

October 14, 2003

Ms. Kim Springer
Federal Consistency Coordinator
State of New Jersey
Department of Environmental Protection
Office of Policy, Planning & Science
401 East State Street, 7th Floor
P.O. Box 418
Trenton, New Jersey 08625

SUBJECT: RESPONSE TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION REGARDING UPDATE TO NEW JERSEY COASTAL
MANAGEMENT PROGRAM

Dear Ms. Springer:

This letter responds to your request for comments regarding the proposed update to the New Jersey Coastal Management Program list of Federal actions subject to the Federal consistency provisions of the Coastal Zone Management Act. As requested in your letter, we have reviewed the New Jersey Department of Environmental Protection's proposed lists of Federal activities permits and licenses which may require review in accordance with the regulations implementing the Federal consistency provisions of the Coastal Zone Management Act. Our comments regarding the Federal licenses, permits and other regulatory approvals for which the U.S. Nuclear Regulatory Commission (NRC) is identified as being responsible are provided below.

With respect to the listed action regarding licensing of nuclear facilities, we recommend that the action be revised to read, "Licensing and certification of the siting, construction, operation, and decommissioning of nuclear generating stations, fuel storage, and processing centers." This would be consistent with other States' approved coastal management programs. The Federal consistency regulations at 15 CFR Part 930 provide adequate means for ensuring that facility modifications will be consistent with the coastal management program. Specifically, 15 CFR 930.51 includes provisions for consistency review of "major amendments" of Federal license or permit activities, and 15 CFR 930.65 provides provisions for monitoring approved Federally permitted activities to ensure such activities remain consistent with the state's program.

With respect to the listed action regarding transportation of nuclear waste, the NRC oversees the safety of the transportation of nuclear materials through a combination of regulatory requirements, transportation package certification, inspections, and a system of monitoring to ensure that safety requirements are being met. Shippers must also meet the U.S. Department of Transportation's requirements for shipment of nuclear material, including route selection, vehicle condition and placarding, driver training, package marking, labeling, and other shipping documentation. However, the NRC does not issue licenses for the transportation of nuclear waste. Based on these considerations, we recommend that this action be deleted from the list.

K. Springer

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We appreciate the opportunity to comment on the update to your coastal management program. If there are any questions regarding this reply, please contact Robert Schaaf at (301) 415-1312 or by e-mail to rgs@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

We appreciate the opportunity to comment on the update to your coastal management program. If there are any questions regarding this reply, please contact Robert Schaaf at (301) 415-1312 or by e-mail to rgs@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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