



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

James H. Gregson, Director

William G. Ross Jr., Secretary

January 31, 2008

Melba McGee
Environmental Coordinator
Office of Legislative & Intergovernmental Affairs
Department of Environment and Natural Resources
1601 Main Service Center
Raleigh, NC 27699-0001



SUBJECT: Proposed Forty-Year Nuclear Regulatory Commission License Renewal, Wilmington, New Hanover County, North Carolina (SCH#08-0205, and DCM#20080006)

Dear Ms. McGee:

Thank you for the opportunity to review the scoping request of the Nuclear Regulatory Commission (NRC) concerning an application from Global Nuclear Fuel-Americas, LLC to renew its NRC License SNM-1097 for a forty-year period. The purpose of the NRC scoping request is to identify the environmental and/or regulatory issues raised by the proposed project that are to be evaluated in a future environmental document that is to be prepared.

The proposed project will be occurring in New Hanover County, which is one of North Carolina's twenty coastal counties. Pursuant to the Coastal Zone Management Act of 1972, as amended the NRC will be required to evaluate the proposed project's conformance with the relevant enforceable policies of the State's coastal management program. Additionally, DCM recommends that the NRC evaluate (in the proposed environmental document) whether the proposed project would have a coastal effect and whether a consistency submission to DCM would or would not be required.

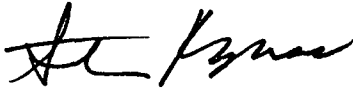
The regulations for complying with the Coastal Zone Management Act are found in the Code of Federal Regulations (CFR). Section 15 CFR 930.37 allows NEPA documents to be used as a "vehicle" for a Federal agency's consistency determination provided it meets all the requirements of 15 CFR 930.39. Please note that 15 CFR 930.33(2) states: "*If the Federal agency determines that a Federal agency activity has no effects on any coastal use or resource, and a negative determination under § 930.35 is not required, then the Federal*

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agency is not required to coordinate with State agencies under section 307 of the Act.”
Consequently, based on 15 CFR 930.33(2) there is a possibility that the NCR may not be required to make a consistency submission to DCM if the proposed project is considered by the Federal agency not to have a coastal effect. Nevertheless, even if no consistency submission to DCM is required, DCM recommends that the proposed environmental document provide a written analysis that the requirements of the Coastal Zone Management Act were considered and evaluated.

In conclusion, even if no consistency submission to DCM is required, the proposed project must still be consistent with the State's coastal management program. DCM recommends that the proposed environmental document demonstrate how the proposed project would be consistent with the State's coastal management program. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,



Stephen Rynas, AICP
Federal Consistency Coordinator

cc: Doug Huggett, Division of Coastal Management
Steve Everhart, Division of Coastal Management