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

January 24, 2024

Honorable Gary Pierce
Contemporary Council Lead
Salian Tribe of Monterey
and San Luis Obispo Counties
7070 Morro Road, Suite A
Atascadero, CA 93422

SUBJECT: SECTION 106 CONSULTATION AND SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2 LICENSE RENEWAL APPLICATION (DOCKET NUMBERS: 50-275 AND 50-323)

Dear Council Lead Gary Pierce:

The U.S. Nuclear Regulatory Commission (NRC) staff is conducting a review of the environmental effects of renewing the operating license for Diablo Canyon Nuclear Power Plant Units 1 2 (DCPP). DCPP is operated by Pacific Gas and Electric Company (PG&E), and is located in San Luis Obispo, California (see Enclosure 1). PG&E submitted an application for the renewal of DCPP operating licenses in a letter dated November 7, 2023, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 54.

The Atomic Energy Act of 1954, as amended, authorizes the NRC to issue 40-year initial licenses, and upon application and approval, renew licenses for nuclear power reactors. The NRC's regulations limit these renewals to 20-year increments. Approval of a renewed license is based on the outcome of a safety and environmental review. The Atomic Energy Commission issued a construction permit for DCPP in 1968 and 1970 respectively, and the NRC issued operating licenses on November 2, 1984, and August 26, 1985, respectively. The requested renewal would extend the operating license expiration dates for DCPP from November 2, 2024, and August 26, 2025, to November 2, 2044, and August 26, 2045, respectively.

As part of the NRC's license renewal review for DCPP, a site-specific supplement to the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," NUREG-1437, is prepared in accordance with 10 CFR 51, the NRC's environmental protection regulations. These regulations also implement Section 102(2) of the National Environmental Policy Act of 1969, as amended (NEPA). In accordance with Title 36 of the *Code of Federal Regulations* Section 800.8(c), the NRC intends to comply with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), through the NEPA process. Because you have expressed interested in engaging with the NRC about the Diablo Canyon site in the past, the NRC staff is requesting any information you may have regarding cultural resources that may be affected by the proposed license renewal, such as specific sites that have traditional religious or cultural significance to your Tribe.

In the context of NHPA, the NRC staff has determined that the area of potential effects (APE) for this license renewal is the area at the power plant site and its immediate environs that may be impacted by ongoing routine maintenance and operational activities during the license renewal term (see Enclosure 2). The APE may extend beyond the immediate DCPP environs if DCPP maintenance and operational activities affect offsite historic properties (see Enclosure 3). This determination is made irrespective of ownership or control of the lands of interest. The purpose of this letter is to perform scoping and initiate Section 106 consultation.

Please provide any comments that you may have on the scope of the environmental review within 30 days of the date of this letter. Written comments should be submitted by mail to:

ATTN: Program Management, Announcements
and Editing Staff
Office of Administration
Mail Stop: TWFN-7A60M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Electronic comments may be submitted to the NRC by accessing www.regulations.gov and searching for Docket ID NRC-2023-0192.

The NRC will hold a virtual public scoping meeting on February 1, 2024, and an in-person public scoping meeting on February 8, 2024, near the site. Details on the meetings can be found on the NRC's Public Meeting Schedule at: https://www.nrc.gov/pmns/mtg.

The application is available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at https://www.nrc.gov/reading-rm/adams.html. The license renewal application is listed under ADAMS Accession No. ML23311A154. When available, the NRC will publish a schedule for its review at: https://www.nrc.gov/reactors/operating/licensing/renewal/applications/diablo-canyon.html. The NRC will forward the Draft Supplemental Environmental Impact Statement to you for your review and comment when it is published. This draft supplement will include identification of historic properties, assessment of impacts, and a preliminary determination.

If you have any questions concerning the NRC's license renewal review, please contact Kim Conway, at 301-415-1335 or via email at Kimberly.Conway@nrc.gov.

Sincerely,

Signed by Moses, John
on 01/24/24

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

Docket Nos. 50-275 and 50-323

Enclosures:
1. Area Map, 50-mile radius
2. DCPP Nuclear Power Plant Unit 1 and 2 Area of Potential Effect
3. Area Map, 6-mile radius

cc:

Robert Piatti
Cultural Protection and Preservation Lead
7070 Morro Road, Suite A
Atascadero, CA 93422

Listserv
info@northernchumash.org
ernest@northernchumash.org

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DATED: January 24, 2024

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