

December 3, 2012

Mr. Edward D. Halpin
Senior Vice President and
Chief Nuclear Officer
Pacific Gas and Electric Company
P. O. Box 56
Mail Code 104/6
Avila Beach, CA 93424

SUBJECT: HUMBOLDT BAY POWER PLANT UNIT 3 – REQUEST FOR SCHEDULAR
EXEMPTION FROM CERTAIN REQUIREMENTS OF THE FINAL RULE FOR
ENHANCEMENTS TO EMERGENCY PREPAREDNESS REGULATIONS
(TAC NO. J00435)

Dear Mr. Halpin:

By letter dated June 19, 2012, Pacific Gas and Electric Company (PG&E, the licensee) requested a schedular exemption which would extend the date for implementing certain sections of the Final Rule for Enhancements to Emergency Preparedness Regulations (76 FR 72560; November 23, 2011) from June 20, 2012 to September 20, 2012. Specifically, PG&E requested exemptions from meeting the implementation deadline for the following revised requirements:

For Security-Related Emergency Plan Issues:

- Emergency Action Levels for Hostile Action (10 CFR 50, App. E, IV.B);
- Emergency Response Organization Augmentation at Alternate Facility - capability for staging emergency organization personnel at an alternate facility and the capability for communications with the control room and plant security (10 CFR 50, App. E, IV.E); and
- Protection for Onsite Personnel (10 CFR 50, App. E, IV.I)

For Non-Security Related Issues:

- Emergency Declaration Timeliness (10 CFR 50, App. E, IV.C); and
- Emergency Operations Facility - Performance Based Approach (10 CFR 50, App. E, IV.E.8)

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

The enclosed schedular exemption *Federal Register* notice concludes that the exemptions are authorized by law, will not endanger life or property or the common defense and security, are otherwise in the public interest, and that special circumstances are present. Accordingly, pursuant to 10 CFR 50.12, the exemption requests are granted and effective immediately. The exemption will be published in the *Federal Register*.

E. Halpin

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Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the *Federal Register* on November 29, 2012 (77 FR 71198). Based upon the environmental assessment, the Commission has determined that issuance of this exemption will not have a significant effect on the quality of the human environment.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials and
Environmental Management Programs

Docket No. 50-133

Enclosure:
Exemption

cc w/enclosure:
Humboldt Bay Service List

E. Halpin

- 2 -

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Sincerely,

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
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Humboldt Bay Power Plant, Unit 3 Service
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