

December 20, 2012

Mr. Rodney McInnis, Regional Administrator  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Southwest Regional Office  
501 West Ocean Boulevard, Suite 4200  
Long Beach, CA 90802-4213

SUBJECT: PRELIMINARY DETERMINATION OF NO EFFECT REGARDING  
ENDANGERED OR THREATENED SPECIES AND CRITICAL HABITAT FOR  
THE PROPOSED AMENDMENT TO LICENSE NO. SNM-2514 FOR THE  
HUMBOLDT BAY INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. McInnis:

By letter dated September 8, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML102530291), as supplemented on January 28, 2011 (ADAMS Accession No. ML110400027), April 1, 2011 (ADAMS Accession No. ML110940211), September 9, 2011 (ADAMS Accession No. ML112521432), June 19, 2012 (ADAMS Accession No. ML12171A306), June 25, 2012 (ADAMS Accession No. ML12178A273), and October 4, 2012 (ADAMS Accession No. ML12279A041), Pacific Gas and Electric Company (PG&E) submitted a license amendment application to the U.S. Nuclear Regulatory Commission (NRC) for the Humboldt Bay Independent Spent Fuel Storage Installation (ISFSI).

The Humboldt Bay ISFSI is located on the Humboldt Bay Power Plant (HBPP) site, in Humboldt County, California. The ISFSI is located approximately 700 feet west of the existing HBPP Unit 3 containment building. NRC License No. SNM-2514 for the Humboldt Bay ISFSI currently allows PG&E to store at the ISFSI, spent nuclear fuel and Greater Than Class C (GTCC) activated metal that was generated from prior HBPP Unit 3 operations. (GTCC waste is low-level radioactive waste generated by the commercial sector that exceeds NRC concentration limits for Class C low-level waste, as specified in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 61.55). PG&E is requesting an amendment to License No. SNM-2514 to allow GTCC process waste, comprised of miscellaneous solid waste resulting from HBPP Unit 3 operations and decommissioning activities, to be stored at the ISFSI.

As established in 10 CFR Part 51, the NRC's regulations that implement the National Environmental Policy Act of 1969, as amended, NRC is preparing an Environmental Assessment (EA) for the proposed action (i.e., amendment to License No. SNM-2514 to allow GTCC process waste to be stored at the ISFSI). In support of the environmental review, NRC is requesting concurrence from the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) on the NRC's preliminary determination that the amendment to the Humboldt Bay ISFSI license will not affect listed endangered or threatened marine species or their critical habitat. This determination is based on the following information.

With respect to the original issuance of the Humboldt Bay ISFSI license, the NRC staff analyzed the potential environmental impacts associated with construction, operation, and

decommissioning of the ISFSI. The staff's assessment was documented in an EA, dated October 2005 (ADAMS Accession No. ML052430106). In this EA, the staff determined that the construction, operation, and decommissioning of the ISFSI would have no effect on endangered or threatened species or critical habitat within the area of influence. The staff consulted with the NOAA Fisheries during its environmental review, and in July 2005, staff notified NOAA Fisheries of its determination and provided an assessment in support of this determination.

The current proposed action is a license amendment to authorize storage of approximately 0.5 cubic feet of GTCC process waste, comprised of miscellaneous solid waste resulting from HBPP Unit 3 operations and decommissioning activities, at the Humboldt Bay ISFSI. Operations associated with the proposed license amendment would include: (1) loading of GTCC process wastes (along with GTCC activated metal waste generated at HBPP Unit 3) into a storage cask, in the HBPP Unit 3 spent fuel pool; (2) transport of the storage cask from the HBPP Unit 3 spent fuel pool to the ISFSI along an approved transportation route on the HBPP site; and (3) placement of the storage cask in the ISFSI. Per the current ISFSI license, PG&E is already storing approximately 390 spent nuclear fuel assemblies in five storage casks and has authorization to store GTCC activated metal in another storage cask in the ISFSI.

No radioactive gaseous or liquid effluents are released from, nor is solid waste generated at, the ISFSI during operation. Environmental monitoring of the ISFSI site is carried out under the HBPP site-wide environmental monitoring program. In its license amendment application, PG&E provided its environmental consideration, noting that it anticipates no changes in the types, characteristics, or quantities of radiological or non-radiological effluents or solid waste, as a result of the license amendment. PG&E also anticipates no changes in radiological dose impacts to workers or the public, as a result of the license amendment. In addition, no construction activities, land disturbance, or physical changes to the environment are associated with this license amendment request.

The Humboldt Bay ISFSI license amendment application is publicly available in the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System. The ADAMS Public Electronic Reading Room is accessible at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession Numbers for the Humboldt Bay license amendment application are referenced above.

Please submit any comments and information that you may have regarding this matter within 30 days of receipt of this letter to the NRC with Attn: Michele Sampson, Mail Stop EBB-3D-02M, Washington, DC 20555. If you have any questions or need additional information regarding the proposed license amendment and environmental review process, please contact Kristina Banovac of my staff by telephone at (301) 492-3571 or by email at [Kristina.Banovac@nrc.gov](mailto:Kristina.Banovac@nrc.gov).

Thank you for your assistance.

Sincerely,

/RA/

Michele Sampson, Acting Chief  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

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

TAC No.: L24472

cc: Humboldt Bay Service List

Please submit any comments and information that you may have regarding this matter within 30 days of receipt of this letter to the NRC with Attn: Michele Sampson, Mail Stop EBB-3D-02M, Washington, DC 20555. If you have any questions or need additional information regarding the proposed license amendment and environmental review process, please contact Kristina Banovac of my staff by telephone at (301) 492-3571 or by email at [Kristina.Banovac@nrc.gov](mailto:Kristina.Banovac@nrc.gov).

Thank you for your assistance.

Sincerely,

/RA/

Michele Sampson, Acting Chief  
Licensing Branch  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

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

TAC No.: L24472

cc: Humboldt Bay Service List

DISTRIBUTION:

SFST R/F      DDiaz-Toro      KHsueh      JHickman

**G:/SFST/Humboldt Bay/Amendment 3/NOAA Fisheries letter.docx**  
**ML12363A515**

OFC	NMSS/SFST	NMSS/SFST	NMSS/SFST	NMSS/SFST
NAME	KBanovac	WWheatley	WCAllen	MSampson
DATE	12/ 19 /12	12/20/12	12/20/12	12/20/12

**OFFICIAL RECORD COP**

cc:

Mr. Edward D. Halpin  
Senior Vice President and  
Chief Nuclear Officer  
Pacific Gas and Electric Company  
P. O. Box 56  
Mail Code 104/6  
Avila Beach, CA 93424

James Becker  
Vice President - Diablo Canyon Operations  
and Station Director  
Diablo Canyon Power Plant  
PO Box 56  
Avila Beach, CA 93424

Loren Sharp, Director and Plant  
Manager, Humboldt Bay Nuclear  
Pacific Gas & Electric Company  
1000 King Salmon Avenue  
Eureka, CA 95503

Jennifer K. Post  
Law Department  
Pacific Gas and Electric Company  
77 Beale Street, B30A  
San Francisco, CA

Chairman, Humboldt County Board  
of Supervisors  
County Courthouse  
825 Fifth Street  
Eureka, CA 95501

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

California Public Utilities Commission  
505 Van Ness, Room 4102  
San Francisco, CA 94102

Redwood Alliance  
P.O. Box 293  
Arcata, CA 95521

Dr. Rich Ferguson, Energy Chair  
Sierra Club California  
1100 11<sup>th</sup> Street, Suite 311  
Sacramento, CA 94814

Mr. Gary Butner, Acting Radiation Program  
Director  
Radiologic Health Branch  
Dept. of Health Services, MS-7610  
PO Box 997414  
Sacramento, CA 95899-7414

Stephen Hsu, M.S., Senior Health Physicist  
Radiological Assessment Unit  
Radioactive Material Licensing Section  
Radiologic Health Branch  
Dept. of Health Services, MS-7610  
PO Box 997414  
Sacramento, CA 95899-7414

Commissioner  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Deputy Attorney General  
State of California  
110 West A Street, Suite 700  
San Diego, CA 92101