; 'mannajo@clearwater.org'; 'rwebster463@gmail.com'; 'John.Sipos@ag.ny.gov'; 'ksutton@morganlewis.com'; Harris, Brian
Subject: Re: amicus brief

Of course, we would oppose your introduction of new information or arguments beyond that which NYS raises, since your waiting to file an answer instead of filing your own petition would deprive us from being able to respond to you.

Sent from an NRC Blackberry.
Sherwin E. Turk
301-263-4236

From: Turk, Sherwin
To: 'Janice.Dean@ag.ny.gov' <Janice.Dean@ag.ny.gov>; 'pbessette@morganlewis.com' <pbessette@morganlewis.com>; 'Robert.Snook@ct.gov' <Robert.Snook@ct.gov>
Cc: 'dbrancato@riverkeeper.org' <dbrancato@riverkeeper.org>; 'dcalhoun@morganlewis.com' <dcalhoun@morganlewis.com>; 'phillip@riverkeeper.org' <phillip@riverkeeper.org>; 'mannajo@clearwater.org' <mannajo@clearwater.org>; 'rwebster463@gmail.com' <rwebster463@gmail.com>; 'John.Sipos@ag.ny.gov' <John.Sipos@ag.ny.gov>; 'ksutton@morganlewis.com' <ksutton@morganlewis.com>; Harris, Brian
Sent: Fri Feb 14 15:22:38 2014
Subject: Re: amicus brief

Robert,
After NY files its petition, other parties will have a right to respond within 25 days (or more, if an extension is granted). We (NRC staff) would not oppose your filing a response along with the parties at that time.

Sent from an NRC Blackberry.
Sherwin E. Turk
301-263-4236

From: Janice Dean <Janice.Dean@ag.ny.gov>
To: 'Bessette, Paul M.' <pbessette@morganlewis.com>; Snook, Robert D. <Robert.Snook@ct.gov>
Cc: Turk, Sherwin; dbrancato@riverkeeper.org <dbrancato@riverkeeper.org>; Calhoun, Doris E. <dcalhoun@morganlewis.com>; phillip@riverkeeper.org <phillip@riverkeeper.org>; mannajo@clearwater.org <mannajo@clearwater.org>; rwebster463@gmail.com <rwebster463@gmail.com>; John J. Sipos <John.Sipos@ag.ny.gov>; Sutton, Kathryn M. <ksutton@morganlewis.com>; Harris, Brian
Sent: Fri Feb 14 13:44:28 2014
Subject: RE: amicus brief

Paul, do you have a basis for denying an interested governmental entity's request to file an amicus? I believe governmental entities have the right to participate if they wish to.

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:43 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; Janice Dean; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos; Sutton, Kathryn M.; Brian Harris
Subject: Re: amicus brief

Thank you, but not having seen NY's petition and given our own efforts to complete our filing, I don't see how we can have an adequate consultation just a few hours before your planned filing.

Sent from my iPhone

On Feb 14, 2014, at 1:39 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Late today if I can get it done

From: Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]
Sent: Friday, February 14, 2014 1:39 PM
To: Snook, Robert D.
Cc: Turk, Sherwin; dbrancato@riverkeeper.org; Calhoun, Doris E.; phillip@riverkeeper.org; janice.dean@ag.ny.gov; mannajo@clearwater.org; rwebster463@gmail.com; John J. Sipos
Subject: Re: amicus brief

Mt. Snook, when would you propose to file your motion?

Sent from my iPhone

On Feb 14, 2014, at 1:31 PM, "Snook, Robert D." <Robert.Snook@ct.gov> wrote:

Re: State of Connecticut – § 2.323 Consultation Request

Good morning Counsel:

The State of Connecticut is considering presenting a motion to the Office of the Secretary and the NRC Commissioners seeking leave to present an amicus brief in support of a petition for review by State of New York. The State of Connecticut is an interested governmental entity and has an interest in this proceeding. The amicus brief likely will not exceed 10 pages and will discuss Connecticut's interest in this proceeding.

The purpose of this e-mail is to determine the position of the other parties with respect to Connecticut's proposal to submit an amicus brief. Accordingly, please let me know the position of your client. If your client believes a conference call is necessary, I would be happy to make arrangements for such a call. I am available this afternoon for such a call.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	Docket Nos. 50-247-LR and
)	50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.)	
)	
(Indian Point Nuclear Generating Units 2 and 3))	
)	February 24, 2014

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I certify that, on this date, copies of “Entergy’s Answer Opposing the State of Connecticut’s Motion for Leave to File Amicus Curiae Brief” were served upon the Electronic Information Exchange (the NRC’s E-Filing System) in the above-captioned proceeding.

Signed (electronically) by Lance A. Escher

Lance A. Escher, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave. NW
Washington, DC 20004
Phone: (202) 739-5080
Fax: (202) 739-3001
E-mail: lescher@morganlewis.com

Counsel for Entergy Nuclear Operations, Inc.