



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

November 27, 2023

Gabe Frausto, Tribal Chair
Coastal Band of Chumash Indians
24 S. Voluntario Street
Santa Barbara, CA 93101

SUBJECT: CONSULTATION UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT REGARDING THE DIABLO CANYON INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI) LICENSE RENEWAL REQUEST (DOCKET NUMBER: 72-26)

Dear Tribal Chair Gabe Frausto:

The U.S. Nuclear Regulatory Commission (NRC) staff has received, by letter dated March 9, 2022, an application from Pacific Gas and Electric (PG&E) to renew Special Nuclear Material License (SNM)-2511 for the Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI). In 2004, the NRC issued PG&E a 20-year license to receive, possess, store, and transfer Diablo Canyon Power Plant spent fuel to the Diablo Canyon ISFSI. The current license expires on March 22, 2024. If this renewal is approved, PG&E would be authorized to continue interim storage of spent fuel at the Diablo Canyon ISFSI for a 40-year period, beginning on March 23, 2024. The Diablo Canyon ISFSI is located on the California coast in San Luis Obispo County, California, roughly equidistant from San Francisco and Los Angeles (site layout enclosed).

The NRC staff is preparing an environmental assessment (EA) associated with its considerations of this request in accordance with the NRC regulation in Title 10 of the *Code of Federal Regulations* Part 51 that implements the National Environmental Policy Act of 1969, as amended (NEPA). Consistent with 36 CFR 800.8(c), "Use of the NEPA process for section 106 purposes," the NRC staff has chosen to use the process and documentation required for the preparation of an EA to comply with Section 106 in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The EA will include an analysis of potential impacts to historic and cultural resources. The request does not include new construction at the existing Diablo Canyon ISFSI. Because you have expressed interest in engaging with the NRC about the Diablo Canyon site in the past, the NRC staff is requesting any information you may have regarding historic or cultural resources that may be affected by the proposed ISFSI license renewal, such as specific sites that have traditional religious or cultural significance to your Tribe.

On Nov 7th, 2023, PG&E submitted an application to renew the two Diablo Canyon Power Plant Licenses DPR-80 and DPR-82 (ML23311A154). This proposed action for the Diablo Canyon ISFSI License SNM-2511 is separate from the proposed renewal of the two Diablo Canyon Power Plant Licenses DPR-80 and DPR-82. The NRC staff will be conducting a separate

Section 106 consultation for the proposed license renewal of the power plants and will reach out to you in a separate letter regarding that action.

The Diablo Canyon ISFSI license renewal 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 [ADAMS]. The ADAMS Public Electronic Reading Room is accessible at: <http://www.nrc.gov/reading-rm/adams.html>. The application is found at ML22068A189.

Please submit any information you may have regarding this environmental review within 30 days of receipt of this letter to the U.S. Nuclear Regulatory Commission, ATTN: Michelle Rome, Chief, 11555 Rockville Pike, Mail Stop T-4B16, Rockville, Maryland 20852.

If you have any questions, please contact Jean Trefethen via email at jean.trefethen@nrc.gov or via phone at 301-415-0867. Thank you for your assistance.

Sincerely,



Signed by Moses, John
on 11/27/23

John M. Moses, Deputy Director
Division of Rulemaking, Environmental
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-26

Enclosures:

1. Diablo Canyon ISFSI Site Layout
(from PG&E 2022 Diablo Canyon ISFSI LRA)-
2. Diablo Canyon ISFSI Controlled Area Boundary
(from PG&E 2022 Diablo Canyon ISFSI LRA)

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DATED: November 27, 2023

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*concurrence via email

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