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

June 14, 2023

David Hochschild, Chair
California Energy Commission
1516 Ninth Street, MS-32
Sacramento, CA 95814

SUBJECT: REVIEW OF THE DRAFT ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT RELATED TO SAN ONOFRE INDEPENDENT SPENT FUEL STORAGE INSTALLATION UPDATED DECOMMISSIONING FUNDING PLANS

Dear David Hochschild:

By letters dated March 28, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17090A152), March 17, 2020 (ML20079J032), March 24, 2021 (ML21091A037), March 23, 2022 (ML22084A055), and March 29, 2023 (ML23094A127), Southern California Edison (SCE), on behalf of itself, San Diego Gas & Electric, the City of Anaheim, and the City of Riverside, submitted updated decommissioning funding plans (DFPs) for 2016, 2019, 2020, 2021 and 2022 calendar years, respectively, for the San Onofre Nuclear Generating Station (San Onofre), Units 1, 2, and 3, Independent Spent Fuel Storage Installation (ISFSI) located in San Clemente, California (CA), for U.S. Nuclear Regulatory Commission (NRC) staff review and approval. The NRC staff is currently reviewing these updated DFPs submitted by SCE.

Previously, by letter dated May 20, 2016 (ML16146A068), the NRC consulted with the U.S. Fish and Wildlife Service (FWS), in Sacramento, CA, regarding the SCE's initial 2012 DFP (ML130420384) and updated 2015 DFP (ML15349A942) submittals for San Onofre ISFSI. The NRC staff noted that FWS did not advise comments.

The NRC regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste," govern the storage of spent nuclear fuel (spent fuel) generated at commercial nuclear power reactors licensed by the NRC. Spent fuel that has been removed from the reactor's spent fuel pool is typically stored at a nuclear power plant's ISFSI.

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The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule amending its decommissioning planning regulations (76 *Federal Register* (FR) 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR Part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance (i.e., that funds will be available to decommission the ISFSI). The NRC staff is reviewing the information submitted by SCE.

Specifically, the NRC must determine whether SCE DFPs contain the information required by 10 CFR 72.30(c), and whether SCE has provided reasonable assurance that funds will be available to decommission the San Onofre ISFSIs.

In accordance with 10 CFR Part 51, which contains the NRC regulations that implement the National Environmental Policy Act of 1969, as amended, the agency has prepared a separate draft environmental assessment (EA) for the San Onofre ISFSI, respectively, for the proposed action (enclosed). We are providing your office with the opportunity to review the draft EA and comment on environmental issues prior to the public issuance and publication of the EA. We request that distribution and use of the enclosed draft EA be limited only to those staff involved in the review and comment process.

Please submit any comments within 30 days from the date of this letter to the U.S. Nuclear Regulatory Commission, Document Control Desk, ATTN: Yoira Diaz-Sanabria, Mail Stop: TWFN 4B16, U.S. Nuclear Regulatory Commission, Washington, DC 20555. If you have any questions, please contact Tilda Liu of my staff by telephone at 404-997-4730, or by email at Tilda.Liu@nrc.gov. The NRC staff will consider your timely comments and will revise the EA, as appropriate, before its final issuance and publication. Thank you for your assistance.

Sincerely,



Signed by Diaz-Sanabria, Yoira
on 06/14/23

Yoira K. Diaz-Sanabria, Chief
Storage and Transportation Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-41
License No. SFGL-19
EPID No.: L-2017-FPR-0062

Enclosure:
Draft EA for San Onofre ISFSI

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