

**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

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In re: Docket Nos. 50-247-LR; 50-286-LR
License Renewal Application Submitted by ASLBP No. 07-858-03-LR-BD01
Entergy Nuclear Indian Point 2, LLC, DPR-26, DPR-64
Entergy Nuclear Indian Point 3, LLC, and
Entergy Nuclear Operations, Inc. December 13, 2011
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DECLARATION OF SUSAN C. VON REUSNER

Pursuant to 28 U.S.C. § 1746, Susan C. von Reusner hereby declares as follows:

1. I serve as an Assistant Attorney General for the State of New York, counsel for petitioner-intervenor State of New York in this proceeding. I submit this declaration and accompanying exhibits in support of the State of New York’s consolidated contention, NYS-9-33-37 (hereinafter “NYS-37) which asserts that the FSEIS’s analysis of replacement power is deficient under the National Environmental Policy Act (“NEPA”), Council of Environmental Quality (“CEQ”) regulations, and NRC’s relicensing regulations.
2. The accompanying exhibits are discussed in more detail in the State’s Statement of Position, or were previously submitted as supporting evidence for the State’s contention.
3. Attached to this declaration as Exh. NYS000125 is a true and correct copy of the publicly available document entitled *Proposed Rules And Regulations Nuclear Regulatory Commission 10 CFR Part 51 Environmental Review for Renewal of Operating Licenses - Part 51*, 56 Fed. Reg. 47,016 (September 17, 1991) (“56 Fed. Reg. 47,016”).
4. Attached to this declaration as Exh. NYS000126 is a true and correct copy of the publicly available document entitled NUREG-1440, *Regulatory Analysis of Proposed Amendments to Regulations Concerning the Environmental Review for Renewal of Nuclear*

Power Plant Operating Licenses: Draft Report for Comment (August 1991) (“1991 NUREG-1440 Draft for Comment”).

5. Attached to this declaration as Exh. NYS000127 is a true and correct copy of the publicly available document entitled *Rules And Regulations Nuclear Regulatory Commission 10 CFR Part 51 Environmental Review for Renewal of Nuclear Power Plant Operating Licenses*, 61 Fed. Reg. 28,467 (June 5, 1996) (“61 Fed. Reg. 28,467”).

6. Attached to this declaration as Exh. NYS000128 is a true and correct copy of the publicly available document entitled *Rules And Regulations Nuclear Regulatory Commission 10 CFR Part 51 Environmental Review for Renewal of Nuclear Power Plant Operating Licenses*, 61 Fed. Reg. 66,537 (December 18, 1996) (“61 Fed. Reg. 66,537”).

7. Attached to this declaration as Exh. NYS000129 is a true and correct copy of the publicly available document entitled National Renewable Energy Laboratory, *Land-Use Requirements of Modern Wind Power Plants in the United States*, by Paul Denholm, Maureen Hand, Maddalena Jackson, and Sean Ong dated August 2009.

8. Attached to this declaration as Exh. NYS000130 is a true and correct copy of the publicly available document entitled *Proposed Rules Nuclear Regulatory Commission 10 CFR Part 52 Nuclear Energy Institute; Denial of Petition for Rulemaking*, 68 Fed. Reg. 55,905 (September 29, 2003) (“68 Fed. Reg. 55,905”).

9. Attached to this declaration as Exh. NYS00131A through NYS00131I is a true and correct copy of the publicly available document entitled *Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Main Report* (NUREG-1437, Volume 1) (May 1996) (hereinafter “GEIS”).

10. Attached to this declaration as Exh. NYS00132A through NYS000132D is a true and correct copy of the publicly available document entitled *Draft Supplemental Environmental*

Impact Statement for License Renewal of Nuclear Plants Regarding Indian Points Units 2 and 3, (NUREG-1437, Supplement 38, Vol. 1) dated December 2008 (“DSEIS”).

11. Attached to this declaration as Exh. NYS00133A through NYS00133D is a true and correct copy of the publicly available document entitled *Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3* (NUREG-1437, Supplement 38, Vol. 1) published December 2010 (“FSEIS”).

12. Attached to this declaration as Exh. NYS000134 is a true and correct copy of the publicly available document entitled *Comments Submitted by the New York State Office of the Attorney General on the Draft Supplemental Environmental Impact Statement Prepared by Staff on the Nuclear Regulatory Commission for the Renewal of the Operating Licenses for Indian Point Units 2 and 3, Buchanan, New York*, submitted to the U.S. N.R.C. on March 18, 2009 (ML 090771328) (“2009 NYS AG Comments”).

13. Attached to this declaration as Exh. NYS000101 is a true and correct copy of the publicly available judicial decision entitled *Wilderness Society et al. U.S. Department of Energy*, 2011 WL 294087, slip op. Feb. 1, 2011 (9th Cir. No. 08-71074).

14. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 13, 2011

Signed (electronically) by

Susan C. von Reusner
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