

July 24, 2006

R. Terry Nelson, Director and Plant  
Manager, Humboldt Bay Nuclear  
Pacific Gas & Electric Company  
1000 King Salmon Avenue  
Eureka, CA 95503

SUBJECT: HUMBOLDT BAY POWER PLANT UNIT 3 - REVOCATION OF EXEMPTION  
FROM THE 10 CFR 70.51 REQUIREMENT FOR THE CONDUCT OF AN  
ANNUAL INVENTORY OF SPENT FUEL AND THE WAIVER FROM THE  
10 CFR 74.13 DATE REQUIREMENT FOR SUBMISSION OF THE ANNUAL  
SPECIAL NUCLEAR MATERIAL INVENTORY REPORT

Dear Mr. Nelson:

On January 13, 1989, the U.S. Nuclear Regulatory Commission (NRC) granted Pacific Gas and Electric Company (PG&E) an exemption from the requirements of 10 CFR 70.51 (d) (now 10 CFR 74.19) for the conduct of an annual inventory of spent fuel at Humboldt Bay Power Plant, Unit 3 (HBPP). This exemption was requested in your letters of June 6, 1988, July 19, 1988, and September 13, 1988. The granting of the exemption was conditioned on a spent fuel pool cover and tamper-indicating seals being installed.

On October 3, 2003, the NRC waived the requirements of 10 CFR 74.13 concerning submission of Special Nuclear Material (SNM) material balance reports in lieu of an alternate date for the submittal of inventory reports. This waiver was in response to your letter of September 23, 2003, and was based on the PG&E exemption from the requirement to perform annual SNM inventories as long as the spent fuel pool cover and tamper-indicating seals are installed.

By letter dated April 28, 2006, you stated that PG&E had removed the fuel pool cover to allow various activities to be performed in the spent fuel pool and that the cover will remain off in anticipation of future activities that will occur in the spent fuel pool. You also stated that PG&E will no longer require the exemption and alternate date granted by NRC, and that PG&E will comply fully with the requirements of 10 CFR 74.19 for the performance of SNM inventories and with the requirements of 10 CFR 74.13 for the submittal of SNM inventory reports.

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Based on your letter, and considering the removal of the spent fuel pool cover with tamper-indicating seals, and your commitment to comply with the regulations as written, we are hereby revoking the January 13, 1989, exemption for the requirements of 10 CFR 70.51 (d) and the October 3, 2003, waiver from the requirements of 10 CFR 74.13.

Sincerely,

/RA/

Keith I. McConnell, Deputy Director  
Decommissioning Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 50-133

cc: Humboldt Bay Power Plant, Unit 3 Service List

R. T. Nelson

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Based on your letter, and considering the removal of the spent fuel pool cover with tamper-indicating seals, and your commitment to comply with the regulations as written, we are hereby revoking the January 13, 1989, exemption for the requirements of 10 CFR 70.51 (d) and the October 3, 2003, waiver from the requirements of 10 CFR 74.13.

Sincerely,

/RA/

Keith I. McConnell, Deputy Director  
Decommissioning Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
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Docket No. 50-133

cc: Humboldt Bay Power Plant, Unit 3 Service List

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Humboldt Bay Power Plant, Unit 3 Service List

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