

April 25, 2012

Mr. John T. Conway
Senior Vice President-Energy Supply
& Chief Nuclear Officer
Pacific Gas and Electric Company
P.O. Box 3
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SUBJECT: HUMBOLDT BAY POWER PLANT UNIT 3 – REQUEST FOR 10 CFR 20.2002
ALTERNATE DISPOSAL APPROVAL AND 10 CFR 30.11 EXEMPTION FOR
PLANT WASTE DISPOSAL AT US ECOLOGY IDAHO (TAC NO. J00369)

By letter dated June 7, 2011, as supplemented by E-Mail dated January 9, 2012, Pacific Gas and Electric Company (PG&E, the licensee) submitted to the U.S. Nuclear Regulatory Commission (NRC), a request for alternate disposal of approximately 2,000,000 cubic feet of hazardous waste, soil, and debris containing low-activity radioactive debris generated during the demolition of structures and remediation activities at Unit 3, at the U.S. Ecology Idaho (USEI) Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous disposal facility located near Grand View, Idaho. This request was made under the alternate disposal provision contained in 10 CFR 20.2002 and the exemption provision in 10 CFR 30.11.

The potential doses associated with transportation, waste handling and disposal have been evaluated as a part of the review of this 10 CFR 20.2002 application. The NRC determined that the projected doses to individual transportation and USEI workers have been appropriately estimated and are demonstrated to meet the NRC's alternate disposal requirement of contributing a dose of not more than "a few millirem per year" to any member of the public. Independent review of the post-closure and intruder scenarios confirmed that the maximum projected dose over a period of 1,000 years is also within "a few millirem per year". Therefore the potential cumulative dose from the waste in this disposal request plus the dose from the waste in the previous disposal request is also within a "few millirem per year".

In accordance with the provisions of 10 CFR 30.11, "The Commission may, upon application by an interested person or upon its own initiative, grant such exemptions from the requirements of the regulations ... 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." To the extent that the material authorized for disposal in this 20.2002 authorization is otherwise licensable, the staff concludes that the material is exempt from further Atomic Energy Act and NRC licensing requirements. The enclosed safety evaluation report concludes that the exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. The staff also evaluated the environmental impacts of the exemptions and determined that granting these exemption(s) would not result in any

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significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact were prepared and published in the *Federal Register*.

Accordingly, pursuant to 10 CFR 30.11, the exemptions are granted and effective immediately.

A copy of our related Safety Evaluation is enclosed. In accordance with 10 CFR 2.390 a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/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

Docket No. 50-133

Enclosure: Safety Evaluation

cc w/enclosure: Humboldt Bay Service List

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