

February 9, 2012

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATION OF COUNSEL  
FOR NRC STAFF'S ANSWER TO APPLICANT'S MOTION IN LIMINE TO EXCLUDE  
PORTIONS OF THE PREFILED TESTIMONY, REPORT, AND EXHIBITS  
FILED BY NEW YORK STATE AND DR. STEPHEN SHEPPARD IN SUPPORT OF  
CONSOLIDATED CONTENTION NYS-16B

In accordance with the Board's Scheduling Order of July 1, 2010 (at 8-9) and 10 C.F.R. § 2.323(b), the undersigned counsel hereby certifies that counsel for the NRC Staff has participated in discussions between the Entergy Nuclear Operations, Inc. ("Applicant"), the movant, and the Intervenor New York State, concerning Applicant's Motion in Limine to Exclude Portions of PreFiled Testimony, Report, and Exhibits Filed by New York State and Dr. Stephen Sheppard in Support of Consolidated Contention NYS-16B, filed on January 30, 2012 in this matter, and has made a sincere effort to make themselves available to listen and respond to the movant and the Intervenor, and to resolve the factual and legal issues raised in the motions. NRC Staff counsel's efforts to resolve the issues have been unsuccessful.

Respectfully submitted,

**/Signed (electronically) by/**  
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**Executed in Accord with 10 CFR § 2.304(d)**

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Dated at Rockville, Maryland  
this 9th day of February 2012

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Certification of Counsel for NRC Staff's Answer to Applicant's Motion in Limine to Exclude Portions of the PreFiled Testimony, Report, and Exhibits filed by New York State and Dr. Stephen Sheppard in Support of Consolidated Contention NYS-16B, have been served upon the following persons by Electronic Information Exchange this 9th day of February, 2012:

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