

August 21, 2012

Paul S. Ryerson, Chair  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. James F. Jackson  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. Michael O. Garcia  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

In the Matter of  
GE-Hitachi Global Laser Enrichment LLC  
(GLE Commercial Facility)  
Docket No. 70-7016-ML; ASLBP No. 10-901-03-ML-BD01

Dear Administrative Judges:

In oral testimony on Topic 4 at the mandatory hearing on July 12, 2012, the NRC staff stated that GE-Hitachi Global Laser Enrichment LLC (GLE) needed to obtain a consistency determination from the North Carolina Department of Environment and Natural Resources (NCDENR) pursuant to the Coastal Zone Management Act, which North Carolina implements through its Coastal Area Management Act, before the NRC could issue a license. The purpose of this letter is to inform the Board that on August 13, 2012, GLE received the consistency determination from NCDENR. Therefore, this is no longer an outstanding issue.

Respectfully submitted,

**/ Signed (electronically) by /**  
Marcia J. Simon  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop: O15-D21  
Washington, DC 20555-0001  
(301) 415-1261  
[marcia.simon@nrc.gov](mailto:marcia.simon@nrc.gov)

Dated at Rockville, Maryland  
this 21<sup>st</sup> day of August, 2012

cc: Attached Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
GE-HITACHI GLOBAL LASER ENRICHMENT	)	Docket No. 70-7016-ML
LLC	)	
	)	
(GLE Commercial Facility)	)	ASLBP No. 10-901-03-ML-BD01
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF LETTER TO THE ASLB REGARDING CONSISTENCY DETERMINATION" in the above-captioned proceeding have been served via the Electronic Information Exchange ("EIE") this 21<sup>st</sup> day of August, 2012:

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, DC 20555-0001

Paul S. Ryerson, Chair  
Administrative Judge  
E-mail: [psr1@nrc.gov](mailto:psr1@nrc.gov)

James F. Jackson  
Administrative Judge  
E-mail: [james.jackson@nrc.gov](mailto:james.jackson@nrc.gov)

Michael O. Garcia  
Administrative Judge  
E-mail: [michael.garcia@nrc.gov](mailto:michael.garcia@nrc.gov)

Anthony C. Eitrem, Esq., Chief Counsel  
[ace1@nrc.gov](mailto:ace1@nrc.gov)

Anne Siarnacki, Law Clerk  
[anne.siarnacki@nrc.gov](mailto:anne.siarnacki@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Rulemakings and Adjudication Staff  
Mail Stop: O16-C1  
Washington, DC 20555-0001  
E-mail: [HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)  
U.S. Nuclear Regulatory Commission

Office of the General Counsel  
Mail Stop: O15-D21  
Washington, DC 20555-0001

Catherine Scott, Esq.  
[Catherine.Scott@nrc.gov](mailto:Catherine.Scott@nrc.gov)

Carrie M. Safford, Esq.  
[Carrie.Safford@nrc.gov](mailto:Carrie.Safford@nrc.gov)

Marcia J. Simon, Esq.  
[Marcia.Simon@nrc.gov](mailto:Marcia.Simon@nrc.gov)

Molly Barkman Marsh, Esq.  
[Molly.BarkmanMarsh@nrc.gov](mailto:Molly.BarkmanMarsh@nrc.gov)

Michelle Albert, Esq.  
[Michelle.Albert@nrc.gov](mailto:Michelle.Albert@nrc.gov)

OGC Mail Center: [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate  
Adjudication  
Mail Stop: O16-C1  
Washington, DC 20555-0001  
E-mail: [OCAAMAIL@nrc.gov](mailto:OCAAMAIL@nrc.gov)

Counsel for the Applicant  
GE-Hitachi Global Laser Enrichment  
3901 Castle Hayne Road  
P.O. Box 780  
Wilmington, NC 28402  
Harold J. Neems, Esq.  
General Counsel  
[Harold.Neems@ge.com](mailto:Harold.Neems@ge.com)

Counsel for the Applicant  
Morgan, Lewis & Bockius  
1111 Pennsylvania Ave., NW  
Washington, DC 20004  
Donald J. Silverman, Esq.  
[dsilverman@morganlewis.com](mailto:dsilverman@morganlewis.com)  
Martin J. O'Neill, Esq.  
[martin.oneill@morganlewis.com](mailto:martin.oneill@morganlewis.com)  
Charles Moldenhauer, Esq.  
[cmoldenhauer@morganlewis.com](mailto:cmoldenhauer@morganlewis.com)  
Anna Jones, Esq.  
[anna.jones@morganlewis.com](mailto:anna.jones@morganlewis.com)  
Audrea Salters  
[asalters@morganlewis.com](mailto:asalters@morganlewis.com)

**/ Signed (electronically) by /**  
Marcia J. Simon  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop O-15 D21  
Washington, DC 20555-0001  
(301) 415-1261  
[marcia.simon@nrc.gov](mailto:marcia.simon@nrc.gov)