

February 18, 2015

Dr. Carol Rowland-Nawi  
State Historic Preservation Officer  
Natural Resources Agency  
Office of Historic Preservation  
Department of Parks and Recreation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816-7100

SUBJECT: SECTION 106 CONSULTATION REGARDING THE PROPOSED AMENDMENT  
TO LICENSE NO. DPR-7 FOR THE HUMBOLDT BAY POWER PLANT UNIT 3  
LICENSE TERMINATION PLAN (DOCKET NO. 50133)

Dear Dr. Rowland-Nawi:

Thank you for your letter of April 10, 2014, offering comments on the above-referenced action for the proposed activity. The U.S. Nuclear Regulatory Commission (NRC) is requesting the initiation of Section 106 consultation under the National Historic Preservation Act of 1966 with your office. In your April 10, 2014, letter you referenced the NRC's plan to rely upon the process under Title 36 of the *Code of Federal Regulations* (36 CFR) part 800.8 to meet its Section 106 responsibilities. However, the NRC, in a discussion with your staff, has subsequently determined not to use the 36 CFR 800.8 process, but will comply with its Section 106 responsibilities separately from its National Environmental Policy Act (NEPA) analysis.

The proposed undertaking is the NRC's approval of the license termination plan (LTP) submitted by its licensee, Pacific Gas & Electric Company (PG&E), for its decommissioned nuclear power plant, Humboldt Bay Power Plant (HBPP) Unit 3. The privately owned HBPP Unit 3 is situated south of Eureka, CA, on the eastern shore of Humboldt Bay. PG&E has submitted its LTP in accordance with NRC regulation 10 CFR 50.82(a)(9).<sup>1</sup> The area of potential effect (APE) is the site of HBPP Unit 3, including the intake and discharge canals, and other associated structures. Those are considered the direct APE (the area of disturbance). The indirect APE includes the remainder of the 143-acre HBPP site, and locations where site activity can either be seen or heard. These areas include portions of the King Salmon community, residences on the east side of U.S. 101, and vehicles travelling on U.S. 101. As of November 2014, many of the structures associated with HBPP Unit 3 have been demolished or dismantled. The visual APE is limited in area.

Also noted in your letter of April 10, 2014, the HBPP Unit 3 facility is more than 50 years old, and thus meets a basic threshold for evaluating properties for potential eligibility to the National Register of Historic Places (NRHP). PG&E, through JRP Historical Consulting, LLC., prepared a Historic American Engineering Report (HAER) in 2012, as recordation of HBPP Unit 3 and its associated facilities. The National Park Service accepted the HAER as a donation in 2012. The Humboldt Bay Power Plant is designated as HAER No. CA-2293.<sup>2</sup>

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<sup>1</sup> The criteria for NRC approval of the LTP is set forth in 10 CFR 50.82(a)(10).

<sup>2</sup> HAER No. CA-2293 is available at <http://www.loc.gov/pictures/collection/hh/item/ca3878/>.

According to the HAER, HBPP Unit 3 was found eligible for listing on the NRHP as it meets both Criterion A and Criterion C of the National Park Service's National Register Bulletin, "How to Apply the National Register Criteria for Evaluation."<sup>3</sup> The HAER states that the eligibility determination was made by PAR Environmental Services, Inc., (PAR) in 2003. The HAER further states that your office concurred with PAR's finding. In addition, the HAER notes that a second entity, Pacific Legacy, identified the entire HBPP site (within the fence line), including the non-nuclear Units 1 and 2, as constituting a district.<sup>4</sup> Based upon the HAER, the NRC has concluded that HBPP Unit 3 is eligible for inclusion in the NRHP.

In addition, the NRC has determined that the APE contains no surviving archaeological or cultural resources given that the HBPP Unit 3 site has been previously disturbed and has been used continuously as an industrial site for several decades.<sup>5 6 7</sup> The nearest historic site is Fort Humboldt, located just south of the City of Eureka in the Fort Humboldt State Historic Park. Only the hospital building remains, but it is not within the area of the visual APE (it is 3 miles from the site).

The NRC, when it approves an LTP, is approving only; (a) the adequacy of the licensee's decommissioning funding plan to assure that sufficient funding is available to complete the remaining radiological remediation activities; (b) the radiation-release criteria for license termination; and (c) the adequacy of the design of the final survey to verify that the release criteria have been met.<sup>8</sup> Although 10 CFR 50.82(a)(9) requires the licensee to identify remaining dismantlement activities in its LTP, the NRC's approval or disapproval of the LTP does not control the licensee's demolition or dismantlement of any buildings or structures.<sup>9</sup> Therefore, the NRC concludes, pursuant to 36 CFR 800.4(d)(1), that its proposed approval of the LTP will have no effect on HBPP Unit 3 or other historic properties within the direct, indirect and visual APEs.

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<sup>3</sup> HAER No. CA-2293, pp. 37-39.

<sup>4</sup> Units 1 and 2 do not operate under a NRC license.

<sup>5</sup> "Cultural Resources Monitoring Report and Recommendations," DZC Consulting, August 2013, p. 29.

<sup>6</sup> "Cultural Resources Study for the Humboldt Bay Power Plant ISFSI Licensing Project," PAR Environmental Services, Inc., August 2003, pp. 40-41.

<sup>7</sup> "Cultural Resources Inventory and Evaluation," PG&E, July 2013, pp. 9-11.

<sup>8</sup> NUREG-1757, Vol. 2, Rev. 1, "Consolidated Decommissioning Guidance," Appendix O, O-17. The statements of consideration, or preamble, for the NRC's final rule that amended 10 CFR 50.82 also describe the purpose of the LTP. 61 Fed. Reg. 39278, 39284 and 39289 (July 29, 1996).

<sup>9</sup> See 61 Fed. Reg. at 39289.

Dr. Rowland-Nawi

3

Please let us know if you concur with the NRC's findings and conclusion or if you require additional information.<sup>10</sup> My point of contact is Mr. Alan Bjornsen of my staff. Mr. Bjornsen can be contacted at (301) 415-1195, or via e-mail at [Alan.Bjornsen@nrc.gov](mailto:Alan.Bjornsen@nrc.gov).

Sincerely,

**/RA/**

Marissa Bailey, Director  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 50-133

License No.: DPR-7

Enclosures:

1. List of Cultural Resource References
2. List of Native American Tribes  
and Organizations

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<sup>10</sup> In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of 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 NRC's Agencywide Documents Access Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

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Sincerely,

**/RA/**

Marissa Bailey, Director  
Division of Fuel Cycle Safety, Safeguards,  
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Office of Nuclear Material Safety  
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<sup>11</sup> In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room, or from the Publically Available Records component of NRC's Agencywide Documents Access Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

## **Cultural Resources References**

DZC Consulting, 2013. Cultural Resources Monitoring Report & Recommendations, Humboldt Bay Power Plant Decommissioning." Fairhaven, California. August 2013. ADAMS Accession No. ML 14128A398.

Eureka Heritage Society, 2014. "Eureka: An Architectural Review." Eureka, California. ISBN 978-0-9615004-0-5.

JRP Historical Consulting, LLC., 2012. "Historic American Engineering Record, Humboldt Bay Power Plant – HAER No. CA-2293." Davis, California. March 2012.

JRP Historical Consulting, LLC., 2011. "Mitigation Plan (Update), Humboldt Bay Power Plant (in Response to CEC CUL-10)." Davis, California. October 2010. ADAMS Accession No. ML14128A111.

JRP Historical Consulting, LLC., 2009. "Mitigation Plan (Update), Humboldt Bay Power Plant (in Response to CEC CUL-10)." Davis, California. July 2009. ADAMS Accession No. ML14128A112.

Pacific Gas & Electric Company, 2013. "Cultural Resources Inventory and Evaluation for the Humboldt Bay Power Plant Decommissioning Canal Remediation Project." San Ramon, California. July 2013. ADAMS Accession No. ML14177A282.

Pacific Gas & Electric Company, 2010. "Archaeological Resources Protection Plan for the Humboldt Bay Power Plant Decommissioning Project." Humboldt County, California. April 2010. ADAMS Accession No. ML14128A398

PAR Environmental Services, Inc., 2003 "Cultural Resources Study for the Humboldt Bay Power Plant ISFSI Licensing Project," PAR Environmental Services, Inc., Sacramento, CA. August 2003

Native American Tribes List

cc:

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Ms. Claudia Brundin, Chairperson  
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cc:

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