

Pacific Gas and Electric Company
Humboldt Bay Power Plant
Loren D. Sharp
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August 14, 2012



10 CFR 50.12
10 CFR 50.47
10 CFR 50.54
10 CFR 50, Appendix E

PG&E Letter HBL-12-012

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Docket No. 50-133, License No. DPR-7
Humboldt Bay Power Plant Unit 3
Request for Exemption from Specific 10 CFR 50 Requirements Regarding Enhancements to Emergency Preparedness Regulations

Dear Commissioners and Staff:

Pursuant to 10 CFR 50.12, Pacific Gas and Electric Company (PG&E) requests NRC approval of an exemption from specific requirements of 10 CFR 50 Domestic Licensing of Production and Utilization Facilities.

The NRC issued a Final Rule regarding Enhancements to Emergency Preparedness Regulations in the Federal Register on November 23, 2011 (Vol. 76, page 72560). Pursuant to the provisions of 10 CFR 50.12, PG&E requested NRC approval for a scheduler exemption to extend the date for implementing the Final Rule from June 20, 2012 to September 20, 2012 (PG&E letter HBL-12-011, dated June 19, 2012).

The Final Rule is described in the Federal Register in terms of six security related emergency planning (EP) issues and six non-security related EP issues. These are identified below:

A. Security Related EP Issues

1. On-Shift Staffing Analysis
2. Emergency Action Levels for Hostile Action
3. Emergency Response Organization Augmentation and Alternative Facilities
4. Licensee Coordination with Offsite Response Organization During Hostile Actions
5. Protection for Onsite Personnel
6. Challenging Drills and Exercises

B. Non-Security Related Issues

1. Backup Means for Alert and Notification Systems
2. Emergency Declaration Timeliness
3. Emergency Operations Facility-Performance Based Approach
4. Evacuation Time Estimate Updating
5. Amended Emergency Plan Change Process
6. Removal of Completed One-Time Requirements

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Humboldt Bay Power Plant (HBPP) Unit 3 has a 10 CFR 50 facility license and has been permanently shutdown, with spent fuel relocated from the reactor and spent fuel pool to the onsite Independent Spent Fuel Storage Installation (ISFSI) which is licensed under 10 CFR 72.

The NRC issued HBPP Unit 3 Facility Operating License No. DPR-7, Amendment No. 43, on June 16, 2008 (TAC No. J00337). Amendment No. 43 eliminated security plan requirements from the 10 CFR 50 licensed site for the period after the spent nuclear fuel was transferred to the 10 CFR 72 licensed ISFSI. Therefore, the HBPP Unit 3 is no longer required to comply with 10 CFR 50 security requirements. PG&E believes that License Amendment No. 43 continues to apply to the regulations as modified and augmented by the recent emergency preparedness rule change.

PG&E has completed a review of the Final Rule with regard to the current license basis, i.e. with no security plan, and has concluded that most of the Final Rule requirements are not applicable to HBPP Unit 3. The intent in submitting this exemption request is to maintain the current 10 CFR 50 license basis that was in place prior to promulgation of the Enhancements to Emergency Preparedness Regulations in the Federal Register dated November 23, 2011, except for non-security related issues 5 and 6 (Amended Emergency Plan Change Process and Removal of Completed One-Time Requirements). As a result, PG&E is specifically requesting exemption from security related issues 1, 2, 3, 4, 5, and 6 and non-security related issues 1, 2, 3, and 4.

Enclosure 1, "HBPP Unit 3 Exemption Request from Enhancements to Emergency Preparedness Regulations," identifies the specific requirements in the regulations that are the subject of the exemption request and contains the associated justifications. The regulations are grouped together according to the six security related EP issues and six non-security related EP issues noted above.

Enclosure 2, "Environmental Assessment," provides the Environmental Assessment for the exemption request in accordance with 10 CFR 51.

PG&E has determined that this exemption request and its impact on the corresponding emergency plan is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security in accordance with 10 CFR 50.12.

If you wish to discuss the information in this letter, please contact David Sokolsky at 415-973-5024.

Sincerely,

A handwritten signature in black ink, appearing to read "Loren D. Sharp". The signature is fluid and cursive, with the first name "Loren" being larger and more prominent than the last name "Sharp".

Loren D. Sharp
Director and Plant Manager Humboldt Bay Nuclear

cc/enc: Elmo E. Collins, Jr., US NRC Region IV
John B. Hickman, US NRC
HBPP Humboldt Distribution

Enclosures

HBPP Unit 3 Exemption Request from Enhancements to Emergency
Preparedness Regulations

I. Introduction

Pacific Gas & Electric Company (PG&E), which operates Humboldt Bay Power Plant (HBPP) Unit 3, is the holder of Facility Operating License No, DPR-7. HBPP has been permanently shut-down, with spent fuel relocated from the reactor and spent fuel pool to the onsite Independent Spent Fuel Storage Installation (ISFSI), which is licensed under 10 CFR 72.

On April 4, 1985, PG&E submitted the HBPP Unit 3 Emergency Plan for SAFSTOR to the NRC. On April 29, 1987, the NRC issued a Safety Evaluation Report approving the HBPP Unit 3 Emergency Plan. With the transfer of spent fuel to the ISFSI, a separate ISFSI Emergency Plan was developed for the Part 72 ISFSI. On January 5, 2009, PG&E consolidated both the Unit 3 and ISFSI Emergency Plans into a consolidated Humboldt Bay Site Emergency Plan. The previous HBPP Unit 3 Emergency Plan requirements were transferred into the Humboldt Bay Site Emergency Plan. The 10 CFR 50.47 and 10 CFR 50, Appendix E requirements that were not contained in the HBPP Unit 3 Emergency Plan were also not included in the Humboldt Bay Site Emergency Plan for the Unit 3 portion.

On November 23, 2011, the NRC issued a Final Rule promulgating Enhancements to Emergency Preparedness Regulations in the Federal Register (Vol. 76, page 72560). The Final Rule was described in the federal register in terms of six security related emergency planning (EP) issues and six non-security related EP issues. PG&E has grouped the issues in the same manner and is requesting exemption from all six of the security related EP issues and exemption from four of the non-security related issues.

Below is a description of the Final Rule requirements, PG&E's specific exemption requests, and justifications for each exemption requested. In an effort to clarify the difference between the rule language prior to the Final Rule and the Final Rule language, different fonts are used as follows: The rule language prior to the Final Rule is shown with normal font. The Final Rule language is shown in bold and italic font. Language with strikeout lines through represent requested exemptions.

II. Specific Exemption Request

A. Security Related EP Issues

A1. On-Shift Staffing Analysis

PG&E requests exemption from the NRC requirements to perform a detailed analysis to show that on-shift personnel assigned emergency plan implementation functions were not assigned any responsibilities that would prevent them from performing their assigned emergency plan functions. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

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Specific regulations subject to this request for exemption

10 CFR 50, Appendix E, Section IV.A.9 exempt in its entirety.

Justification:

It is not necessary for PG&E to perform this analysis since the staffing at HBPP Unit 3 is small and commensurate with the need to operate the facility in a manner that protects the public health and safety. HBPP is permanently defueled and the spent fuel is stored in the onsite ISFSI. Therefore, the plant site poses a significantly reduced risk to public health and safety from design basis accidents or credible beyond design basis accidents since these cannot result in radioactive releases which exceed the Environmental Protection Agency (EPA) protective actions guidelines at the site boundary. In addition, the duties and responsibilities of members of the emergency response organization (ERO) are outlined in the Humboldt Bay Site Emergency Plan and procedures. The ERO is tested regularly through drills and exercises and are inspected by the NRC.

These measures ensure that on-shift personnel that are assigned an emergency plan function are not assigned responsibilities that would prevent them from performing their assigned functions. Therefore, the performance of a detailed analysis is not necessary.

A2. Emergency Action Levels for Hostile Action

PG&E requests exemption from the NRC requirements to include an emergency action level for hostile actions that may adversely affect the nuclear power plant. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR 50.47(b)(4) exempt as indicated below with strikeouts:

A standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee, and State and local response plans call for reliance on information provided by facility licensees for determinations of minimum initial offsite response measures.

10 CFR 50 Appendix E, Section IV.B.1 exempt as indicated below with strikeouts:

1. The means to be used for determining the magnitude of, and for continually assessing the impact of, the release of radioactive materials shall be described, including emergency actions levels that are to be used as criteria for determining the need for notification and participation of local and State agencies, the Commission, and other Federal agencies, and the emergency action levels that are to be used for determining when and what type of protective measures should be considered within and outside the site boundary to protect health and safety. The emergency action levels shall be based on in-plant conditions and instrumentation in addition to

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onsite and offsite monitoring. ~~By June 20, 2012, for nuclear power reactor licensees, these action levels must include hostile action that may adversely affect the nuclear power plant.~~ The initial emergency action levels shall be discussed and agreed on by the applicant or licensee and state and local governmental authorities, and approved by the NRC. Thereafter, emergency action levels shall be reviewed with the State and local governmental authorities on an annual basis.

Justification:

The NRC issued License Amendment No. 43 to the Facility Operating License No DPR-7 for the HBPP Unit 3 on June 16, 2008 (TAC No. J00337). License Amendment No. 43 eliminated the security plan requirements from the 10 CFR 50 licensed site for the period after the spent nuclear fuel was transferred to the 10 CFR 72 licensed ISFSI. Therefore, HBPP Unit 3 is no longer required to comply with 10 CFR 50 security requirements. As a result, the HBPP's current Humboldt Bay Site Emergency Plan (applicable to the Part 50 licensed HBPP Unit 3 and the Part 72 licensed ISFSI) does not include specific security related emergency action levels (EALs) for the Part 50 licensed HBPP Unit 3. In addition, HBPP Unit 3 poses a significantly reduced risk to public health and safety from design basis accidents or credible beyond design basis accidents since HBPP Unit 3 is permanently defueled, the spent fuel is stored in the onsite ISFSI, and the design basis accidents or credible beyond design basis accidents cannot result in radioactive releases which exceed the EPA's protective action guidelines at the site boundary. The only required security presence onsite is for the operation of the ISFSI, which is licensed under 10 CFR 72, and is outside the scope of this Final Rule.

A3. Emergency Response Organization Augmentation and Alternate Facilities
PG&E requests exemption from the NRC requirements to provide alternate facilities that meet hostile action accessibility criteria. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR 50, Appendix E, Section IV.E.8.d exempt in its entirety.

Justification:

HBPP Unit 3 permanently ceased power operation in July 1976 and is permanently shutdown. On April 4, 1985 PG&E submitted the HBPP Unit 3 Emergency Plan for SAFSTOR. The Emergency Plan described emergency facilities. The facilities description does not include an Emergency Operations Facility. On April 29, 1987, the NRC issued the Safety Evaluation Report regarding the Emergency Plan submittal and concluded there is reasonable assurance that the health and safety of the public will not be endangered by maintenance of the facility in the proposed manner and such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

HBPP Unit 3 Exemption Request from Enhancements to Emergency Preparedness Regulations

The NRC also concluded that the postulated accidents result in atmospheric radionuclide releases that are well below Protective Action Guide levels (U.S. Environmental Protection Agency Manual of PAGs and Protective Actions for Nuclear Incidents, Revised June 1980). In addition, the spent fuel assemblies have been removed from HBPP Unit 3 and relocated in the 10 CFR 72 licensed ISFSI. Therefore, it is not appropriate or necessary to have or maintain the offsite emergency response capability or any emergency response facility, including an Emergency Operations Facility (EOF) onsite or offsite as no design basis accident or beyond design basis event can result in radioactive releases which exceed EPA's protective action guides at the site boundary.

In addition, an exemption from 10 CFR 50, Appendix E, Section IV.E.8.d is justified, in part, because the regulatory documents that form the basis of the new requirement do not apply to HBPP Unit 3. This requirement is based upon NRC Order EA-02-026 and NRC Bulletin 2005-02 "Emergency Preparedness and Response Actions for Security Based-Events," neither of which apply to HBPP Unit 3. NRC Order EA-02-026 was issued to operating plants only, and was, therefore, never sent to HBPP Unit 3. NRC Bulletin 2005-02 applies to all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been removed from the reactor vessel.

A4. Licensee Coordination with Offsite Response Organizations During Hostile Action

PG&E requests exemption from the NRC requirements to include a description of the assistance expected from State, local and Federal agencies with responsibilities for coping with emergencies, including hostile action at the site. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR 50, Appendix E, Section IV.A.7 exempt as indicated below with strikeouts:

~~**By June 23, 2014, identification of, and a description of the assistance expected from, appropriate State, local, and Federal agencies with responsibilities for coping with emergencies, including hostile action at the site. For purposes of this appendix, "hostile action" is defined as an act directed toward a nuclear power plant or its personnel that includes the use of violent force to destroy equipment, take hostages, and/or intimidate the licensee to achieve an end. This includes attack by air, land, or water using guns, explosives, projectiles, vehicles, or other devices used to deliver destructive force.**~~

HBPP Unit 3 Exemption Request from Enhancements to Emergency Preparedness Regulations

Justification:

On April 29, 1987 the NRC issued a safety evaluation approving the HBPP Unit 3 SAFSTOR Emergency Plan. The NRC concluded that the postulated accidents result in atmospheric radionuclide releases that are well below Protective Action Guide levels (U.S. Environmental Protection Agency Manual of PAGs and Protective Actions for Nuclear Incidents, Revised June 1980). Subsequently, the spent fuel was relocated from the spent fuel pool to the 10 CFR 72 licensed ISFSI further reducing the potential for a radiological emergency at the HBPP Unit 3 facility.

In addition, the NRC issued License Amendment 43 to the HBPP Unit 3 Facility Operating License No. DPR-7 on June 16, 2008. License Amendment 43 eliminated the security plan requirements from the 10 CFR 50 licensed site after the spent nuclear fuel was transferred to the 10 CFR 72 licensed ISFSI. As stated above, the spent fuel has been transferred to the 10 CFR 72 licensed ISFSI.

The current Humboldt Bay Site Emergency Plan does not include responsibilities for any State, local or Federal agency for coping with a radiological emergency at the 10 CFR 50 licensed facility.

Similar to non-power reactor licensees, HBPP Unit 3 still identifies in its emergency plan the offsite response organizations that would respond to an emergency and the assistance licensees expect from these resources. However, because "hostile action" is defined as "an act directed toward a nuclear power plant or its personnel," HBPP Unit 3 should not be required to identify the State, local and Federal agencies needed during a hostile action. The exemption is justified based upon the greatly reduced offsite consequences associated with the current HBPP Unit 3 status, that is, no nuclear fuel or spent fuel is located or stored at the facility.

A5. Protection for Onsite Personnel

PG&E requests exemption from the NRC requirements to provide a range of protective actions to protect onsite personnel, during hostile action, to ensure the continued ability to safely shutdown the reactor and perform the functions of the emergency plan. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR 50, Appendix E, Section IV.1 exempt as indicated below with strikeouts:

The applicant's emergency plans shall contain, but not necessarily be limited to, information needed to demonstrate compliance with the elements set forth below, *i.e.*, organization for coping with radiological emergencies, assessment actions, activation of emergency organization, notification procedures, emergency facilities and equipment, training, maintaining emergency preparedness, recovery, ~~**and onsite protective actions during hostile action.**~~

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In addition, the emergency response plans submitted by an applicant for a nuclear power reactor operating license under this part, or for an early site permit (as applicable) or combined license under 10 CFR 52, shall contain information needed to demonstrate compliance with the standards described in § 50.47(b), and they will be evaluated against those standards.

10 CFR 50, Appendix E, Section IV.I, Exempt in its entirety.

Justification:

PG&E recognizes that HBPP Unit 3 was issued a 10 CFR 50 operating license from the NRC and that the recent enhancements to regulations regarding emergency preparedness apply to HBPP Unit 3 because the Part 50 license has not yet been terminated. However, PG&E is in the process of decommissioning the HBPP Unit 3 and has removed the spent fuel from the reactor and the spent fuel pool, and placed the spent fuel in the 10 CFR 72 licensed ISFSI. In addition, the reactor vessel internals are currently being dismantled and PG&E is preparing to dismantle the reactor vessel. Currently, the HBPP site is an industrial facility under deconstruction as opposed to an operating nuclear power plant. Therefore, HBPP poses a significantly reduced risk to public health and safety from design basis accidents or credible beyond design basis accidents or hostile action since HBPP Unit 3 is permanently defueled and the spent fuel is stored in the onsite ISFSI, and the design basis accidents or credible beyond design basis accidents cannot result in radioactive releases which exceed the EPA's protective action guidelines at the site boundary. The only required security presence onsite is for the operation of the ISFSI, which is licensed under 10 CFR 72, and is outside the scope of this Final Rule.

In addition, an exemption from 10 CFR 50, Appendix E, Section IV.1 is justified, in part, because the regulatory documents that form the basis of the new requirements do not apply to HBPP Unit 3. This requirement is based upon Order EA-02-026 and NRC Bulletin 2005-02 "Emergency Preparedness and Response Actions for Security Based-Events," neither of which apply to HBPP Unit 3. NRC Order EA-02-026 was issued to operating plants only, and was, therefore, never sent to HBPP Unit 3. NRC Bulletin 2005-02 applies to all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been removed from the reactor vessel.

Similar to non-power reactor licensees, HBPP Unit 3 still identifies in its emergency plan the offsite response organizations that would respond to an emergency and the assistance licensees expect from these resources. The exemption is justified based upon the greatly reduced offsite consequences associated with the current HBPP Unit 3 status, that is, no nuclear fuel or spent fuel is located or stored at the facility.

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A6. Challenging Drills and Exercises

PG&E requests exemption from the NRC requirements to 1) submit exercise scenarios under 10 CFR 50.4 at least 60 days before use; 2) include in exercise and drill scenarios spectrum of radiological releases and events, including hostile action; 3) emphasize in exercise and drill scenarios coordination among onsite and offsite response organizations; 4) demonstrate ERO proficiency in all of the key skills necessary to implement the principal functional areas of emergency response and 5) conduct exercises in accordance with an eight-year exercise cycle. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR 50, Appendix E, Section IV.F.2.a exempt as indicated below with strikeouts:

A full participation⁴ exercise which tests as much of the licensee, State, and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located. ~~**Nuclear power reactor licensees shall submit exercise scenarios under § 50.4 at least 60 days before use in a full participation exercise required by this paragraph 2.a.**~~

10 CFR 50, Appendix E, Section IV.F.2.b

Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years. ~~**Nuclear power reactor licensees shall submit exercise scenarios under § 50.4 at least 60 days before use in an exercise required by this paragraph 2.b. The exercise may be included in the full participation biennial exercise required by this paragraph 2.c. of this section.**~~

In addition, the licensee shall take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities. The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation. During these drills, activation of all of the licensee's emergency response facilities ~~**(Technical Support Center (TSC), Operations Support Center (OSC), and Emergency Operations Facility (EOF))**~~ would not be necessary, licensees would have the opportunity to consider accident management strategies, supervised instruction would be permitted, operating staff in all participating facilities would have the opportunity to resolve problems (success paths) rather than have controllers intervene, and the drills may focus on the onsite exercise training objectives.

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10 CFR 50, Appendix E, Section IV.F.2.i.

Licenseses shall use drill and exercise scenarios that provide reasonable assurance that anticipatory responses will not result from preconditioning of participants. ~~Such scenarios for nuclear power reactor licensees must include a wide spectrum of radiological releases and events, including hostile action.~~ Exercise and drill scenarios as appropriate must emphasize coordination among onsite ~~and offsite~~ response organizations.

10 CFR 50, Appendix E, Section IV.F.2.j exempt in its entirety.

Justification:

On April 4, 1985 PG&E submitted the HBPP Unit 3 Emergency Plan for SAFSTOR. The Emergency Plan describes the emergency facilities at HBPP. However, the Emergency Plan does not include a description of an Emergency Operations Facility (EOF), Technical Support Center (TSC) or an Operations Support Center (OSC) as HBPP does not have such facilities.

On April 29, 1987, the NRC issued the Safety Evaluation Report regarding the Emergency Plan submittal and concluded there is reasonable assurance that the health and safety of the public will not be endangered by maintenance of the facility in the proposed manner and such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public. The NRC also concluded that the postulated accidents result in atmospheric radionuclide releases that are well below Protective Action Guide levels (U.S. Environmental Protection Agency Manual of PAGs and Protective Actions for Nuclear Incidents, Revised June 1980). In addition, the spent fuel assemblies have been removed from HBPP Unit 3 and relocated in the 10 CFR 72 licensed ISFSI. Therefore, it is not appropriate or necessary to require HBPP to activate emergency facilities such as an EOF, TSC, or OSC as no design basis accident or beyond design basis event can result in radioactive releases which exceed EPA's protective action guides at the site boundary. The emergency facilities required to support the HBPP Unit 3 response actions are described in the Humboldt Bay Site Emergency Plan.

In addition, an exemption from 10 CFR 50, Appendix E, Section IV.F.2.j is justified, in part, because the regulatory documents that form the basis of the new requirement do not apply to HBPP Unit 3. This requirement is based upon Order EA-02-026 and NRC Bulletin 2005-02 "Emergency Preparedness and Response Actions for Security Based-Events," neither of which apply to HBPP Unit 3. NRC Order EA-02-026 was issued to operating plants only, and was, therefore, never sent to HBPP Unit 3. NRC Bulletin 2005-02 applies to all holders of operating licenseses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been removed from the reactor vessel.

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In addition, a wide spectrum of radiological exercise scenarios, compared to operating nuclear power plants, is not appropriate or available at HBPP Unit 3. Therefore, HBPP Unit 3 could not develop such scenarios to meet this requirement.

B. Non Security Related Issues

B1. Backup means for Alert and Notification Systems

PG&E requests exemption from the NRC requirements to require backup power for sirens or other backup ANS alerting capabilities. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR 50, Appendix E, Section IV.D.3 exempt in its entirety.

Justification:

On April 4, 1985 PG&E submitted the HBPP Unit 3 Emergency Plan for SAFSTOR. The Emergency Plan described the emergency facilities at HBPP. The Emergency Plan did not include a description of an alert and notification system as HBPP Unit 3 does not have such a system. On April 29, 1987 the NRC issued a safety evaluation approving the PG&E SAFSTOR Emergency Plan.

The NRC concluded that the postulated accidents result in atmospheric radionuclide releases that are well below Protective Action Guide levels (U.S. Environmental Protection Agency Manual of PAGs and Protective Actions for Nuclear Incidents, Revised June 1980). Subsequently, the spent fuel was relocated from the spent fuel pool to the 10 CFR 72 licensed ISFSI further reducing the potential for a radiological emergency at the HBPP Unit 3 facility.

The SAFSTOR Emergency Plan did not include an alert and notification provision because it is not necessary for local or State officials to demonstrate offsite public alerting and notification capability. Therefore, it is not necessary for HBPP Unit 3 to have an administrative or physical means for a backup method of public alerting and notification to alert or notify all or portions of the plume exposure pathway EPZ population.

B2. Emergency Declaration Timeliness

PG&E requests exemption from the NRC requirements to establish and maintain the capability to assess, classify and declare an emergency condition within 15 minutes. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR Part 50, Appendix E, Section IV.C.2 exempt in its entirety.

HBPP Unit 3 Exemption Request from Enhancements to Emergency Preparedness Regulations

Justification:

HBPP Unit 3 permanently ceased power operation in July 1976 and is permanently shutdown. On April 4, 1985 PG&E submitted the HBPP Unit 3 Emergency Plan for SAFSTOR. On June 12, 1986 PG&E submitted a replacement page to the HBPP Unit 3 Emergency Plan. The replacement page provided for the notification of Humboldt County officials within one hour of an Unusual Event declaration. On April 29, 1987, the NRC issued a safety evaluation regarding the PG&E SAFSTOR Emergency Plan submittal including the June 12, 1986 letter regarding the one-hour notification and approved the HBPP Unit 3 Emergency Plan.

The NRC concluded that the postulated accidents result in atmospheric radionuclide releases that are well below Protective Action Guide levels (U.S. Environmental Protection Agency Manual of PAGs and Protective Actions for Nuclear Incidents, Revised June 1980). Subsequently, the spent fuel was relocated from the spent fuel pool to the 10 CFR Part 72 licensed ISFSI further reducing the potential for a radiological emergency at the HBPP Unit 3 facility.

Therefore, HBPP Unit 3 poses a significantly reduced risk to public health and safety from design basis accidents or credible beyond design basis accidents since HBPP Unit 3 is permanently defueled and the spent fuel is stored in the onsite ISFSI, and the design basis accidents or credible beyond design basis accidents cannot result in radioactive releases which exceed the EPA's protective action guidelines at the site boundary.

In addition, an exemption from 10 CFR 50, Appendix E, Section IV.C.2 is justified, in part, because the regulatory documents that form the basis of the new requirement do not apply to HBPP Unit 3. This requirement is based upon NRC Order EA-02-026 and NRC Bulletin 2005-02 "Emergency Preparedness and Response Actions for Security Based-Events," neither of which apply to HBPP Unit 3. NRC Order EA-02-026 was issued to operating plants only, and was, therefore, never sent to HBPP Unit 3. NRC Bulletin 2005-02 applies to all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been removed from the reactor vessel.

B3. Emergency Operations Facility – Performance Based Approach

PG&E requests exemption from the NRC requirements to have an emergency operations facility located within the newly promulgated distance criteria, performance based criteria and hostile action accessibility criteria. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption
10 CFR 50, Appendix E, Section IV.E.8 exempt in its entirety.

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Justification:

HBPP Unit 3 permanently ceased power operation in July 1976 and is permanently shutdown. On April 4, 1985 PG&E submitted the HBPP Unit 3 Emergency Plan for SAFSTOR. The Emergency Plan described emergency facilities. The facilities description does not include an Emergency Operations Facility. On April 29, 1987, the NRC issued the Safety Evaluation Report regarding the Emergency Plan submittal and concluded there is reasonable assurance that the health and safety of the public will not be endangered by maintenance of the facility in the proposed manner and such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

The NRC also concluded that the postulated accidents result in atmospheric radionuclide releases that are well below Protective Action Guide levels (U.S. Environmental Protection Agency Manual of PAGs and Protective Actions for Nuclear Incidents, Revised June 1980). In addition, the spent fuel assemblies have been removed from HBPP Unit 3 and relocated in the 10 CFR 72 licensed ISFSI. Therefore, it is not appropriate or necessary to have or maintain the offsite emergency response capability or any emergency response facility, including an Emergency Operations Facility (EOF) onsite or offsite as no design basis accident or beyond design basis event can result in radioactive releases which exceed EPA's protective action guides at the site boundary.

In addition, an exemption from 10 CFR 50, Appendix E, Section IV.E.8 is justified, in part, because the regulatory documents that form the basis of the new requirement do not apply to HBPP Unit 3. This requirement is based upon NRC Order EA-02-026 and NRC Bulletin 2005-02 "Emergency Preparedness and Response Actions for Security Based-Events," neither of which apply to HBPP Unit 3. NRC Order EA-02-026 was issued to operating plants only, and was, therefore, never sent to HBPP Unit 3. NRC Bulletin 2005-02 applies to all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been removed from the reactor vessel.

B4. Evacuation Time Estimates (ETE) Updating

PG&E requests exemption from the NRC requirements to develop and update evacuation time estimates. These requirements are found in the following references of Title 10 of the Code of Federal Regulations.

Specific regulations subject to this request for exemption

10 CFR 50, Appendix E, Section IV.2 through 6 exempt in its entirety.

Justification:

On April 29, 1987 the NRC issued a safety evaluation approving the PG&E SAFSTOR Emergency Plan submittal. The NRC concluded that the postulated accidents result in atmospheric radionuclide releases that are well below Protective Action Guide levels (U.S. Environmental Protection Agency Manual of PAGs and Protective Actions for Nuclear Incidents, Revised June 1980).

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Therefore, the HBPP Unit 3 Emergency Plan did not include an evacuation plan for the offsite resident population. Subsequently, the spent fuel was relocated from the spent fuel pool to the 10 CFR 72 licensed ISFSI further reducing the potential for a radiological emergency at the HBPP Unit 3 facility. The SAFSTOR Emergency Plan did not include an evacuation plan or evacuation time estimates for formulation of protective action recommendations as it is not necessary. Therefore, it is not necessary for the Humboldt Bay Site Emergency Plan to use updated evacuation time estimates.

III. Summary of Exemption Requested

Based on the above discussions, application of all of the requirements in 10 CFR 50.47(b) and Appendix E to 10 CFR 50 is not necessary to achieve the underlying purpose of those rules in view of the substantially reduced offsite radiological consequences associated with the current status of the permanently defueled HBPP Unit 3. The requested exemption is justified, in part, because offsite emergency response capability is no longer appropriate because no design basis accident or credible beyond design basis accident can result in radioactive releases which exceed EPA's protective action guides at the site boundary.

The requested exemption will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

ENVIRONMENTAL ASSESSMENT
HBPP Unit 3 Exemption Request from Enhancements to Emergency Preparedness Regulations

Due to HBPP Unit 3 being permanently shut down (with spent fuel relocated to the ISFSI) and the necessary worker controls in place to limit doses, there are no postulated accidents for HBPP Unit 3 that are considered credible that could result in the release of radioactive materials to the environment in quantities that could require the implementation of protective actions for the general public. Therefore, PG&E considers the exemption request regarding the Final Rule for Enhancements to Emergency Preparedness Regulations pose no reduction in effectiveness of the required Emergency Plan.

Because HBPP Unit 3 is permanently defueled and the spent fuel is stored in the onsite ISFSI, the plant site poses a significantly reduced risk to public health and safety from design basis accidents or credible beyond design basis accidents because these cannot result in radioactive releases which exceed the EPA's protective action guidelines at the site boundary. Granting the proposed exemption will not increase the probability or consequences of accidents, no changes are being made in the types or quantities of effluents that may be released offsite, and there is no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with granting the exemption request.

Granting the proposed exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological impacts associated with the proposed action.

Based on the assessment above, the proposed action will not endanger the public health and safety.