



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

November 15, 2018

Mr. Thomas O'Rourke, Chairperson
Yurok Tribe of California
P.O. Box 1027
Klamath, CA 95548

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION OF NO EFFECTS REGARDING THE SECTION 106 REVIEW OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED LICENSE RENEWAL OF HUMBOLDT BAY INDEPENDENT SPENT FUEL STORAGE INSTALLATION IN HUMBOLDY COUNTY, CALIFORNIA (DOCKET NUMBER: 72-27)

Dear Chairperson O'Rourke:

By letter, dated July 11, 2018, the U.S. Nuclear Regulatory Commission (NRC) received an application from the Pacific Gas and Electric Company (PG&E) to renew Special Nuclear Materials License (SNM) SNM-2514 for the Humboldt Bay onsite independent spent fuel storage installation (ISFSI). The application is available through the NRC's Agencywide Documents Access and Management System (ADAMS) Accession Number ML18215A213 or at <https://www.nrc.gov/docs/ML1821/ML18215A213.pdf>. If this renewal is approved, PG&E will be allowed to continue interim storage of spent nuclear fuel at the ISFSI for a 40-year period that would begin upon expiration of the current 20-year license on November 17, 2025. The ISFSI is located on a small peninsula known as Buhne Point near the coastal community of Fields Landing on the eastern shore of Humboldt Bay (see enclosure). The ISFSI occupies less than one acre of land within the PG&E owner-controlled area at the Humboldt Bay Power Plant, which is undergoing decommissioning currently and scheduled to be completed in 2019.

The NRC staff is preparing an environmental assessment (EA) for the proposed action in accordance with the NRC regulation in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 51, "Environmental Protection Regulations for Domestic Licensing and Regulatory Functions," that implements the National Environmental Policy Act of 1969, as amended (NEPA). In addition, consistent with 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC staff is coordinating compliance with the Section 106 process of the National Historic Preservation Act of 1966, as amended (NHPA), with its NEPA review process. The EA will include an analysis of potential impacts to historic and cultural resources as well as other resource areas, for instance land use, endangered species, socioeconomics, and environmental justice.

Renewal of the Humboldt Bay ISFSI license would be a continuation of existing conditions. PG&E anticipates no new significant construction at the existing ISFSI and no impact to cultural resources. Further, the NRC staff contacted the California Native American Heritage Commission (NAHC) to request a Sacred Lands File search. The NAHC has indicated that its search of the Sacred Lands File was completed for this project with negative results. Based on the information provided above, the NRC staff has made a determination that the proposed license renewal does not have the potential to cause effects to historic or cultural properties. In accordance with the definition in 36 CFR 800.3(a)(1), of *no potential to cause effects*, "if the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under Section 106 or this part", the NRC has preliminarily concluded that it has no further obligations under Section 106 of the NHPA. Although the NRC has no further obligations

under Section 106 of the NHPA, we respectfully request your input or concurrence with this determination. For your consideration, additional information regarding the initial licensing of this ISFSI is provided in the paragraph below.

For the original issuance of the Humboldt Bay ISFSI license in 2005, the NRC staff analyzed the potential environmental impacts associated with construction and operation of the ISFSI in an EA published in October 2005. In support of the EA (available through ADAMS Accession Number ML052430106 or at <https://www.nrc.gov/docs/ML0524/ML052430106.pdf>), the NRC staff contacted the Bear River Band of Rohnerville Rancheria and two other Tribes to inform them of the proposed license issuance. No specific cultural resources on the Humboldt Bay site or in the vicinity of the proposed ISFSI site were identified by the Tribes. In addition, the 2005 EA states that PG&E had conducted research to identify archaeological sites before constructing the ISFSI. This research is also described in PG&E's application of 2003 (see Section 2.9 of PG&E's 2003 Environmental Report, which can be accessed through ADAMS Accession Number ML033640453 or at <https://www.nrc.gov/docs/ML0336/ML033640453.pdf>). The research activities included records searches, literature reviews, and a field survey. No cultural resources were identified on the ISFSI site as a result of the research. Further, PG&E has historically committed to stopping all work and notifying the PG&E archaeologist immediately should any cultural resources be encountered. In the 2005 EA, the NRC staff considered these measures to be sufficient to mitigate any potential impacts to cultural resources.

Please submit comments and information you may have regarding the NRC staff's preliminary determination of no effects on historic properties or other environmental review resource areas within 30 days of receipt of this letter to the U.S. Nuclear Regulatory Commission, ATTN: Ms. Cinthya I. Román, Chief, 11555 Rockville Pike, Mail Stop T-4B16, Rockville, Maryland 20852. If you have any questions, please contact the NRC Project Manager, Ms. Monika Coflin, by telephone at 301-415-5932 or via e-mail at Monika.Coflin@nrc.gov.

In accordance with 10 CFR Section 2.390 of the NRC's "Agency Rules and Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Brian W. Smith, Acting Director
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-27
License No. SNM-2514

Enclosure:
Humboldt Bay Site Layout

cc: Mr. Frankie Myers, THPO

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION OF NO EFFECTS REGARDING THE SECTION 106 REVIEW OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED LICENSE RENEWAL OF HUMBOLDT BAY INDEPENDENT SPENT FUEL STORAGE INSTALLATION IN HUMBOLDY COUNTY, CALIFORNIA (DOCKET NUMBER: 72-27)

DATED: November 15, 2018

DISTRIBUTION: FCSE r/f CMarkley, NMSS

ADAMS Accession Number: Package: ML18303A365

***via email**

OFC	FCSE/ERB	FCSE/ERB	FCSE/ERB	OGC	FCSE/ERB	FCSE
NAME	MCoflin	CPineda*	*AWalker-Smith*	PJehle*	CRomán	BSmith
DATE	9/27/18	10/4/18	10/17/18	10/25/18	10/31/18	11/15/18

OFFICIAL RECORD COPY