

December 11, 2008

PG&E Letter HBL-08-017

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
Request for Rescission of NRC Orders EA-02-077 and EA-03-099

Dear Commissioners and Staff:

The security requirements of Nuclear Regulatory Commission (NRC) Order EA-02-077, "Order for Interim Safeguards and Security Compensatory Measures," and the access authorization, fitness for duty, and behavior observation requirements of NRC Order EA-03-099, "Order for the Implementation of Additional Security Measures Associated with Access Authorization, Fitness for Duty and Behavior Observation," are applicable to Humboldt Bay Power Plant (HBPP) Unit 3 as long as spent fuel is in the Spent Fuel Pool (SFP). As of December 11, 2008, Pacific Gas and Electric Company (PG&E) completed the transfer of spent nuclear fuel assemblies and fuel fragment containers (hereafter referred to as spent fuel) from the HBPP Unit 3 SFP to the Humboldt Bay (HB) Independent Spent Fuel Storage Installation (ISFSI).

As a result of completion of spent fuel transfer, the scope of NRC Orders EA-02-077 and EA-03-099 is no longer applicable to HBPP Unit 3. Continued application of the requirements from NRC Orders EA-02-077 and EA-03-099 for HBPP Unit 3 is no longer necessary to achieve the underlying purpose of the orders after the spent fuel is transferred to the HB ISFSI. Consequently, PG&E requests the NRC to rescind NRC Orders EA-02-077 and EA-03-099 for HBPP Unit 3, effective immediately.

Protection of the spent fuel has continued following transfer of spent fuel from the 10 CFR 50 License to the 10 CFR 72 License. PG&E provides protection for spent fuel in the HB ISFSI in accordance with the HB ISFSI Physical Security Plan that was approved by NRC Materials License SNM-2514, dated November 17, 2005. The HB ISFSI Physical Security Plan complies with the requirements of 10 CFR 72, Subpart H, "Physical Protection."

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

Executed on December 11, 2008.

Sincerely,

A handwritten signature in black ink, appearing to be 'JR Becker', written over a horizontal line.

James R. Becker
Site Vice President

cc: Elmo E. Collins, NRC Region IV
John B. Hickman, NRC Project Manager
PG Fossil Gen HBPP Humboldt Distribution