

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

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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
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and Safeguards

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cc: Humboldt Bay Power Plant, Unit 3 Service List

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Humboldt Bay Power Plant, Unit 3 Service List

cc:

Mr. David H. Oatley
General Manager and Vice President
Acting Chief Nuclear Officer
Pacific Gas and Electric Company
Diablo Canyon Nuclear Power Plant
P. O. Box 56
Avila Beach, CA 93424

Ms. Donna Jacobs
Vice President, Nuclear Services
Diablo Canyon Power Plant
P.O. Box 56
Avila Beach, CA 93424

Mr. Lawrence F. Womack, Vice President,
Power Generation & Nuclear Services
Diablo Canyon Power Plant
P. O. Box 56
Avila Beach, CA 93424

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

Mr. Antonio Fernandez, Esq.
Law Department
Pacific Gas & Electric Company
Post Office Box 7442
San Francisco, CA 94120

Chairman, Humboldt County Board
of Supervisors
County Courthouse
825 Fifth Street
Eureka, CA 95501

Mr. Steve Hsu
Radiologic Health Branch
State Department of Health Services
P.O. Box 997414 (MS 7610)
Sacramento, CA 95899-7414

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064
California Public Utilities Commission
505 Van Ness, Room 4102
San Francisco, CA 94102

California Public Utilities Commission
505 Van Ness, Room 4102
San Francisco, CA 94102

Redwood Alliance
P.O. Box 293
Arcata, CA 95521

Dr. Rich Ferguson, Energy Chair
Sierra Club California
1100 11th Street, Suite 311
Sacramento, CA 94814

Mr. Ed Bailey, Radiation Program Director
Radiologic Health Branch
State Department of Health Services
P.O. Box 997414 (MS 7610)
Sacramento, CA 95899-7414

Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Deputy Attorney General
State of California
110 West A Street, Suite 700
San Diego, CA 92101