

Pacific Gas and Electric Company
Humboldt Bay Power Plant
Loren D. Sharp
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June 19, 2012

10 CFR 50.12
10 CFR 50.47
10 CFR 50.54
10 CFR 50, Appendix E



PG&E Letter HBL-12-011

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Docket No. 50-133, License No. DPR-7
Humboldt Bay Power Plant Unit 3
Request for Scheduler Exemption for Implementation of Final Rule for
Enhancements to Emergency Preparedness Regulations

Dear Commissioners and Staff:

The NRC issued the Final Rule for Enhancements to Emergency Preparedness Regulations in the Federal Register on November 23, 2011. Certain portions of the Final Rule are required to be implemented by June 20, 2012, while other portions of the Final Rule have later implementation dates. Pursuant to the provisions of 10 CFR 50.12, Pacific Gas and Electric Company (PG&E) requests NRC approval for a scheduler exemption which would extend the date for implementing the Final Rule from June 20, 2012 to September 20, 2012.

PG&E has been reviewing the Final Rule to determine the requirements applicable to Humboldt Bay Power Plant, Unit 3 (HBPP). HBPP has a 10 CFR 50 facility license but has been permanently shutdown, with spent fuel relocated to the onsite Independent Spent Fuel Storage Installation (ISFSI) which is licensed under 10 CFR 72. As a result, HBPP is no longer required to comply with security requirements, as set forth in NRC letter dated June 16, 2008, "Humboldt Bay Power Plant Unit 3 – Issuance of Amendment and Exemption from Requirements of 10 CFR Part 50 and 10 CFR Part 73 Security Requirements (TAC NO. J00337)." As such, most of the security-related requirements of the Final Rule do not appear applicable to HBPP. However, some of the other requirements may be applicable to HBPP. PG&E is requesting the scheduler exemption to allow sufficient time to evaluate the Final Rule and to implement provisions as necessary.

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The Humboldt Bay Site Emergency Plan is a joint emergency plan addressing both the Part 50 licensed facility and the Part 72 licensed ISFSI. The Emergency Plan does not include PG&E-staffed offsite facilities or an onsite Technical Support Center. The Final Rule does not provide clear direction for defueled, non-operating facilities such as HBPP, and it does not include ISFSI license emergency plans. As such, PG&E is still evaluating the applicability of the Final Rule to HBPP.

PG&E is requesting the implementation date of June 20, 2012, be extended to September 20, 2012, for the following sections of the Final Rule to allow completion of implementation of the applicable portions and submittal of an exemption request for the remaining inapplicable portions. The 90-day schedular exemption is needed for PG&E to revise procedures and complete personnel training for those applicable portions of the Final Rule, as well as providing justification for an exemption to implement the inapplicable portions.

For Security-Related Emergency Plan Issues:

- Emergency Action Levels for Hostile Action (Item 2)
- Emergency Response Organization Augmentation at Alternate Facility – capability for staging emergency organization personnel at an alternate facility and the capability for communications with the control room and plant security (Item 3)
- Protection for Onsite Personnel (Item 5)

For Non-Security Related Issues

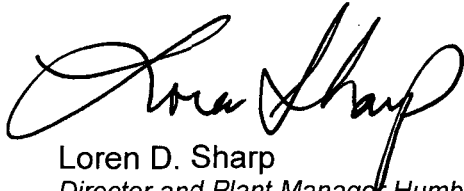
- Emergency Declaration Timeliness (Item 2)
- Emergency Operations Facility – Performance Based Approach (Item 3)

The other requirements in the Final Rule have later implementation dates, such as December 24, 2012, June 23, 2014, December 23, 2014, and December 31, 2015. PG&E intends to implement the other requirements of the Final Rule by the respective, required implementation dates, or submit exemption requests by those dates.

The enclosure to this letter provides the Environmental Assessment for the schedular exemption request in accordance with 10 CFR 51.

If you wish to discuss the information in this letter, please contact David Sokolsky at 415-973-5024.

Sincerely,

A handwritten signature in black ink, appearing to read "Loren D. Sharp". The signature is fluid and cursive, with the first name "Loren" and last name "Sharp" clearly distinguishable.

Loren D. Sharp
Director and Plant Manager Humboldt Bay Nuclear

cc/enc: Elmo E. Collins, Jr., US NRC Region IV
John B. Hickman, US NRC
Humboldt Distribution

Enclosure

ENVIRONMENTAL ASSESSMENT

Due to HBPP being permanently shut down (with spent fuel relocated to the ISFSI) and the necessary worker controls in place to limit doses, there are no postulated accidents for HBPP that are considered credible that could result in the release of radioactive materials to the environment in quantities that could require the implementation of protective actions for the general public. There are no postulated accidents for the ISFSI that could result in the release of radioactive materials to the environment in quantities that would require the implementation of protective actions for the general public. Therefore, PG&E considers the delayed implementation of the specified issues of the Final Rule to pose no reduction in effectiveness of the required Emergency Plan.

Because HBPP is permanently defueled and the spent fuel is stored in the onsite ISFSI, the plant site poses a significantly reduced risk to public health and safety from design basis accidents or credible beyond design basis accidents since these cannot result in radioactive releases which exceed the EPA's protective action guidelines at the site boundary. Granting the proposed schedular exemption will not increase the probability or consequences of accidents, no changes are being made in the types or quantities of effluents that may be released offsite, and there is no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with granting the exemption request.

Granting the proposed schedular exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological impacts associated with the proposed action.

Based on the assessment above, the proposed action will not endanger the public health and safety.