



To: Dyer, NRR

United States Department of State

Washington, D.C. 20520  
AUG 3 2007

CYS: EDO  
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OGC  
7/18/07 Ltr.

Dear Mr. Reyes:

Thank you for your letter of July 18, 2007 to Under Secretary Reuben Jeffrey III requesting documents reflecting decisions made or actions taken by the Department of State with respect to the proposed renewal of the Oyster Creek Nuclear Generating Station (OCNGS) operating license and/or the consistency determination pursuant to the Coastal Zone Management Act of 1972, as amended (CZMA). I understand that this request is in connection with a pending appeal to the Secretary of Commerce by the owner/operator of OCNGS, AmerGen Energy Company LLC, for a favorable determination under the CZMA on license renewal for the facility.

This is to confirm that the Department of State had determined that it has made no decisions nor taken any actions with respect to the proposed license renewal or the related consistency determination.

Sincerely,

Andrew Semmel, Acting  
Deputy Assistant Secretary for  
Nuclear Nonproliferation Policy and Negotiations

Mr. Luis A. Reyes  
Executive Director for Operations,  
United States Nuclear Regulatory Commission,  
Washington, D.C. 20555-0001.

Template: OEDD-201

8-12-07/021

2007 Letter NRC Renewal Osyste Creek NPP License

Drafted: ISN/NESS: Robin DeLaBarre (x7 3978) 08/03/07.

Clearances:

ISN: A.Semmel  
ISN/NESS: R.Stratford  
NRC/OIP:B.Smith  
EEB:L.Connell  
T:M.Tucker  
OES/OMC:DHogan  
L/M:O.Lewis  
L/OES:SBiniaz  
L/EB:"K Lokem  
L/NP:J.Herr

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A large, stylized handwritten signature or set of initials, possibly 'RDL', written in black ink. It consists of a large loop at the top, followed by a series of connected strokes that form a cursive-like shape, ending in a small circle.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 18, 2007

cc: TP

Mr. Reuben Jeffrey III  
Under Secretary for Economic, Energy  
and Agricultural Affairs  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

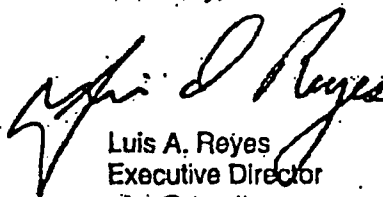
Dear Mr. Jeffrey:

On May 31, 2007, the State of New Jersey Department of Environmental Protection (NJDEP) completed its review of AmerGen Energy Company LLC's (AmerGen) request for a Federal consistency determination for Oyster Creek Nuclear Generating Station (OCNGS). Pursuant to Section 307 of the Coastal Zone Management Act of 1972 (CZMA) (Public Law 92-583), as amended, NJDEP found that it could not make a positive consistency determination. AmerGen plans to file an appeal with the Secretary of the U.S. Department of Commerce. On appeal, the Secretary will determine whether OCNGS furthers the national interest as articulated in the CZMA, in a significant or substantial manner; balance that interest against any adverse coastal effects; and consider reasonable alternatives (15 CFR § 930.121). The Secretary may also consider whether OCNGS is otherwise necessary in the interest of national security (15 CFR § 930.122).

In accordance with Section 382 of the Energy Policy Act of 2005, 16 USC § 1466 (2006), the U.S. Nuclear Regulatory Commission (NRC), as the lead Federal permitting agency for renewal of the OCNGS operating license, maintains, with cooperation of Federal and State administrative agencies, a consolidated record for consistency appeals under the CZMA. To ensure the completeness of this consolidated record, please provide documents reflecting all decisions made or actions taken (whether pending or final) by your agency related to the proposed renewal of the OCNGS license and/or the CZMA consistency determination, including any supporting documentation or other documents relevant to such decision documents.

Please provide copies of your agency's documents within fourteen (14) days from receipt of this letter. If further information is required, please contact the project managers, Mr. David Wrona at 301-415-2292 or by e-mail at [DJW1@nrc.gov](mailto:DJW1@nrc.gov); or Dr. Michael T. Masnik at 301-415-1191 or by e-mail at [MTM2@nrc.gov](mailto:MTM2@nrc.gov).

Sincerely,

  
Luis A. Reyes  
Executive Director  
for Operations

Docket No. 50-219

cc: Mr. John B. Bellinger III, Legal Adviser

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## Federal Consistency Overview

The Coastal Zone Management Act (CZMA) was enacted on October 27, 1972, to encourage coastal states, Great Lake States, and United States territories and commonwealths (collectively referred to as coastal states) to develop comprehensive programs to manage and balance competing uses of and impacts to coastal resources. The CZMA emphasizes the primacy of state decision-making regarding the coastal zone. Section 307 of the CZMA (16 USC § 1456), called the federal consistency provision, is a major incentive for states to join the national coastal management program and is a powerful tool that states use to manage coastal uses and resources and to facilitate cooperation and coordination with federal agencies.

Federal consistency is the CZMA requirement where federal agency activities that have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone (also referred to as coastal uses or resources and coastal effects) must be consistent to the maximum extent practicable with the enforceable policies of a coastal state's federally approved coastal management program. (Federal agency activities are activities and development projects performed by a federal agency, or a contractor for the benefit of a federal agency.)

Federal license or permit activities and federal financial assistance activities that have reasonably foreseeable coastal effects must be fully consistent with the enforceable policies of state coastal management programs. (Federal license or permit activities are activities proposed by a non-federal applicant requiring federal authorization, and federal financial assistance activities are proposed by state agencies or local governments applying for federal funds for activities with coastal effects.)

A lead state agency performs federal consistency reviews (usually the same agency that implements or coordinates the state's federally approved coastal management program). At the federal level, the Office of Ocean and Coastal Resource Management (OCRM), within the National Oceanic and Atmospheric Administration's (NOAA's) National Ocean Service (NOS), among other duties and services, interprets the CZMA and oversees the application of federal consistency; provides management and legal assistance to coastal states, federal agencies, tribes and others; and mediates CZMA related disputes. NOAA's Office of the Assistant General Counsel for Ocean Services assists OCRM and processes federal consistency appeals to the Secretary of Commerce.

For more detailed information, please see the document "Federal Consistency Requirements" and NOAA's federal consistency regulations. Both of these documents are found at the [Federal Consistency Resources page](#).

### For questions contact:

**David W. Kaiser**  
Senior Policy Analyst

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Office of Ocean and Coastal Resource Management, NOAA  
Coastal Response Research Center, University of New Hampshire  
246 Gregg Hall, 35 Colovos Road  
Durham, New Hampshire 03824-3534  
Phone: 603-862-2719  
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[david.kalser@noaa.gov](mailto:david.kalser@noaa.gov)

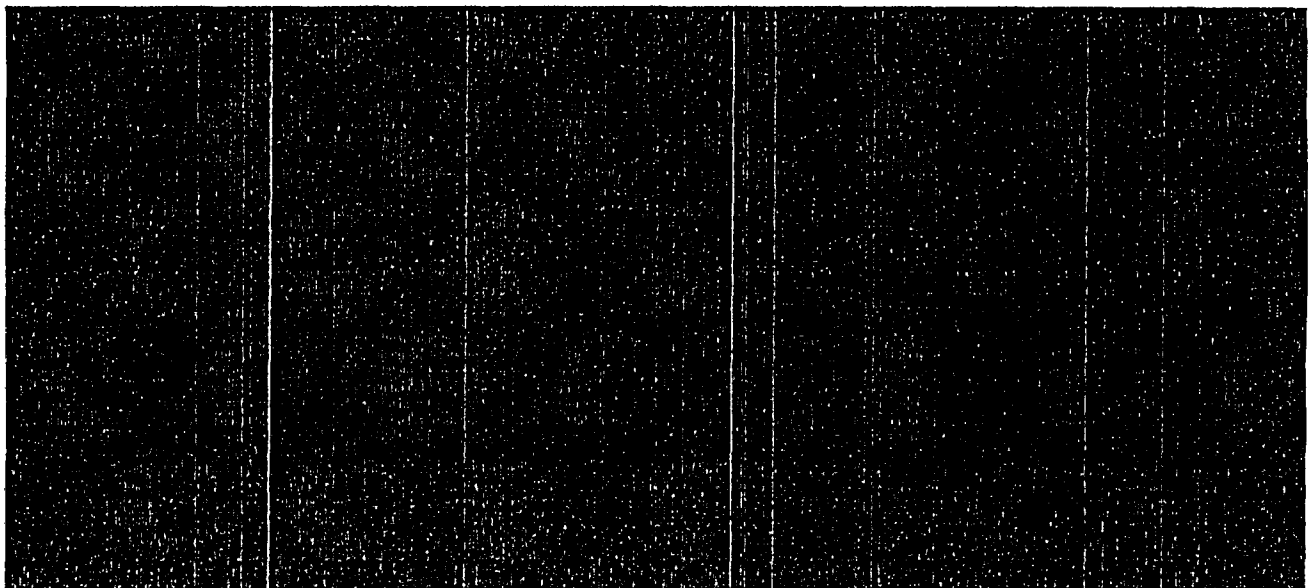
**Mr. Kerry Kehoe**  
Federal Consistency Specialist  
Office of Ocean and Coastal Resource Management (N/ORM3)  
NOAA National Ocean Service  
1305 East West Hwy., Room 11321  
Silver Spring, Maryland 20910-3281  
Phone: 301-563-1151  
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[kerry.kehoe@noaa.gov](mailto:kerry.kehoe@noaa.gov)

**Official OCRM Filing and Document Submission Address:**

Office of Ocean and Coastal Resource Management  
National Oceanic and Atmospheric Administration  
1305 East-West Highway (N/ORM3)  
Silver Spring, Maryland 20910-3281

[\(top\)](#)

Revised July 23, 2007 | [Acronyms Used](#) | [Questions, Comments? Contact Us](#) | [Report Error On This Page](#) | [Disclaimer](#)  
[NOAA's National Ocean Service](#) | [National Oceanic and Atmospheric Administration](#) | [U.S. Department of Commerce](#)  
<http://coastalmanagement.noaa.gov/consistency/welcome.html>  
[Best viewed in Internet Explorer 5+ or Netscape 6+.](#)



cc:

John B. Bellinger III, Legal Adviser  
Office of the Legal Adviser  
U.S. Department of State  
Harry S. Truman Building  
2201 C Street, NW, Room 6423  
Washington, DC 20520

Classification: **Unclassified**

Open  
Tracking

E-mail  
Report

**ISN TASKER**

Preview  
Report

ISN Log #:

1620

S/ES # n/a

FOIA Case # n/a

H# n/a

INR# n/a

Lead Action:

NESS

Due Date:

8/2/2007

Due Time:

4:30 PM

Other Action:

as appropriate

Tasker Subject:

Response to Nuclear Regulatory Commission Request for Documents

Clearances:

L, OES, EEB, T, and  
others

Info:

All ISN Offices

Special  
Instructions:

Please respond to the U.S. Nuclear Regulatory Commission's (NRC) request for document and draft reply for DAS level or higher signature on his behalf, to the incoming letter from the NRC.

Notes:

Prepared By:

PLWATFORD

Date Received:

7/26/2007

Current Status:

Date Completed:

Completed?

☐

If you cannot complete the action by the assigned deadline, please inform the Staff Assistant Office.

Classification: **Unclassified**

Watford, Patrice L

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From: Pierce, Thomas C  
Sent: Thursday, July 26, 2007 10:20 AM  
To: TTL-ISN  
Cc: TTL-E; TTL-L; TTL-EEB; TTL-OES  
Subject: [UNCLASSIFIED] REVISED Tasking Request: Response to Nuclear Regulatory Commission request for documents

Tasking Request

UNCLASSIFIED

07/26/2007

TO: ISN

FROM: Pierce, Thomas C

This is to confirm (07/26) (10:19) telephoned tasking to:  
ISN

FOR: E

DOCUMENT TYPE: Other

SUBJECT:

Response to Nuclear Regulatory Commission request for documents

Your submission is DUE in E on 08/03/2007 at 15:00.

REMARKS:

Please respond to the U.S. Nuclear Regulatory Commission's (NRC) request for documents, and draft reply for DAS-level or higher signature on his behalf, to the incoming letter from the NRC. Please clear with L and as necessary. Incoming letter faxed to EEB staff assistants.

CLEAR:

L, OES, EEB

INFO:

E

Any bureau with information relevant to this meeting should contact the drafting bureau to discuss clearance and inputs immediately.

Emailed/Printed By: Pierce, Thomas C

UNCLASSIFIED  
E.O. 12958: N/A



DEPARTMENT OF STATE, U.S.A.  
WASHINGTON, DC 20520

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Mr. Luis A. Reyes  
Executive Director for Operations  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555-0001