



**Pacific Gas and
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November 5, 2007

PG&E Letter HBL-07-017

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Docket No. 50-133 OL-DPR-7
Humboldt Bay Power Plant, Unit 3
License Amendment Request 07-03
Deletion of Paragraph 2.C.1 of Facility Operating License No. DPR-7,
Exemption from 10 CFR 50.54(p) and 10 CFR Part 73, and Rescission of
NRC Orders EA-02-077 and EA-03-099

Dear Commissioners and Staff:

In accordance with 10 CFR 50.12, and 10 CFR 73.5, Pacific Gas and Electric Company (PG&E) is requesting a permanent exemption from the following security requirements for Humboldt Bay Power Plant (HBPP) Unit 3: Section (p) under 10 CFR 50.54 "Conditions of Licenses" and 10 CFR 73 "Physical Protection of Plants and Materials." In addition, PG&E requests rescission of NRC Order EA-02-077, "Order for Interim Safeguards and Security Compensatory Measures" and NRC Order EA-03-099, "Order for the Implementation of Additional Security Measures Associated with Access Authorization, Fitness for Duty and Behavior Observation," because the orders will no longer be applicable. In accordance with 10 CFR 50.90, PG&E is also applying for an amendment to Facility Operating License No. DPR-7 for HBPP Unit 3 to delete the paragraph 2.C.1 requirement to implement and maintain a physical security plan.

The requested exemption, rescission, and proposed license amendment would eliminate the security, fitness for duty and access authorization requirements for HBPP Unit 3 after spent nuclear fuel assemblies and fuel fragment containers (hereafter referred to as "spent fuel") have been transferred from the Spent Fuel Pool (SFP) to the Humboldt Bay (HB) Independent Spent Fuel Storage Installation (ISFSI). PG&E will provide protection for the spent fuel in the HB ISFSI in accordance with the HB ISFSI physical security plan approved by NRC License SNM-2514, dated November 17, 2005, to meet the requirements of 10 CFR 72, Subpart H, "Physical Protection."

NH5501

Enclosure 1 provides justification, as required in 10 CFR 73.5, that the exemption would not endanger life or property or the common defense and security, and is otherwise in the public interest. Enclosure 1 also provides an evaluation of the changes in the proposed License Amendment Request (LAR).

Enclosure 2 provides a markup of the HBPP Unit 3 Operating License showing the proposed changes. Enclosure 3 provides a retyped (clean) version of the HBPP Unit 3 Operating License incorporating the proposed changes.

The changes proposed in this exemption, rescission request, and LAR are not required to address an immediate safety concern. However, the spent fuel is expected to be transferred from the SFP into the HB ISFSI by June 2008. Therefore, PG&E requests that the NRC process the exemption, rescission request, and LAR within six months. PG&E also requests that the exemption, rescission, and license amendment be made effective after the spent fuel has been transferred into the HB ISFSI, and that the license amendment will be implemented within 60 days of the effective date.

I state under penalty of perjury that the foregoing is true and correct.

Executed on November 5, 2007.

Sincerely,



John S. Keenan
Senior Vice President – Generation and Chief Nuclear Officer

cc: Gary W. Butner, Department of Public Health
Elmo E. Collins, Jr., NRC Region IV
John B. Hickman, NRC
PG Fossil Gen HBPP Humboldt Distribution

Enclosures

EVALUATION

1.0 DESCRIPTION

In accordance with 10 CFR 50.12, and 10 CFR 73.5, Pacific Gas and Electric Company (PG&E) requests a permanent exemption from the following security requirements: Section (p) under 10 CFR 50.54 "Conditions of licenses, Physical Protection" and 10 CFR 73 "Physical Protection of Plants and Materials." In addition, PG&E requests a rescission of NRC Order EA-02-077, "Order for Interim Safeguards and Security Compensatory Measures," and NRC Order EA-03-099, "Order for the Implementation of Additional Security Measures Associated with Access Authorization, Fitness for Duty and Behavior Observation," since the orders will no longer be applicable. In accordance with 10 CFR 50.90, PG&E is also applying for an amendment to Facility Operating License No. DPR-7 for HBPP Unit 3 to delete the paragraph 2.C.1 requirement to implement and maintain a physical security plan.

The requested exemption, rescission, and proposed license amendment would eliminate the security, fitness for duty and access authorization requirements for HBPP Unit 3 after the spent nuclear fuel assemblies and fuel fragment containers (hereafter referred to as "spent fuel") have been transferred from the spent fuel pool (SFP) to the Humboldt Bay (HB) Independent Spent Fuel Storage Installation (ISFSI). PG&E will provide protection for the spent fuel in the HB ISFSI in accordance with the HB ISFSI physical security plan approved by NRC License SNM-2514, dated November 17, 2005, to meet the requirements of 10 CFR 72, Subpart H, "Physical Protection."

2.0 PROPOSED CHANGES

Consistent with the exemption request, the License Amendment Request (LAR) proposes to delete paragraph 2.C.1 from the HBPP Unit 3 Operating License DPR-7. Paragraph 2.C.1 requires the licensee to implement and maintain the NRC-approved physical security plan. The proposed change to the HBPP Unit 3 Operating License is noted in the marked-up copy of the applicable HBPP Unit 3 Operating License page provided in Enclosure 2. A retyped (clean) version of this page is provided in Enclosure 3.

3.0 BACKGROUND

On July 2, 1976, HBPP Unit 3 was shut down for annual refueling and to conduct seismic modifications. In December 1980, it became apparent that the cost of completing required upgrades made the possibility of restarting Unit 3 uneconomical. Work was suspended at that time awaiting further guidance regarding modification requirements. In 1983, updated economic analyses indicated that restarting Unit 3 would probably not be cost-effective, and in June

1983, PG&E announced its intention to decommission the unit. On July 16, 1985, the NRC issued Amendment No. 19 to the HBPP Unit 3 Operating License to change the status to possess-but-not-operate, and the plant was placed into a SAFSTOR status.

On May 14, 1986, PG&E submitted an LAR to the NRC that proposed to modify the existing HBPP Unit 3 Security Plan to reflect the possess-but-not-operate status. On February 11, 1987, the NRC approved the PG&E request and issued Amendment No. 22 to the HBPP Unit 3 Operating License. Amendment No. 22 approved the HBPP Unit 3 Physical Security Plan (PSP) and added paragraph 2.C.1 to the license requiring PG&E to fully implement and maintain the PSP.

On May 23, 2002, the NRC issued Order EA-02-077, "Interim Safeguards and Security Compensatory Measures," to HBPP Unit 3 (Reference 1). The scope of the Order applies to decommissioning nuclear power plants with spent fuel in the SFP. On December 6, 2002, PG&E informed the NRC in Letter HBL-02-022 that HBPP Unit 3 was in full compliance with Order EA-02-077 (Reference 2).

On August 18, 2004, the NRC issued Order EA-03-099, "Issuance Of Order For Implementation Of Additional Security Measures Associated With Access Authorization, Fitness For Duty And Behavior Observation For Humboldt Bay Power Plant Unit 3" (Reference 3). The scope of the Order applies to decommissioning nuclear power plants with spent fuel in the SFP. On August 26, 2005, PG&E informed the NRC in PG&E Letter HBL-05-026 that HBPP was in full compliance with Order EA-03-099 (Reference 4).

On September 2, 2005, the NRC approved the HB ISFSI PSP that PG&E submitted on July 11, 2005. On November 17, 2005, the NRC issued Materials License SNM-2514 for the HB ISFSI that included approval of the HB ISFSI PSP. Together, the September 2, 2005, approval letter and the November 17, 2005, license state that the HB ISFSI PSP complies with the security requirements in 10 CFR 72 Subpart H, "Physical Protection;" meets the requirements in 10 CFR 73.51, "Requirements for the Physical Protection of Stored Spent Nuclear Fuel and High-Level Radioactive Waste;" and provides reasonable assurance that the storage of spent fuel at the HB ISFSI will not constitute an unreasonable risk to public health and safety with respect to physical protection.

4.0 TECHNICAL ANALYSIS

4.1 Exemption and Rescission Requests

Introduction

In accordance with 10 CFR 50.12 and 10 CFR 73.5, PG&E requests a specific exemption from the current requirements in 10 CFR 50.54(p) and 10 CFR 73. In addition, PG&E requests that NRC Orders EA-02-077 and EA-03-099 be rescinded. These regulations and orders provide the basis for the commitments

in the security, contingency, guard training and qualification, and fitness for duty plans for HBPP Unit 3. The exemption regulations provide the following criteria:

10 CFR 50.12, "Specific exemptions," states in part:

"The Commission...may grant exemptions from the requirements of the regulations of this part, ...[when]...special circumstances are present. [that]...would not serve the underlying purpose of the rule or...[when]...compliance would result in...costs that are...significantly in excess of those incurred by others similarly situated..."

10 CFR 73.5, "Specific Exemptions," states:

"The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest."

10 CFR 50.54(p) and 10 CFR 73

The existing 10 CFR 73 security requirements need to be maintained at HBPP Unit 3 until the spent fuel located in the spent fuel pool is physically relocated from the defueled site to the new security area at the HB ISFSI. After that relocation occurs, there would be no spent fuel located within the 10 CFR 50 licensed site. At that time, the potential for radiological sabotage or diversion of spent fuel at the 10 CFR 50 license site is eliminated. Therefore, the continued application of the 10 CFR 73 requirements to HBPP Unit 3 would no longer be necessary to achieve the underlying purpose of the rule.

Following the transfer of the spent fuel to the HB ISFSI, HBPP Unit 3 would be comparable to a source and byproduct licensee (10 CFR 30 "Rules of General Applicability to Domestic Licensing of Byproduct Material," and 10 CFR 40 "Domestic Licensing of Source Material") in terms of the level of security required to protect the public health and safety. The continued application of 10 CFR 73 requirements would cause PG&E to expend significantly more funds, to meet security requirements, than other facilities that have source and byproduct licenses. If the exemption request is granted, future HBPP Unit 3 decommissioning activities would not be constrained by security requirements that are no longer meaningful for the protection of public health and safety. This will result in PG&E being able to perform decommissioning activities more efficiently and more cost effectively. Continued compliance with 10 CFR 73 would result in costs significantly more than those incurred by others similarly situated.

Various aspects of a licensee's 10 CFR 73 security program are required to be implemented in 10 CFR 50.54(p)(1) and (2). This regulation states in part:

“The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with appendix C of part 73 of this chapter for effecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan...[and]...the licensee shall have detailed procedures developed according to Appendix C to Part 73 available at the licensee’s site...”

If a licensee obtains an NRC exemption from the requirements of 10 CFR 73, then the requirements of 10 CFR 50.54(p)(1) and (2) will no longer be applicable.

NRC Orders

With the transfer of the spent nuclear fuel to the ISFSI, HBPP Unit 3 will no longer have spent fuel in the SFP. Therefore, the scope of NRC Order EA-02-077 will no longer apply to HBPP Unit 3. As a result, HBPP Unit 3 will no longer be required to implement the interim safeguards and security compensatory measures prescribed in Order EA-02-077.

With the transfer of the spent fuel to the ISFSI, HBPP Unit 3 will no longer have spent fuel in the SFP. Therefore, the scope of NRC Order EA-03-099 will no longer apply to HBPP Unit 3. Thus, HBPP Unit 3 will no longer be required to implement the additional security measures associated with access authorization, fitness for duty and behavior observation prescribed in Order EA-03-099.

Summary

Elimination of the security requirements for HBPP Unit 3 is predicated upon completion of the transfer of spent fuel from the SFP to the HB ISFSI. As discussed in the Background section of this enclosure, the NRC has stated that the HB ISFSI PSP complies with the security requirements in 10 CFR 72, Subpart H, “Physical Protection;” meets the requirements in 10 CFR 73.51, “Requirements for the Physical Protection of Stored Spent Nuclear Fuel and High-Level Radioactive Waste;” and provides reasonable assurance that the storage of spent fuel at the HB ISFSI will not constitute an unreasonable risk to public health and safety with respect to physical protection. Therefore, protection of the spent fuel will continue following transfer of the spent fuel from the 10 CFR 50 licensed site into the 10 CFR 72 licensed ISFSI.

On February 20, 2001, Sacramento Municipal Utility District (SMUD) submitted a similar request to the NRC in Letter MPC&D 01-012, “Proposed License Amendment No. 195 and Exemption from 10 CFR 50.54(p) and 10 CFR Part 73,” for the Rancho Seco Nuclear Generating Station (Reference 5). This request was made prior to the issuance of NRC Orders EA-02-077 and EA-03-099; therefore, SMUD did not need to request a rescission of the orders. On October 10, 2002, the NRC approved the SMUD exemption request, that “...eliminates the security plan requirements from the 10 CFR Part 50 licensed site after the spent nuclear fuel has been transferred to the 10 CFR Part 72 licensed Independent Spent Fuel

Storage Installation..." (Reference 6).

The existing 10 CFR 73 security requirements need to be maintained at HBPP Unit 3 until the spent fuel located in the SFP is physically relocated from the defueled site to the new security area at the HB ISFSI. After that relocation occurs, there will be no spent fuel located within the 10 CFR 50 licensed site. At that time, the potential for radiological sabotage or diversion of spent fuel at the 10 CFR 50 license site is eliminated. Therefore, the continued application of the 10 CFR 73 requirements to HBPP Unit 3 would no longer be necessary to achieve the underlying purpose of the rule, and continued compliance would result in costs significantly in excess of those incurred by others similarly situated.

As stated in the NRC Safety Evaluation attached to the NRC letter to Rancho Seco dated October 10, 2002, "the NRC has determined that the removal of all spent nuclear fuel from the 10 CFR Part 50 licensed site constitutes special circumstances" (Reference 6). With the maintenance of appropriate security requirements for spent fuel under the 10 CFR 72 license, the requested exemptions are authorized by law, will not endanger life or property or the common defense, and are otherwise in the public interest. Therefore, this exemption request meets the requirements in 10 CFR 50.12 and 10 CFR 73.5.

The security requirements of Order EA-02-077 and the access authorization, fitness-for-duty and behavior observation requirements of Order EA-03-099, are applicable to HBPP Unit 3 as long as spent fuel is in the SFP. Therefore, the continued application of the requirements from 10 CFR 50.54(p), 10 CFR 73, and NRC Orders EA-02-077 and EA-03-099 for HBPP Unit 3 would no longer be necessary to achieve the underlying purpose of the rules or the orders after the spent fuel is transferred to the HB ISFSI.

4.2 License Amendment Request

The HBPP Unit No. 3 Operating License No. DPR-7 paragraph 2.C.1 states:

"The licensee shall fully implement and maintain in effect all provisions of the physical security plan previously approved by the Commission and all amendments and revisions made pursuant to the authority of 10 CFR Part 50.90 and 10 CFR Part 50.54(p). The plan, which contains Safeguards information protected under 10 CFR Part 73.21, is entitled: "Humboldt Bay Power Plant, Unit No. 3, Physical Security Plan," with revisions submitted through November 17, 1986. The Guard Training and Qualification Plan and the Safeguards Contingency Plan are incorporated into the Physical Security Plan as Chapters 6 and 9, respectively."

Upon the granting of the requested exemptions from the current requirements in 10 CFR Part 73 and 10 CFR 50.54(p), paragraph 2.C.1 of the HBPP Unit No. 3 Operating License No. DPR-7 would no longer be applicable.

On November 17, 2005, the NRC issued HBPP Materials License SNM-2514 and on September 2, 2005, issued its approval of the HB ISFSI PSP, which complies with the security requirements in 10 CFR 72 Subpart H, "Physical Protection." In approving the HB ISFSI PSP, the NRC found that the HB ISFSI PSP meets the requirements of 10 CFR 73.51 and provides reasonable assurance that the storage of spent nuclear fuel at HB ISFSI will not constitute an unreasonable risk to public health and safety with respect to physical protection. Any requirements for the PSP, the Safeguards Contingency Plan, and the Guard Training and Qualification Plan would be necessary for the HB ISFSI only, and these plans are maintained in accordance with the requirements of HB ISFSI Materials License SNM-2514. The HB ISFSI PSP was effective upon the issuance of License SNM-2514 on November 17, 2005.

Following the transfer of spent fuel to the ISFSI, the level of security needed to protect the public health and safety at the 10 CFR 50 licensed site would be comparable to that of a source and byproduct license in terms of the level of security required to protect the public health and safety. In addition, after the transfer of spent fuel to the 10 CFR 72 licensed ISFSI, the security of spent fuel will be maintained because the security requirements in 10 CFR 72, Subpart H, "Physical Protection" will be in place to provide for the protection of the spent fuel. Therefore, the protection of the spent fuel will continue following transfer of the spent fuel from the 10 CFR Part 50 licensed site.

As stated in Section 4.1 of this enclosure, on October 10, 2002, the NRC approved a similar SMUD license amendment, that "...eliminates the security plan requirements from the 10 CFR Part 50 licensed site after the spent nuclear fuel has been transferred to the 10 CFR Part 72 licensed Independent Spent Fuel Storage Installation..." With the maintenance of appropriate security requirements for spent fuel under the 10 CFR 72 license, the requested HBPP Unit 3 amendment is warranted, will not endanger life or property or the common defense, and is otherwise in the public interest. The continued application of the 10 CFR 73 requirements to the 10 CFR 50 licensed site would no longer be necessary to achieve the underlying purpose of the rule.

5.0 REGULATORY ANALYSIS

5.1 No Significant Hazards Consideration

PG&E has evaluated the no significant hazards consideration involved with the proposed license amendment, focusing on the three standards set forth in 10 CFR 50.92(c) "Issuance of Amendment" as quoted below:

"The Commission may make a final determination, under the procedures in §50.91, that a proposed amendment to an operating license or a combined license for a facility or reactor licensed under §§50.21(b) or 50.22, or for a testing facility involves no significant hazards consideration, if operation of the facility in accordance with the proposed amendment would not:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or
- (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or
- (3) Involve a significant reduction in a margin of safety."

The following evaluation is provided for the no significant hazards consideration standards:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The structures, systems, and components of the Humboldt Bay Power Plant (HBPP) Unit 3 and the operating procedures for their use are unaffected by the proposed change. The elimination of the security requirements for HBPP Unit 3 does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility.

The accidents previously evaluated include spent fuel handling accident, Spent Fuel Pool (SFP) rupture, heavy load drop onto fuel in the SFP, uncontrolled release of radioactive liquid radioactive waste, explosions, release of toxic chemicals and fire. None of these accidents are impacted by the elimination of security requirements.

2. Does the change create the possibility of a new or different kind of accident from any accident evaluated?

Response: No.

The proposed change is security related and has no direct impact on plant equipment or the procedures for operating plant

equipment. The safety analysis for the facility remains complete and accurate. There are no physical changes to the facility, and the plant conditions for which the design basis accidents have been evaluated are still valid.

3. Does the change involve a significant reduction in a margin of safety?

Response: No

The proposed change is security related and has no direct impact on plant equipment or the procedures for operating plant equipment. There are no changes to the design or operation of the facility.

The assumptions for a fuel handling and other accidents are not affected by the proposed license amendment. Accordingly, neither the design basis nor the accident assumptions in the Defueled Safety Analysis Report nor the Technical Specifications Bases are affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

5.2 Applicable Regulatory Requirements/Criteria

The proposed change has no effect on any plant systems or on maintaining the plant in a safe condition. Therefore, the proposed change is not considered to have any adverse safety significance. The current license condition to implement and maintain a physical security plan for HBPP Unit 3 that satisfies the requirements of 10 CFR 50.54(p), 10 CFR 73 and NRC Orders EA-02-077 and EA-03-099 would no longer be necessary to achieve the underlying purpose of the rules and orders. After the transfer of spent fuel to the 10 CFR 72 licensed ISFSI, the security of spent fuel will be maintained because the security requirements in 10 CFR 72, Subpart H, "Physical Protection," will be in place to provide for the protection of the spent fuel.

In conclusion, based on the considerations above:

- (1) There is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner;
- (2) Such activities will be conducted in compliance with the Commission's regulations; and
- (3) The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

6.0 ENVIRONMENTAL CONSIDERATION

PG&E has evaluated the proposed changes and exemptions and determined that the changes and exemptions do not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluents that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. The Operating License changes and exemptions and rescissions requested are changes to security plans only. Accordingly, the proposed changes meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10)(ii). Therefore, pursuant to 10 CFR 51.22(b), an environmental impact statement or environmental assessment of the proposed changes is not required.

7.0 REFERENCES

1. NRC Letter to PG&E, Mr. Gregory M. Rueger, "Issuance of Order for Interim Safeguards and Security Compensatory Measures for Humboldt Bay Power Plant, Unit III," dated May 23, 2002
2. PG&E Letter HBL-02-022 to NRC, Mr. Samuel J. Collins, "Report of Full Compliance with NRC Order for Interim Safeguards and Security Compensatory Measures," dated December 6, 2002
3. NRC Letter to PG&E, Mr. Gregory M. Rueger, "Issuance of Order for Implementation of Additional Security Measures Associated with Access Authorization, Fitness for Duty and Behavior Observation for Humboldt Bay Power Plant Unit 3," dated August 18, 2004
4. PG&E Letter HBL-05-026 to NRC, Ms. Margaret V. Federline, "Report of Full Compliance with NRC Order for Additional Security Measures Associated with Access Authorization, Fitness for Duty, and Behavior Observation," dated August 26, 2005
5. Sacramento Municipal Utility District Letter MPC&D 01-012 to NRC, Mr. Paul Harris, "Proposed License Amendment No. 195 and Exemption from 10 CFR 50.54(p) and 10 CFR Part 73," dated February 20, 2001
6. NRC Letter to Sacramento Municipal Utility District, Mr. Steve J. Redeker, "Rancho Seco Nuclear Generating Station – Issuance of Amendment and Exemption from Requirements of 10 CFR Part 50 Security Requirements (TAC No. MB1323)," dated October 10, 2002

**MARKUP OF PROPOSED CHANGES TO THE
HBPP UNIT 3 OPERATING LICENSE NO. DPR-7**

Amdt
#39
4/17/07

5. Pursuant to the Act and Title 10, CFR, Chapter I, Parts 30 and 70, to possess, but not to separate, such by product and special nuclear materials which were produced by operation of the reactor.

C. This license shall be deemed to contain and is subject to the conditions specified in Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Section 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70 of the Commission's regulations, and is subject to all applicable regulation and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below.

Delete

Insert

1. The licensee shall fully implement and maintain in effect all provisions of the physical security plan previously approved by the Commission and all amendments and revisions made pursuant to the authority of 10 CFR Part 50.90 and 10 CFR Part 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR Part 73.21, is entitled: "Humboldt Bay Power Plant, Unit No. 3, Physical Security Plan," with revisions submitted through November 17, 1986. The Guard Training and Qualification Plan and the Safeguards Contingency Plan are incorporated into the Physical Security Plan as Chapters 6 and 9, respectively.

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2. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 38, are hereby incorporated in the license. Pacific Gas and Electric Company shall maintain the facility in accordance with the Technical Specifications.

3. With respect to changes to the facility or procedures described in the Decommissioning Plan, or changes to the Decommissioning Plan, and the conduct of tests and experiments not described in the Decommissioning Plan, the provisions of 10 CFR 50.59 shall apply.

Amdt
#29
7/7/95

D. This license amendment is effective as of the date of issuance and shall expire at midnight, November 9, 2015.

FOR THE NUCLEAR REGULATORY COMMISSION

Lester S. Rubenstein, Acting Director
Standardization and Non-Power
Reactor Project Directorate
Division of Reactor Projects III, IV,
V and Special Projects
Office of Nuclear Reactor Regulation

**RETYPE (CLEAN) VERSION OF PROPOSED CHANGES
TO THE HBPP UNIT 3 OPERATING LICENSE**

Remove Page

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Insert Page

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- 3 -

5. Pursuant to the Act and Title 10, CFR, Chapter I, Parts 30 and 70, to possess, but not to separate, such by product and special nuclear materials which were produced by operation of the reactor. **Amdt #39 4/17/07**
- C. This license shall be deemed to contain and is subject to the conditions specified in Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Section 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70 of the Commission's regulations, and is subject to all applicable regulation and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below.
1. Intentionally Deleted
2. Technical Specifications
The *Technical Specifications* contained in Appendix A, as revised through Amendment No. 38, are hereby incorporated in the license. Pacific Gas and Electric Company shall maintain the facility in accordance with the *Technical Specifications*.
3. With respect to changes to the facility or procedures described in the Decommissioning Plan, or changes to the Decommissioning Plan, and the conduct of tests and experiments not described in the Decommissioning Plan, the provisions of 10 CFR 50.59 shall apply. **Amdt #29 7/7/95**
- D. This license amendment is effective as of the date of issuance and shall expire at midnight, November 9, 2015.

FOR THE NUCLEAR REGULATORY COMMISSION

Lester S. Rubenstein, Acting Director
Standardization and Non-Power
Reactor Project Directorate
Division of Reactor Projects III, IV,
V and Special Projects
Office of Nuclear Reactor Regulation