

CALIFORNIA ENERGY COMMISSION
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California Energy Commission Energy Facilities Siting Division		Project Title: Humboldt Bay Repowering Project	
<input checked="" type="checkbox"/> Telephone: 301-415-3017	<input type="checkbox"/> Meeting Location:		
NAME: Beverly E. Bastian, Biological and Cultural Resources, Environmental Office	Date 2/13/08	Time 7:20 AM	
WITH: John Hickman, Nuclear Regulatory Commission (NRC) Project Manager for Humboldt Bay Nuclear Plant Decommissioning			
SUBJECT: NRC jurisdiction over demolition of HBPP Units 1 and 2			

Mr. Hickman left a message for Ms. Bastian on Monday, February 11, 2008, saying he had an answer to Ms Bastian's question about fossil-fueled Units 1 and 2 at the Humboldt Bay Power Plant (HBPP). (On January 8, Ms. Bastian had email Mr. Hickman's colleague, Jennifer Davis, to ask, would the dismantling of Units 1 and 2, under the oversight of the NRC, be a federal undertaking, triggering the NHPA Section 106 process and making the NRC the lead agency for the dismantling?)

Ms. Bastian returned Mr. Hickman's call this morning. Mr. Hickman said decommissioning a nuclear plant does not become a federal undertaking until the licensee files a License Termination Plan (LTP). Mr. Hickman stated that PG&E, as the licensee, has not, at this time, filed a LTP for the HBPP. That means, Mr. Hickman said, that until PG&E's LTP is filed, as far as the NRC is concerned, the Energy Commission has jurisdiction over the licensing of, and the environmental and historical impacts of, their proposed new generation facility.

So, when PG&E files their LTP, their decommissioning becomes a federal undertaking and the NRC would be the lead agency responsible for identifying adverse impacts to significant cultural resources under NHPA Section 106. Mr. Hickman cautioned that the NRC would only have to consider those decommissioning activities specifically identified in the LTP, and that Units 1 and 2 would have to be identified as a significant cultural resource during consultation with the California State Historic Preservation Officer (SHPO) in order for the NRC to consider them under Section 106.

Further, Mr. Hickman cautioned that since the NRC does not regulate what PG&E does on the HBPP site before submitting their LTP, PG&E could begin removal of contaminated materials from Units 1 and 2 at any time. PG&E could, theoretically, Mr. Hickman said, demolish those units entirely before submitting their LTP. Then their LTP would not include demolition activities at Units 1 and 2, and the NRC could not consider the demolition of Units 1 and 2 as potential adverse impacts under Section 106.

Ms. Bastian asked when nuclear licensees usually submit their LTPs to the NRC. Mr. Hickman said it is usually about two years prior to the expected date of license surrender.

Ms. Bastian asked about a possible Energy Commission role after PG&E files their LTP. Mr. Hickman stated that Ms Bastian could email a request for the Energy Commission's Cultural Resources staff to be a consulting party, and he would put it into the HBPP file.

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cc: John Hickman, John Kessler, Lisa DeCarlo, Michael McGuirt, Dorothy Torres, Rick York		Signed: Beverly E. Bastian
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