



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

June 20, 2025

Mona Olivas Tucker, Chairwoman  
*yak titʻu titʻu yak tithini* Northern  
Chumash Indians  
P.O. Box 13938  
San Luis Obispo, CA 93406

SUBJECT: RESPONSE TO THE *yak titʻu titʻu yak tithini* NORTHERN CHUMASH INDIANS REGARDING THE ENVIRONMENTAL REVIEW OF THE DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2 LICENSE RENEWAL APPLICATION (DOCKET NUMBERS: 50-275 AND 50-323)

Dear Chairwoman Mona Olivas Tucker:

Thank you for your letter providing comments on the draft supplemental environmental impact statement (SEIS), NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 62, Regarding License Renewal of Diablo Canyon Nuclear Power Plant, Units 1 and 2." The purpose of this letter is to inform the *yak titʻu titʻu yak tithini* Northern Chumash Indians (*ytt*) of how their comments were addressed by the U.S. Nuclear Regulatory Commission (NRC) staff in the Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon) final SEIS. The NRC initiated consultation with your Tribe regarding this project on January 24, 2024. In accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Section 800.8(c), the NRC staff elected to use the National Environmental Policy Act of 1969, as amended (NEPA), process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). The NRC appreciates your willingness to meet with NRC staff and provide valuable input throughout the environmental review process.

The NRC received your comments on the draft SEIS by letter dated December 13, 2024, which requested the following: corrections to historic and cultural resource descriptions and findings, recognition of faunal Tribal cultural resources, and proposed revisions to the NRC's recommendations. The NRC staff considered these comments when developing the final SEIS and discussed its resolution of the comments with the *ytt* on April 24, 2025. Detailed responses to public comments are provided in Appendix A, Section A.2 of the final SEIS.

The final SEIS is available via the following link: [Diablo Canyon final SEIS](#). The final SEIS may also be obtained online in the NRC's Agencywide Documents Access and Management System (ADAMS) Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html> under Accession No. ML25156A357. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference

staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). You may also find general information concerning the Diablo Canyon license renewal application via the following link: <https://www.nrc.gov/reactors/operating/licensing/renewal/applications/diablo-canyon.html>.

### Corrections to Historic and Cultural Resource Descriptions

As documented in your letter, the comments recommended that the NRC staff revise Section 3.9 of the SEIS to include editorial corrections that provide appropriate Tribal names, clarify the use of the term *Obispeño*, and remove from Section 3.9.2 of the SEIS the reference to Morro Rock as it is not within the project area, consult with the *ytt*, and update the 1980 archaeological resources management plan (ARMP) to require consultation with the *ytt*.

In response to the *ytt's* comments, the NRC staff updated the text in Section 3.9 to incorporate references to *tithini*, as appropriate. However, many of the recommended revisions were not incorporated as it would have introduced an inconsistency with the cited reference.

Regarding the use of the term *Obispeño*, the NRC staff moved text from Section 3.9.1.7 to Section 3.9.1 to note that, in some instances, the Northern (*tithini*) Chumash are referred to as the *Obispeño*, which denotes the group's association with the San Luis Obispo de Tolosa mission; however, descendants consider the term derogatory, preferring to use *tithini*. The NRC staff clarified that the term *Obispeño* would only be used in the SEIS as referenced in cited archaeological or ethnographic studies and modified the text in the SEIS where appropriate.

For the comment pertaining to Morro Rock, the Santa Ynez Band of Chumash Indians stated in their February 15, 2024 letter that their Tribe has historic ties to the region and stated that the Chumash original territory lies along the coast of California, between Malibu and Paso Robles, as well as on the Northern Channel Islands. The information pertaining to Morro Rock was included to highlight important cultural resources within the region that are significant to other consulting Tribes. As a result, the NRC staff moved the text to Section 3.9.1.7 and clarified in the SEIS that the region around Diablo Canyon is an area of interest to the Santa Ynez Band of Chumash Indians and noted that Morro Rock and the surrounding sites are considered as sacred.

Regarding the *ytt's* comments concerning consultation for the Diablo Canyon license renewal review, the NRC staff conducted its consultation in accordance with Section 106 of the NHPA and the regulations in 36 CFR Part 800. Specifically, 36 CFR 800.2(c)(2)(ii) requires Federal agencies to consult with any federally recognized Indian Tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. Separately, per 36 CFR 800.2(c)(5), additional organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties. Accordingly, per these regulations, the NRC consulted with the Santa Ynez Band of Chumash, the Tule River Tribe, the *ytt*, the Coastal Band of the Chumash Nation, the Salinan Tribe of Monterey and San Luis Obispo counties, the Northern Chumash Tribal Council, and the San Luis Obispo County Chumash Indians.

Regarding requiring updates to the 1980 ARMP to include consultation with the *ytt*, any revisions to the ARMP are the responsibility of Pacific Gas and Electric Company (PG&E). Any modifications would be separate from the proposed action of Diablo Canyon license renewal. Moreover, the ARMP only discusses site SLO-02, and PG&E has several procedures and

management plans in place to protect cultural resources, historic districts, and human remains on the Diablo Canyon site. PG&E complies with California Health and Safety Code 7050.5 and California Public Resources Code 5097.98 to notify the coroner and the Native American Heritage Commission to assist in determining the appropriate lineal descendant Tribe(s) for Diablo Canyon Lands depending on the location of potentially identified features. Per its best management practices, PG&E also coordinates and engages with the Santa Ynez Band of Chumash Indians and the *ytt* regarding any historic and cultural resource issues on the Diablo Canyon site. This would continue whether the ARMP is updated or a new one is established, and it is not dependent on license renewal. While the NRC staff did not modify the SEIS as a result of this comment, the NRC staff did meet with PG&E and the *ytt* on May 15, 2025, to facilitate a discussion related to a site access agreement request received as part of the *ytt*'s comments on the draft SEIS ([ML25150A040](#)).

### Corrections to Historic and Cultural Resource Findings

A *ytt* comment recommended that the NRC staff revise the impact findings in Section 3.9.4.2 of the SEIS to state that the *ytt* is the appropriate culturally affiliated descendant Tribe to whom deference should be given with regard to cultural resources within the Diablo Canyon site. The NRC staff disagrees with the comment as the findings in Section 3.9.4.2 follow the documentation standards described in 36 CFR 800.11. Specifically, the findings in Section 3.9.4.2 address potential effects to historic properties from the implementation of the undertaking and further address impacts to historic and cultural resources considered under NEPA. Therefore, the information regarding the *ytt* as having the strongest case for cultural affiliation with the Diablo Canyon Lands (per the Johnson 2020 ethnographic survey) is disclosed in the appropriate section of the SEIS (see Section 3.9.2.5), and no changes were made to the SEIS as a result of this comment.

### Recognition of Faunal Tribal Cultural Resources

The NRC appreciates the information provided by the *ytt* concerning the cultural significance of *tspete?* (abalone) as a Tribal cultural resource. The comment requested that the NRC staff consider impacts to black abalone not just from a biological perspective, but also as a Tribal cultural resource. The NRC staff agrees with this comment and updated Section 3.9.2 of the SEIS to include discussion of the importance of *tspete?* (abalone) as a Tribal cultural resource to the *ytt*. The NRC staff also updated Section 3.7.1.5 to include information on the abalone's cultural significance to the *ytt* in the discussion of subtidal invertebrates and other important ecological features of the site. In connection with the Endangered Species Act of 1973, as amended, Section 7 consultation with the National Marine Fisheries Service (NMFS), the NRC staff shared the *ytt*'s letter and discussed the cultural significance of the abalone with the NMFS to ensure that the agency is also aware of the *ytt*'s perspectives.

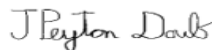
### Recommended Revisions to the NRC's Recommendations

The *ytt* provided comments which stated that the NRC should require the ARMP to be updated to include the *ytt* as the documented lineal descendants in the project area even though the proposed action of license renewal does not alter plant operation or require construction. As discussed previously, any updates to the ARMP would be the responsibility of PG&E. Moreover, the NRC staff's recommendation that the adverse environmental impacts of license renewal for Diablo Canyon are not so great that preserving the option of license renewal for energy-planning decision-makers would be unreasonable is not affected by the ARMP remaining unchanged. Any updates or modifications would be separate from the proposed action of

license renewal. PG&E has several procedures and management plans in place to protect cultural resources, historic districts, and human remains on the Diablo Canyon site. Further, PG&E complies with California Health and Safety Code 7050.5 and California Public Resources Code 5097.98 to notify the coroner and the Native American Heritage Commission to assist in determining the appropriate lineal descendant Tribe(s) for Diablo Canyon Lands depending on the location of potentially identified features. Per its best management practices, PG&E coordinates and engages with the Santa Ynez Band of Chumash Indians and the *ytt* regarding any historic and cultural resource issues on the Diablo Canyon site that may be impacted by plant operation. This would continue whether the ARMP is updated or a new one is established, and it is not dependent on license renewal.

The NRC appreciates the *ytt*'s comments and looks forward to future engagement on Diablo Canyon licensing activities. If you have any questions concerning the NRC's license renewal review, please contact Jennifer Davis, Staff Archaeologist, by phone at 301-415-3835 or via email at [Jennifer.Davis@nrc.gov](mailto:Jennifer.Davis@nrc.gov), or Kim Conway, Environmental Project Manager, by phone at 301-415-1335 or via email at [Kimberly.Conway@nrc.gov](mailto:Kimberly.Conway@nrc.gov).

Sincerely,



Doub, Joseph signing on behalf  
of Rome, Michelle  
on 06/20/25

Michelle Rome, Chief  
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and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. 50-275 and 50-323

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