

February 14, 2008

Mr. John S. Keenan
Senior Vice -President Generation and
Chief Nuclear Officer
Pacific Gas and Electric Company
Diablo Canyon Nuclear Power Plant
P. O. Box 56
Avila Beach, CA 93424

SUBJECT: HUMBOLDT BAY POWER PLANT UNIT 3 - ISSUANCE OF AMENDMENT
RE: DELETION OF OPERATIONAL AND ADMINISTRATIVE REQUIREMENTS
(TAC NO. J00336)

Dear Mr. Keenan:

The Commission has issued the enclosed Amendment No. 41 to Facility Operating License No. DPR-7 for the Humboldt Bay Power Plant Unit 3. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated November 5, 2007, and supplemented by E-Mail dated December 21, 2007.

The amendment deletes Limiting Conditions for Operation, Surveillance Requirements, and several sections from the Administrative Controls portion of the TSs, once the spent nuclear fuel has been transferred from the spent fuel pool to the Independent Spent Fuel Storage Installation. Additionally, some TSs requirements are relocated to the Quality Assurance Plan.

A copy of our related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly Federal Register notice.

Sincerely,

/RA/

John B. Hickman, Project Manager
Reactor Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials and
Environmental Management Programs

Docket No. 50-133

Enclosures:

1. Amendment No. 41 to DPR-7
2. Safety Evaluation

cc w/encls: Humboldt Bay Service List

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PACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-133

HUMBOLDT BAY POWER PLANT, UNIT 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 41

License No. DPR-7

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Pacific Gas and Electric Company (the licensee), dated November 5, 2007, and supplemented by E-Mail dated December 21, 2007, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I;
 - B. The facility will be maintained in conformity with the application, as amended, the provisions of the Act, and the applicable rules and regulations of the Commission;
 - C. There is reasonable assurance: 1) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public; and 2) that such activities will be conducted in compliance with applicable portions of the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.2. of Facility Operating License No. DPR-7 is hereby amended to read as follows:

2. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 41, are hereby incorporated in the license. Pacific Gas and Electric Company shall maintain the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date that the transfer of the last cask of spent nuclear fuel from the spent fuel pool to the independent spent fuel storage installation is complete and shall be implemented within 60 days after the transfer. The licensee shall incorporate the additional administrative controls for Rancho Seco 10 CFR Part 50 licensed activities, as provided in the licensee's submittal dated November 5, 2007, into the Humboldt Bay Unit 3 Quality Assurance Plan prior to implementation of this amendment.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials and
Environmental Management Programs

Date of Issuance: February 14, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 41

FACILITY OPERATING LICENSE (POSSESSION ONLY) NO. DPR-7

DOCKET NO. 50-133

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

All

INSERT

All

Technical Specifications

Humboldt Bay Power Plant

Unit 3

Eureka, California

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1.0 USE AND APPLICATION

1.1 Definitions

----- NOTE -----

The defined terms of this section appear in capitalized type and are applicable throughout these Technical Specifications and Bases.

Term

Definition

ACTIONS

ACTIONS shall be that part of a Specification that prescribes Required Actions to be taken under designated Conditions within specified Completion Times.

ELEVATION

All elevations shall apply to a datum of mean lower low water (MLLW) level except where noted.

1.0 USE AND APPLICATION

1.2 Logical Connectors

This section is not applicable to a facility with all of the spent nuclear fuel stored in an Independent Spent Fuel Storage Installation (ISFSI). (Page 1.2-2 has been deleted).

1.0 USE AND APPLICATION

1.3 Completion Times

PURPOSE	The purpose of this section is to establish the Completion Time convention and to provide guidance for its use.
---------	-----------------------------------------------------------------------------------------------------------------

BACKGROUND	Limiting Conditions for Operation (LCOs) specify minimum requirements when water in the Spent Fuel Storage Pool or liner is contaminated with radioactive materials. The ACTIONS associated with an LCO state Conditions that typically describe the ways in which the requirements of the LCO can fail to be met. Specified with each stated Condition are Required Action(s) and Completion Time(s).
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DESCRIPTION	The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the time of discovery of a situation (e.g., variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the unit is in a MODE or specified condition stated in the Applicability of the LCO. Required Actions must be completed prior to the expiration of the specified Completion Time. An ACTIONS Condition remains in effect and the Required Actions apply until the Condition no longer exists or the unit is not within the LCO Applicability.
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EXAMPLES	The following examples illustrate the use of Completion Times with different types of Conditions.
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(continued)

1.3 Completion Times

EXAMPLES
(continued)

EXAMPLE 1.3-1

ACTIONS

CONDITION	REQUIRED ACTION	COMPLETION TIME
A. Required Action and associated Completion Time not met.	A.1 Verify.....	6 hours
	<u>AND</u>	
	A.2 Restore	36 hours

Condition A has two Required Actions. Each Required Action has its own separate Completion Time. Each Completion Time is referenced to the time that Condition A is entered. The Required Actions of Condition A are to perform the verification required by ACTION A. 1 within 6 hours and to perform the restoration required by ACTION A.2 within 36 hours. A total of 6 hours is allowed for performing ACTION A.1 and a total of 36 hours (not 42 hours) is allowed for performing ACTION A.2 from the time that Condition A was entered. If ACTION A.1 is completed within 3 hours, the time allowed completing ACTION A.2 is the next 33 hours because the total time allowed for completing ACTION A.2 is 36 hours.

IMMEDIATE
COMPLETION
TIME

When "Immediately" is used as a Completion Time, the Required Action should be pursued without delay and in a controlled manner.

1.0 USE AND APPLICATION

1.4 Frequency

PURPOSE	The purpose of this section is to define the proper use and application of Frequency requirements.
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DESCRIPTION	<p>Each Surveillance Requirement (SR) has a specified frequency in which the surveillance must be met in order to meet the associated LCO. An understanding of the correct application of the specified Frequency is necessary for compliance with the SR.</p> <p>The "Specified Frequency" is referred to throughout this section and each of the Specifications of Section 3.0, "Surveillance Requirement (SR) Applicability." The "Specified Frequency" consists of the requirements of the frequency column of each SR, as well as certain Notes in the surveillance column that modify performance requirements</p>
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EXAMPLES	<p>The following examples illustrate the various ways that frequencies are specified. In these examples, the applicability of the LCO (LCO not shown) is when irradiated fuel is stored in the fuel pool.</p>
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EXAMPLE 1.4.1

SURVEILLANCE REQUIREMENTS

SURVEILLANCE	FREQUENCY
Verify parameter is within limits	12 hours

Example 1.4-1 contains the type of SR most often encountered in the TS. The frequency specifies an interval (12 hours) during which the associated Surveillance must be performed at least one time. Performance of the surveillance initiates the subsequent interval. Although the frequency is stated as 12 hours, an extension of the time interval to 1.25 times the interval specified in the Frequency is allowed by SR 3.0.2 for operational flexibility. The measurement of this interval continues at all times, even when the SR is not required to be met per SR 3.0.1 (such as when a variable is outside specified limits, or the unit is outside the applicability of the LCO). If the interval specified by SR 3.0.2 is exceeded while the unit is in the specified condition in the applicability of the LCO, and the performance of the surveillance is not otherwise modified, then SR 3.0.3 becomes applicable.

(continued)

1.4 Frequency

EXAMPLES
(continued)

EXAMPLE 1.4-2

SURVEILLANCE REQUIREMENTS

SURVEILLANCE	FREQUENCY
Verify parameter is within limits	Within 24 hours prior to moving irradiated fuel <u>AND</u> 24 hours thereafter

Example 1.4-2 has two Frequencies. The first is a one time performance Frequency, and the second is of the type shown in Example 1.4-1. The logical connector "AND" indicates that both Frequency requirements must be met. The use of "prior to" indicates that the surveillance must be performed once before the initiation of fuel handling activities. This type of Frequency does not qualify for the extension allowed by SR 3.0.2. "Thereafter" indicates future performances must be established per SR 3.0.2, but only after a specified condition is first met (i.e., the "prior to" performance in this example).

2.0 SAFETY LIMITS

This section is not applicable since Humboldt Bay Power Plant (HBPP) Unit 3 is permanently defueled.

3.0 LIMITING CONDITION FOR OPERATION (LCO) APPLICABILITY

LCO 3.0.1	LCOs shall be met during the specified conditions in the Applicability, except as provided in LCO 3.0.2.
LCO 3.0.2	<p>Upon discovery of the failure to meet an LCO, the required actions of the associated Conditions shall be met.</p> <p>If the LCO is met or is no longer applicable prior to expiration of the specified Completion Time(s), completion of the required action is not required unless otherwise stated.</p>

3.0 SURVEILLANCE REQUIREMENT (SR) APPLICABILITY

SR 3.0.1 SRs shall be met during specific conditions in the Applicability for individual LCOs unless otherwise stated in the SR. Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO. Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillances do not have to be performed on inoperable equipment or variables outside specified limits.

SR 3.0.2 The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the frequency is met.

SR 3.0.3 If it is discovered that a Surveillance was not performed within its specified frequency, then compliance with the requirement to declare the LCO not met may be delayed from the time of discovery up to 24 hours or up to the limit of the specified frequency, whichever is less.

This delay period is permitted to allow performance of the surveillance. If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met and the applicable Condition(s) must be entered. The Completion Times of the Required Actions begin immediately upon expiration of the delay period.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met and the applicable Condition(s) must be entered. The Completion Times of the Required Actions begin immediately upon failure to meet the Surveillance.

3.1 DEFUELED SYSTEMS

3.1.1 Fuel Storage Pool Water Level

This section is not applicable to a facility with all of the spent nuclear fuel stored in an ISFSI.

3.1 DEFUELED SYSTEMS

3.1.2 Spent Fuel Pool Load Restrictions

This section is not applicable to a facility with all of the spent nuclear fuel stored in an ISFSI

3.1 DEFUELED SYSTEMS

3.1.3 Fuel Storage Pool Liner Water Level

LCO 3.1.3 The Fuel Storage Pool Liner Water Level shall be at an ELEVATION less than + 9 inches.

APPLICABILITY: When the water in the pool or liner is contaminated with radioactive materials.

ACTIONS

CONDITION		REQUIRED ACTION	COMPLETION TIME
A.	Fuel Storage Pool Liner Water Level not within limit.	A.1 Restore Fuel Storage Pool Liner Water Level to within limits.	Immediately

SURVEILLANCE REQUIREMENTS

SURVEILLANCE		FREQUENCY
SR 3.1.3.1	Verify the Fuel Storage Pool Liner Water Level is at an ELEVATION less than + 9 inches.	24 hours

4.0 DESIGN FEATURES

HBPP Unit 3 is located in Humboldt County, California, approximately 4 miles southwest of the center of the city of Eureka, on a site owned and controlled by Pacific Gas & Electric Company.

4.2 Fuel Storage

- 4.2.1 Fuel assemblies shall not be stored in the Spent Fuel Storage Pool. Fuel assemblies previously stored in the Spent Fuel Storage Pool are now stored in dry casks in the ISFSI.
-
-

5.0 ADMINISTRATIVE CONTROLS

5.1 Responsibility

Personnel responsibilities are identified in the Quality Assurance Plan.

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization

This section is not applicable to a facility with all of the spent nuclear fuel stored in an ISFSI.
(Pages 5.0-3 and 5.0-4 have been deleted).

5.0 ADMINISTRATIVE CONTROLS

5.3 Facility Staff Qualifications

Facility staff qualifications are identified in the Quality Assurance Plan.

5.0 ADMINISTRATIVE CONTROLS

5.4 Training

This section is not applicable to a facility with all of the spent nuclear fuel stored in an ISFSI.

5.0 ADMINISTRATIVE CONTROLS

5.5 Procedures

5.5.1 Written procedures shall be established, implemented, and maintained covering the following activities:

- a. (Deleted)
 - b. Fire Protection Program implementation;
 - c. Quality assurance for radiological effluent and environmental monitoring;
 - d. (Deleted)
 - e. All programs specified in Specification 5.6.
-

5.0 ADMINISTRATIVE CONTROLS

5.6 Programs and Manuals

The following programs shall be established, implemented and maintained.

5.6.1 Offsite Dose Calculation Manual (ODCM)

ODCM requirements are described in the Quality Assurance Plan.

(Continued)

5.6 Programs and Manuals

5.6.2 Technical Specification (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not involve either of the following:
 - 1. a change in the TS incorporated in the license; or
 - 2. a change to the updated DSAR or Bases that requires prior NRC approval as defined in 10CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the DSAR.
- d. Proposed changes that meet the criteria of Specification 5.6.2b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10CFR 50.71 (e).

5.6.3 Fuel Storage Pool Water Chemistry Program

This section is not applicable to a facility with all of the spent nuclear fuel stored in an ISFSI.

5.6.4 Radioactive Effluent Controls Program (RECP)

RECP requirements are described in the Quality Assurance Plan.

(Continued)

5.6 Programs and Manuals

THIS PAGE HAS BEEN DELETED

5.6 Programs and Manuals

5.6.5 Neutron Absorber Surveillance Program

This section is not applicable to a facility with all of the spent nuclear fuel stored in an ISFSI.

5.0 ADMINISTRATIVE CONTROLS

5.7 Reporting Requirements

Reporting requirements are described in the Quality Assurance Plan.

5.0 ADMINISTRATIVE CONTROLS

5.8 High Radiation Area

As provided in paragraph 20.1601(c) of 10CFR Part 20, the following controls shall be applied to high radiation areas in place of the controls required by paragraph 20.1601 (a) and (b) of 10CFR Part 20:

5.8.1 High Radiation Areas with dose Rates Not Exceeding 1.0 rem/hour at 30 Centimeters from the Radiation Source or from any Surface Penetrated by the Radiation:

- a. Each entryway to such an area shall be barricaded and conspicuously posted as a high radiation area. Such barricades may be opened as necessary to permit entry or-exit of personnel or equipment.
- b. Access to, and activities in, each such area shall be controlled by means of a Radiation Work Permit (RWP) or equivalent that includes specification of radiation dose rates in the immediate work area(s) and other appropriate radiation protection equipment and measures.
- c. Individuals qualified in radiation protection procedures and personnel continuously escorted by such individuals may be exempted from the requirement for an RWP or equivalent while performing their assigned duties provided that they are otherwise following plant radiation protection procedures for entry to, exit from, and work in such areas.
- d. Each individual or group entering such an area shall possess:
 1. A radiation monitoring device that continuously displays radiation dose rates in the area, or
 2. A radiation monitoring device that continuously integrates the radiation dose rates in the area and alarms when the device's dose alarm setpoint is reached, with an appropriate alarm setpoint, or
 3. A radiation monitoring device that continuously transmits dose rate and cumulative dose information to a remote receiver monitored by radiation protection personnel responsible for controlling personnel radiation exposure within the area, or
 4. A self-reading dosimeter (e.g., pocket ionization chamber or electronic dosimeter), and
 - (i) Be under the surveillance, as specified in the RWP or equivalent, while in the area, of an individual qualified in radiation protection procedures, equipped with a radiation monitoring device that continuously displays radiation dose rates in the area, who is responsible for controlling personnel exposure within the area, or

(continued)

5.8 High Radiation Area

5.8.1 High Radiation Areas with Dose Rates Not Exceeding 1.0 rem/hour at 30 Centimeters from the Radiation Source or from any Surface Penetrated by the Radiation (continued):

- (ii) Be under the surveillance as specified in the RWP or equivalent, while in the area, by means of closed circuit television, of personnel qualified in radiation protection procedures, responsible for controlling personnel radiation exposure in the area, and with the means to communicate with individuals in the area who are covered by such surveillance.
- e. Except for individuals qualified in radiation protection procedures or personnel continuously escorted by such individuals, entry into such areas shall be made only after dose rates in the area have been determined and entry personnel are knowledgeable of them. These continuously escorted personnel will receive a pre-job briefing prior to entry into such areas. This dose rate determination, knowledge, and pre-job briefing does not require documentation prior to initial entry.

5.8.2 High Radiation Areas with Dose Rates Greater than 1.0 rem/hour at 30 Centimeters from the Radiation Source or from any Surface Penetrated by the Radiation, but less than 500 rads/hour at 1 meter from the Radiation Source or from any Surface Penetrated by the Radiation:

- a. Each entryway to such an area shall be conspicuously posted as a high radiation area and shall be provided with a locked or continuously guarded door or gate that prevents unauthorized entry, and, in addition:
 - 1. All such door and gate keys shall be maintained under the administrative control of the shift foreman, radiation protection manager, or his or her designee.
 - 2. Doors and gates shall remain locked except during periods of personnel or equipment entry or exit.
- b. Access to, and activities in, each such area shall be controlled by means of an RWP or equivalent that includes specification of radiation dose rates in the immediate work area(s) and other appropriate radiation protection equipment and measures.
- c. Individuals qualified in radiation protection procedures may be exempted from the requirement for an RWP or equivalent while performing radiation surveys in such areas provided that they are otherwise following plant radiation protection procedures for entry to, exit from, and work in such areas.
- d. Each individual or group entering such an area shall possess:
 - 1. A radiation monitoring device that continuously integrates the radiation dose rates in the area and alarms when the device's dose alarm setpoint is reached, with an appropriate alarm setpoint, or

(continued)

5.8 High Radiation Area

5.8.2 High Radiation Areas with Dose Rates Greater than 1.0 rem/hour at 30 Centimeters from Radiation Source or from any Surface Penetrated by the Radiation, but less than 500 rads/hour at 1 Meter from the Radiation Source or from any Surface Penetrated by the Radiation: (continued)

2. A radiation monitoring device that continuously transmits dose rate and cumulative dose information to a remote receiver monitored by radiation protection personnel responsible for controlling personnel radiation exposure within the area with the means to communicate with and control every individual in the area, or
 3. A self-reading dosimeter (e.g., pocket ionization chamber or electronic dosimeter), and
 - (i) Be under the surveillance, as specified in the RWP or equivalent, while in the area, of an individual qualified in radiation protection procedures, equipped with a radiation monitoring device that continuously displays radiation dose rates in the area, who is responsible for controlling personnel exposure within the area, or
 - (ii) Be under the surveillance as specified in the RWP or equivalent, while in the area, by means of closed circuit television, of personnel qualified in radiation protection procedures, responsible for controlling personnel radiation exposure in the area, and with the means to communicate with and control every individual in the area, or
 4. In those cases where options (2) and (3), above, are impractical or determined to be inconsistent with the "As Low As is Reasonably Achievable" principle, a radiation monitoring device that continuously displays radiation dose rates in the area.
- e. Except for individuals qualified in radiation protection procedures or personnel continuously escorted by such individuals, entry into such areas shall be made only after dose rates in the area have been determined and entry personnel are knowledgeable of them. These continuously escorted personnel will receive a pre-job briefing prior to entry into such areas. This dose rate determination, knowledge, and pre-job briefing does not require documentation prior to initial entry.
- f. Such individual areas that are within a large area, such as the refueling building, where no enclosure exists for the purpose of locking and where no enclosure can reasonably be constructed around the individual area, need not be controlled by a locked door or gate nor continuously guarded, but shall be barricaded, conspicuously posted, and a clearly visible flashing light shall be activated at the area as a warning device.

SAFETY EVALUATION BY OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
RELATED TO AMENDMENT NO. 41 TO FACILITY OPERATING LICENSE NO. DPR-7
PACIFIC GAS AND ELECTRIC COMPANY
HUMBOLDT BAY POWER PLANT, UNIT 3
DOCKET NO. 50-133

1.0 INTRODUCTION

By letter dated November 5, 2007, and supplemented by E-Mail dated December 21, 2007, Pacific Gas and Electric Company (PG&E, the licensee) submitted to the NRC, a request for an amendment to delete many operational and administrative requirements upon transfer of spent nuclear fuel assemblies and fuel fragment containers (spent fuel) from the Spent Fuel Pool (SFP) to the Humboldt Bay Independent Spent Fuel Storage Installation (ISFSI). Some Technical Specification (TS) requirements will be relocated to the HBPP Quality Assurance Plan.

2.0 BACKGROUND

On July 2, 1976, Humboldt Bay Power Plant (HBPP) Unit 3 was shut down for annual refueling and to conduct seismic modifications. 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 U.S. Nuclear Regulatory Commission (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. SAFSTOR is the decommissioning method in which a nuclear facility is placed and maintained in a condition that allows the safe storage of radioactive components of the nuclear plant and subsequent decontamination to levels that permit license termination.

The NRC approved the HBPP Unit 3 SAFSTOR Decommissioning Plan (DP) in July 1988. Pursuant to the 1996 NRC decommissioning rule, 10 CFR 50.82, and subsequent discussions with the NRC, the HBPP DP was converted into a Defueled Safety Analysis Report (DSAR) and a Post Shutdown Decommissioning Activities Report (PSDAR). The DSAR is updated every two years in accordance with 10 CFR 50.71. The plant is currently in SAFSTOR with incremental decommissioning activities ongoing.

In December 2003, PG&E formally submitted a license application to the NRC for approval of a dry-cask Independent Spent Fuel Storage Installation (ISFSI) at the Humboldt Bay site. A license and safety evaluation report for the Humboldt Bay ISFSI were issued on November 17, 2005. PG&E is preparing to transfer spent fuel currently in the SFP to the ISFSI in 2008, which will facilitate increased decommissioning activities in Unit 3.

The changes proposed by this license amendment request (LAR) will:

1. Modify TS 1.0, "Use and Application," as follows to reflect spent fuel not being stored in the SFP:
 - 1.1, "Definitions" - delete those definitions no longer contained in the TS
 - 1.2, "Logical Connectors" - delete entirely as these terms will no longer be contained in the TS
 - 1.3, "Completion Times" - revise Background section to reflect that spent fuel will no longer be stored in the SFP, but the SFP may be contaminated with radioactive materials
2. Modify TS 3.1, "Defueled Systems," to delete the following sections because spent fuel will no longer be stored in the SFP:
 - 3.1.1, "Fuel Storage Pool Water Level"
 - 3.1.2, "Spent Fuel Pool Load Restrictions"
3. Modify TS 3.1.3, "Fuel Storage Pool Liner Water Level," APPLICABILITY statement, to reflect that spent fuel will no longer be stored in the SFP
4. Modify TS 4.2, "Fuel Storage," to reflect the relocation of spent fuel from the SFP into the ISFSI
5. Modify TS 5.0, "Administrative Controls," to revise or delete the following sections:
 - TS 5.1, "Responsibility" - information to be relocated to the Quality Assurance Plan (QAP)
 - TS 5.2, "Organization" - information to be deleted because spent fuel will no longer be stored in the SFP
 - TS 5.3, "Facility Staff Qualifications" - information to be relocated to the QAP
 - TS 5.4, "Training" - to be deleted because spent fuel will no longer be stored in the SFP
 - TS 5.5, "Procedures" - procedures related to spent fuel storage and handling to be deleted because spent fuel will no longer be stored in the SFP
 - TS 5.6, "Programs and Manuals" - information to be relocated to the QAP for the following sections:
 - TS 5.6.1, "Offsite Dose Calculation Manual (ODCM)"
 - TS 5.6.4, "Radioactive Effluent Controls Program (RECP)"
 - TS 5.6, "Programs and Manuals" - information to be deleted because spent fuel will no longer be stored in the SFP
 - TS 5.6.3, "Fuel Storage Pool Water Chemistry Program"
 - TS 5.6.5, "Neutron Absorber Surveillance Program"
 - TS 5.7, "Reporting Requirements" - information to be relocated to the QAP

3.0 REGULATORY EVALUATION

In 10 CFR 50.36 of the Title 10 of the Code of Federal Regulations (10 CFR), the Commission established its regulatory requirements related to the content of TSs. In doing so, the Commission placed emphasis on those matters related to the prevention of accidents and mitigation of accident consequences; the Commission noted that applicants were expected to incorporate into their TSs “those items that are directly related to maintaining the integrity of the physical barriers designed to contain radioactivity.” [Statement of Consideration, “Technical Specification for Facility Licenses; Safety Analysis Reports,” 33 FR 18610 (December 17, 1968)]. Pursuant to 10 CFR 50.36, TSs are required to include items in the following five categories: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements (SRs); (4) design features; and (5) administrative controls. However, the rule does not specify the particular requirements to be included in a plant’s TSs.

On July 22, 1993, the Commission published a Policy Statement (58 FR 39132) on the scope and purpose of TSs for nuclear power plants. This Policy Statement included guidance criteria to be used in determining which of the LCOs and associated surveillances should remain in the TSs. The Policy Statement established four criteria to define the scope of equipment and parameters to be included in the improved standard technical specifications. These criteria were developed for licenses authorizing operation and focused on instrumentation to detect degradation of the reactor coolant system pressure boundary and on equipment or process variables that affect the integrity of fission product barriers during design-basis accidents (DBAs) or transients. The fourth criterion refers to the use of operating experience and probabilistic risk assessment to identify and include in the TS structures, systems, and components shown to be significant to public health and safety. These criteria, codified by 10 CFR 50.36, are the source of the TS requirements for facilities licensed under 10 CFR Part 50. A general discussion of these considerations is provided below.

Criterion 1 of 10 CFR 50.36(c)(2)(ii)(A) states that TS LCOs must be established for “installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.” Since the Humboldt Bay Unit 3 facility is no longer licensed to operate, this criterion is not applicable.

Criterion 2 of 10 CFR 50.36(c)(2)(ii)(B) states that TS LCOs must be established for a “process variable, design feature, or operating restriction that is an initial condition of a DBA or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.” The purpose of this criterion is to capture those process variables that have initial values assumed in the DBA and transient analyses, and which are monitored and controlled during power operation. Since the Humboldt Bay Unit 3 facility is no longer licensed to operate, this criterion is not applicable.

Criterion 3 of 10 CFR 50.36(c)(2)(ii)(C) states that TS LCOs must be established for structures, systems, or components (SSCs) that are part of the primary success path and which function or actuate to mitigate a DBA or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier. The intent of this criterion is to capture into the TSs those SSCs that are part of the primary success path of a safety sequence analysis. The

primary success path of a safety sequence analysis consists of a combination and sequences of equipment needed to operate (including consideration of the single failure criterion), so that the plant response to DBAs and transients limits the consequences of these events to within the appropriate acceptance criteria. Since fuel will have been removed from the spent fuel pool at the Humboldt Bay Unit 3 facility prior to implementation of this amendment, this criterion is not applicable.

Criterion 4 of 10 CFR 50.36(c)(2)(ii)(D) states the TS LCOs must be established for SSCs which operating experience or probabilistic risk assessment has shown to be significant to public health and safety. The intent of this criterion is that risk insights and operating experience be factored into the establishment of TS LCOs. Since fuel will have been removed from the spent fuel pool at the Humboldt Bay Unit 3 facility prior to implementation of this amendment, this criterion is not applicable.

Addressing administrative controls, 10 CFR 50.36(c)(5) states that they "are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." The particular administrative controls to be included in the TSs, therefore, are the provisions that the Commission deems essential for the safe operation of the facility that are not already covered by other regulations. Accordingly, the NRC staff has determined that administrative control requirements that are not specifically required under Section 50.36(c)(5), and which are not otherwise necessary to obviate the possibility of an abnormal situation, or an event giving rise to an immediate threat to the public health and safety, may be relocated to more appropriate documents (e.g., Quality Assurance Program, Security Plan, or Emergency Plan), which are subject to regulatory controls. Similarly, while the required content of TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details may be relocated to licensee-controlled documents, where other regulations provide adequate regulatory control.

The QA program is a logical candidate for relocations of administrative controls due to the controls imposed by such regulations as Appendix B to 10 CFR Part 50, the existing NRC-approved QA plans and commitments to industry QA standards, and the established QA program change control process of 10 CFR 50.54(a).

NRC Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," provides guidance to licensees requesting amendments that relocate administrative controls to NRC-approved QA program descriptions, where subsequent changes are controlled pursuant to 10 CFR 50.54(a). AL 95-06 provides specific guidance in the areas of: (1) independent safety engineering group, (2) reviews and audits, (3) procedure review process, and (4) records and record retention.

Some relocations are specifically discussed in AL 95-06, while others are similar in nature. Relocations not specifically discussed in AL 95-06 are evaluated with respect to the appropriateness of the relocation. Editorial changes are allowed without basis by 10 CFR 50.54(a)(3) and are not explicitly evaluated.

4.0 TECHNICAL EVALUATION

The licensee is currently in the process of transferring all the spent nuclear fuel from the SFP to an ISFSI. After all the spent nuclear fuel has been transferred from the SFP to the ISFSI, many of the requirements in the license or technical specifications are inapplicable or are no longer appropriate. The licensee has proposed multiple changes to the license and technical specifications to reflect the change in status of spent fuel storage. Each of the proposed changes is evaluated below based on the premise that the changes will not take effect until after all the spent nuclear fuel has been transferred to the ISFSI.

4.1 TS 1.0, "Use and Application"

The licensee has proposed to delete from TS 1.1, "Definitions," the definitions for Certified Fuel Handler and Operable-Operability. The licensee proposed to delete the definition for CERTIFIED FUEL HANDLER because the TS sections that use that term (TS 5.2, "Organization" and TS 5.4, "Training") are to be deleted (discussed later in this Safety Evaluation.) Without any reference to this term there is no need for it to be defined in the TS and the proposed deletion is administrative and acceptable. The licensee also proposed to delete the definition for OPERABLE-OPERABILITY. All usages of this term in the TS were deleted by prior amendments, therefore there is no need for it to be defined in the TS and the proposed deletion is administrative and acceptable.

The licensee has proposed to delete TS 1.2, "Logical Connectors." TS 1.2 currently describes how logical connectors are used in the TS to discriminate between, and yet connect, discrete Conditions, Required Actions, Completion Times, Surveillances, and Frequencies. Logical Connectors are currently used in TS 3.1.1, "Fuel Storage Pool Water Level," and TS 3.1.2, "Spent Fuel Pool Load Restriction," however TS 3.1.1 and TS 3.1.2 are to be deleted (discussed later in this Safety Evaluation.) Without any reference to Logical Connectors there is no need for them to be defined in the TS and the proposed deletion is administrative and acceptable.

Currently the Background section of TS 1.3, "Completion Times," states: "Limiting Conditions for Operation (LCOs) specify minimum requirements for ensuring the safe storage of irradiated fuel." The licensee has proposed to revise the wording to replace "for ensuring the safe storage of irradiated fuel" with "when water in the Spent Fuel Storage Pool or liner is contaminated with radioactive materials." With the removal of spent fuel from the SFP to the ISFSI, there will no longer be irradiated fuel stored on the power reactor portion of the Part 50 site. Therefore, the Background section as currently worded will not be applicable. However, the SFP liner may still be contaminated with radioactive material. The licensee's proposed change in wording is appropriate following the transfer of spent fuel from the SFP to the ISFSI, and is acceptable.

4.2 TS 3.1, "Defueled Systems."

TS 3.1.1, "Fuel Storage Pool Water Level," currently specifies the SFP water level shall be at an ELEVATION greater than or equal to 10.5 feet. The licensee has proposed to delete TS 3.1.1 in it's entirely. The purpose of TS 3.1.1, is to provide shielding of the irradiated fuel during storage, movement, or following a fuel handling accident or heavy load drop. Following the

transfer of the irradiated fuel from the SPF to the ISFSI, this section will no longer be applicable. Therefore the proposed deletion is acceptable.

TS 3.1.2, "Spent Fuel Pool Load Restrictions," currently specifies loads carried over the fuel in the SFP racks shall be limited to a weight of no greater than 330 pounds. The licensee has proposed to delete TS 3.1.2 in it's entirely. The purpose of TS 3.1.2, is to limit the radiological impact of a load drop on to the irradiated fuel stored in the SFP. Following the transfer of the irradiated fuel from the SPF to the ISFSI, this section will no longer be applicable. Therefore the proposed deletion is acceptable.

TS 3.1.3, "Fuel Storage Pool Liner Water Level," currently specifies the SFP Liner Water Level shall be at an ELEVATION less than plus 9 inches. The current Applicability statement reads: "Whenever irradiated fuel is stored in the Fuel Storage Pool, or when the water in the pool or liner is contaminated with radioactive materials." The licensee is proposing to delete the phrase: "Whenever irradiated fuel is stored in the Fuel Storage Pool, or" from the Applicability statement of TS 3.1.3. Following the permanent transfer of irradiated fuel from the SFP to the ISFSI, the first part of the Applicability statement is no longer appropriate. The licensee will retain the second part of the Applicability statement: "when the water in the pool or liner is contaminated with radioactive material," as this situation may still occur. Since the proposed revision is consistent with the transfer of irradiated fuel, the change is acceptable.

4.3 TS 4.0, "Design Features."

TS 4.2.1, under "Fuel Storage," currently states:

"The Keff of the Spent Fuel Storage Pool shall be less than or equal to 0.95 for any configuration. This Keff value is satisfied by storing all fuel assemblies, except for a maximum of three at any time, in containers made with neutron absorbing material. Fuel fragments totaling less than one fuel assembly, and fuel assembly UD-6N, may be considered as two assemblies that are not required to be stored in containers made with neutron absorbing material. One additional fuel assembly may be removed from the neutron absorbing container to perform fuel handling activities."

The licensee has proposed to delete the current specification entirely and replace it with the following:

"Fuel assemblies shall not be stored in the Spent Fuel Storage Pool. Fuel assemblies previously stored in the Spent Fuel Storage Pool are now stored in dry casks in the ISFSI."

Following the transfer of the irradiated fuel from the SPF to the ISFSI, this section, as currently stated, will no longer be applicable. Additionally, the proposed addition will provide assurance that fuel assemblies will not be replaced in the SFP which supports the licensee's other proposed changes. Based on the above the proposed revision is acceptable.

TS 4.2.2, under "Fuel Storage" currently specifies the number of fuel assemblies stored in the SFP shall not exceed 390. The licensee has proposed to delete TS 4.2.2 entirely. Following the transfer of the irradiated fuel from the SPF to the ISFSI, this section will no longer be applicable. Therefore the proposed deletion is acceptable.

TS 4.2.3, under "Fuel Storage" currently specifies fuel stored in the SFP shall have an average of U-235 enrichment of 2.5 weight percent or less. The licensee has proposed to delete TS 4.2.3 entirely. Following the transfer of the irradiated fuel from the SPF to the ISFSI, this section will no longer be applicable. Therefore the proposed deletion is acceptable.

4.4 TS 5.0, "Administrative Controls."

TS 5.1, "Responsibility," currently specifies the responsibilities of the Plant Manager and the Shift Forman. The licensee has proposed to relocate these responsibilities to the HBPP QAP. The transfer of these administrative controls is consistent with the guidance in AL 95-06, and therefore, is acceptable.

TS 5.2, "Organization," which includes 5.2.1, "Onsite and Offsite Organizations," and 5.2.2, "Facility Staff," currently specifies the organizations and positions for activities affecting the safe storage of irradiated fuel. The licensee has proposed to delete TS 5.2 entirely. The licensee has a separate QAP for the ISFSI which would address any necessary organizational requirements for the fuel in the ISFSI. Therefore the deletion of this section from the Part 50 license after the fuel has been moved will have no impact and is acceptable.

TS 5.3, "Facility Staff Qualifications," currently specifies the minimum qualifications for each member of the facility staff. The licensee has proposed to relocate these qualification requirements to the HBPP QAP. The transfer of these administrative controls is consistent with the guidance in AL 95-06, and therefore, is acceptable.

TS 5.4, "Training," currently specifies that an NRC-approved training and retraining program for the CERTIFIED FUEL HANDLERS shall be maintained. The licensee has proposed to delete TS 5.2 entirely. Following the completion of the transfer of spent fuel from the SFP to the ISFSI there will no longer be a need for Certified Fuel Handlers. Therefore there will no longer be a need for an associated training program. Based on the above, the proposed deletion is acceptable.

TS 5.5, "Procedures," currently specifies the written procedures that shall be established, implemented, and maintained. The licensee has proposed to delete the procedures related to spent fuel storage and handling. Specifically; 5.5.1.a., which states, "The procedures applicable to the safe storage of irradiated fuel recommended in Appendix "A" of Regulatory Guide 1.33, February 1978, and 5.5.1.d., which states, "Fuel handling operations (including removal and reinstallation of the spent fuel pool cover)." Both of these procedure areas are related to the storage of spent fuel in the SFP. With the relocation of spent fuel to the ISFSI these procedure will not longer be required, therefore the proposed deletion is acceptable. The reference to other procedures in TS 5.5 will be retained.

TS 5.6.1, "Offsite Dose Calculation Manual (ODCM)," currently specifies the requirements for an ODCM. The licensee has proposed to relocate these responsibilities to the HBPP QAP. The transfer of these administrative controls is consistent with the guidance in AL 95-06, and therefore, is acceptable.

TS 5.6.3, "Fuel Storage Pool Water Chemistry Program," currently specifies controls for monitoring fuel storage pool water chemistry to minimize the potential effects of corrosion which

could affect the safe storage of irradiated fuel, and to minimize the potential dose to the public due to release of fuel storage pool water to groundwater. The licensee has proposed to delete this section entirely. With the transfer of the spent fuel from the pool to the ISFSI, the need to minimize the potential effects of corrosion which could affect the safe storage of irradiated fuel is moot. With regards to the minimization of the potential dose to the public due to release of fuel storage pool water to groundwater, the design of the liner and maintaining the liner gap level less than pool and groundwater levels reduces the potential for groundwater releases from the spent fuel pool. Additionally, the licensee plans to replace the existing tritiated pool water with uncontaminated water shortly after spent fuel is transferred into the ISFSI to minimize the consequences if SFP leakage to groundwater occurs. Therefore, the fuel storage pool water chemistry program is not necessary to minimize the potential dose to the public due to release of fuel storage pool water to groundwater. Based on the above, the proposed deletion is acceptable.

TS 5.6.4, "Radioactive Effluent Controls Program (RECP)," currently specifies the program to conform with 10 CFR 50.36a for the control of radioactive effluents and for maintaining the doses to members of the public from radioactive effluents As Low As Reasonably Achievable (ALARA). The licensee has proposed to relocate this program requirement to the HBPP QAP. The transfer of these administrative controls is consistent with the guidance in AL 95-06, and therefore, is acceptable.

TS 5.6.5, "Neutron Absorber Surveillance Program," currently specifies that samples of the neutron-absorbing material used to fabricate the spent fuel assembly containers shall be suspended in the Spent Fuel Storage Pool in the vicinity of the spent fuel assemblies. The intent of this program is to provide analysis samples to verify the adequacy of the neutron absorption of the materials in the spent fuel pool. This is to help preclude an accidental criticality of the spent fuel. Following the completion of the transfer of spent fuel from the SFP to the ISFSI there will no longer be a need for this program. Therefore the proposed deletion is acceptable.

TS 5.7, "Reporting Requirements," currently specifies the requirements for an Occupational Radiation Exposure Report, an Annual Radiological Environmental Monitoring Report, and an Annual Radioactive Effluent Release Report. The licensee has proposed to relocate this program requirement to the HBPP QAP. The transfer of these administrative controls is consistent with the guidance in AL 95-06, and therefore, is acceptable.

5.0 SUMMARY

The changes proposed by this LAR will delete requirements that are rendered not applicable following the transfer of spent nuclear fuel to the ISFSI and relocate administrative controls consistent with NRC Administrative Letter 95-06. On the basis of its review, NRC staff concluded that the licensee's request will adequately address the regulatory safety requirements for a permanently shutdown nuclear power facility with the spent nuclear fuel transferred to dry cask storage in an ISFSI. The staff, therefore, concludes that the LAR is acceptable.

6.0 STATE CONSULTATION

In accordance with the Commission's regulations, the appropriate California State official was notified of the proposed issuance of the amendment. The State official had no comments.

7.0 ENVIRONMENTAL CONSIDERATION

The amendment includes changes to requirements with respect to installation or use of a facility component located within the protected area and changes to recordkeeping, reporting, or administrative procedures or requirements. NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (72 FR 71714). Accordingly, the amendment meets the eligibility criteria for categorical exclusions set forth in 10 CFR 51.22(c)(9) or 10 CFR 51.22(c)(10)(ii). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

8.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: 1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner; and 2) such activities will be conducted in compliance with the Commission's regulations, and the issuance of the amendment will not be inimical to the common defense and security nor to the health and safety of the public.

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