

July 18, 2007

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,

*/RA/*

Luis A. Reyes  
Executive Director  
for Operations

Docket No. 50-219

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

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

July 18, 2007

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,

*/RA/*

Luis A. Reyes  
Executive Director  
for Operations

Docket No. 50-219

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

**DISTRIBUTION:** See next page

**Identical letter sent to: (See attached list for address)**

Adams Accession Nos.: ML071940216 (Pkg); ML071780017 (Ltr)

OFFICE	DLR:LA	DLR:REBB:PM	DLR:RLRA:PM	OGC	DLR:REBB:BC
NAME	YEdmonds	JDavis	DWrona	MYoung nlo	RFranovich
DATE	07/12/07	07/12/07	07/12/07	07/12/07	07/12/07
OFFICE	DLR:RLRA:BC	DLR:D	NRR:D	EDO	
NAME	LLund	PTKuo	JWiggins for JDyer	LReyes	
DATE	07/12/07	07/12/07	07/16/07	07/18/07	

OFFICIAL RECORD COPY

Letter to R. Jeffrey from L. Reyes, dated July 18, 2007

DISTRIBUTION:

Email

RidsNrrDir

RidsNrrDirReba

RidsNrrDirRebb

RidsNrrDirRira

D. Ashley

B. Pham

J. Davis

S. Hoffman

M. Young

M. Ferdas, RI

N. Sheehan, RI

D. Screnci, RI

RidsOGCMailRoom

DLR/RLRA

DLR/REBB

DLR/REBA

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