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10 CFR 50.4
10 CFR 52.79

December 8, 2009

UN#09-499

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

Subject: UniStar Nuclear Energy, NRC Docket No. 52-016
Calvert Cliffs Nuclear Power Plant, Unit 3,
RAI No. 189, Physical Security

References: 1) Surinder Arora (NRC) to Robert Poche (UniStar Nuclear Energy),
"FINAL RAI No 189 RSPLB 3568," email dated November 9, 2009

The purpose of this letter is to respond to the request for additional information (RAI) identified in the NRC e-mail correspondence to UniStar Nuclear Energy, dated November 9, 2009 (Reference 1). This RAI addresses the Physical Security, as discussed in Section 13.6 of the Final Safety Analysis Report (FSAR) as submitted in Part 2 and the of the Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Combined License Application (COLA), Revision 6. This RAI also addresses "Calvert Cliffs Nuclear Power Plant, Unit 3 Security Plan, Training and Qualification Plan, Safeguards Contingency Plan," Revision 3, and "Calvert Cliffs Nuclear Power Plant, Unit 3 Security Assessment," Revision 4, as submitted in Part 8 of the CCNPP Unit 3 COLA.

Enclosure 1 provides a schedule for responses to RAI No 189, Questions 13.06-1, and 13.06-5 through 13.06-85.

Enclosure 2 provides responses to RAI No. 189, Questions 13.06-2, 13.06-3 and 13.06-4. The attached responses do not impact COLA content

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Our responses do not include any new regulatory commitments. This letter does not contain any sensitive or proprietary information.

If there are any questions regarding this transmittal, please contact me at (410) 470-4205, or Mr. Michael J. Yox at (410) 495-2436.

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

Executed on December 8, 2009



Greg Gibson

- Enclosures:
- 1) Response Summary for Request for Additional Information, RAI No. 189, Physical Security, Calvert Cliffs Nuclear Power Plant Unit 3
 - 2) Response to NRC Request for Additional Information, RAI No. 189, Questions 13.06-2, 13.06-3 and 13.06-4, Physical Security, Calvert Cliffs Nuclear Power Plant, Unit 3

cc: Surinder Arora, NRC Project Manager, U.S. EPR Projects Branch
Laura Quinn, NRC Environmental Project Manager, U.S. EPR COL Application
Getachew Tesfaye, NRC Project Manager, U.S. EPR DC Application (w/o enclosure)
Loren Plisco, Deputy Regional Administrator, NRC Region II (w/o enclosure)
Silas Kennedy, U.S. NRC Resident Inspector, CCNPP, Units 1 and 2
U.S. NRC Region I Office

Enclosure 1

**Response Summary for Request for Additional Information
RAI No. 189, Physical Security
Calvert Cliffs Nuclear Power Plant Unit 3**

Summary of the submittal dates of responses to RAI No. 189 questions.

<u>Question</u>	<u>Response Submittal Schedule</u>
13.06-1	March 23, 2009
13.06-2	This Letter – Enclosure 2
13.06-3	This Letter – Enclosure 2
13.06-4	This Letter – Enclosure 2
13.06-5	March 23, 2009
13.06-6	March 23, 2009
13.06-7	March 23, 2009
13.06-8	March 23, 2009
13.06-9	March 23, 2009
13.06-10	March 23, 2009
13.06-11	March 23, 2009
13.06-12	March 23, 2009
13.06-13	March 23, 2009
13.06-14	March 23, 2009
13.06-15	March 23, 2009
13.06-16	March 23, 2009
13.06-17	March 23, 2009
13.06-18	March 23, 2009
13.06-19	March 23, 2009
13.06-20	March 23, 2009
13.06-21	March 23, 2009
13.06-22	March 23, 2009
13.06-23	March 23, 2009
13.06-24	March 23, 2009
13.06-25	March 23, 2009
13.06-26	March 23, 2009
13.06-27	March 23, 2009
13.06-28	March 23, 2009
13.06-29	March 23, 2009
13.06-30	March 23, 2009
13.06-31	March 23, 2009
13.06-32	March 23, 2009
13.06-33	March 23, 2009
13.06-34	March 23, 2009
13.06-35	March 23, 2009
13.06-36	March 23, 2009
13.06-37	March 23, 2009
13.06-38	March 23, 2009
13.06-39	March 23, 2009
13.06-40	March 23, 2009
13.06-41	March 23, 2009
13.06-42	March 23, 2009
13.06-43	March 23, 2009
13.06-44	March 23, 2009
13.06-45	March 23, 2009
13.06-46	March 23, 2009
13.06-47	March 23, 2009

<u>Question</u>	<u>Response Submittal Schedule</u>
13.06-48	March 23, 2009
13.06-49	March 23, 2009
13.06-50	March 23, 2009
13.06-51	March 23, 2009
13.06-52	March 23, 2009
13.06-53	March 23, 2009
13.06-54	March 23, 2009
13.06-55	March 23, 2009
13.06-56	March 23, 2009
13.06-57	March 23, 2009
13.06-58	March 23, 2009
13.06-59	March 23, 2009
13.06-60	March 23, 2009
13.06-61	March 23, 2009
13.06-62	March 23, 2009
13.06-63	March 23, 2009
13.06-64	March 23, 2009
13.06-65	March 23, 2009
13.06-66	March 23, 2009
13.06-67	March 23, 2009
13.06-68	March 23, 2009
13.06-69	March 23, 2009
13.06-70	March 23, 2009
13.06-71	March 23, 2009
13.06-72	March 23, 2009
13.06-73	March 23, 2009
13.06-74	March 23, 2009
13.06-75	March 23, 2009
13.06-76	March 23, 2009
13.06-77	March 23, 2009
13.06-78	March 23, 2009
13.06-79	March 23, 2009
13.06-80	March 23, 2009
13.06-81	March 23, 2009
13.06-82	March 23, 2009
13.06-83	March 23, 2009
13.06-84	March 23, 2009
13.06-85	March 23, 2009

Enclosure 2

**Response to NRC Request for Additional Information
RAI No. 189, Questions 13.06-2, 13.06-3 and 13.06-4, Physical Security
Calvert Cliffs Nuclear Power Plant, Unit 3**

RAI No 189

Question 13.06-2

2. (U) Part 2, Table 13.4-1, Operational Programs Required by NRC Regulations and Program Implementation (Page 13-34): Confirm that UniStar intends to fully implement physical protection requirements (i.e., all physical protection systems and operational programs) of an operating reactor in accordance with 10 CFR 73, including Appendix B and Appendix C, "prior to initial receipt of fuel," as stated in Item 15 of the proposed license conditions and milestones.

(U) Regulatory Basis: Subpart C of Title 10 CFR (10 CFR) 52, § 52.79(a)(35)(i) and (ii) requires that information submitted for combined license (COL) include how the applicant will meet the requirements of 10 CFR 73 and descriptions of implementation of the physical security plan. Item 15 proposes a license condition and milestones for full implementation of "Physical Security Program, Safeguards Contingency Program, and Training and Qualification Program," prior to initial receipt of fuel. Title 10 CFR 73.67, Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance, may be applied for protection to storage of Category III reactor fuel assemblies, along with 10 CFR Part 74, Material Control and Accounting of Special Nuclear Material," and security enhancements requirements that followed the events of 9/11 (i.e., NRC Orders to Cat III fuel cycle licenses) are current regulatory requirements for physical protection for the possession of Category III SNM. Appropriate physical protection commensurate with Category III material may be applied based on NRC Regulatory Guide 5.76, with appropriate application of regulatory requirement for processing request for exemption in accordance with 10 CFR Part 73.55(a)(4).

Response

UniStar will implement the applicable requirements, as listed in FSAR Chapter 13, Table 13.4-1, Item 15, prior to the initial receipt of fuel.

COLA Impact

The COLA FSAR will not be revised as a result of this response.

Question 13.06-3

3. (U) Part 2, FSAR Chapter 13, Section 13.6, Physical Security (Page 13-43):

Delete reference to NEI 03-12, Appendix F. The applicant may voluntarily describe proposed physical protection during construction, but is not required by current NRC regulation.

Regulatory Basis: The applicant stated that a "Physical Security Plan during construction, including control of access to the new plant construction site, is consistent with NEI 03-12, Appendix F (NEI, 2007), which is currently under NRC review." The proposed NEI 03-12 Appendix F has been reviewed and was not accepted by the NRC as acceptable for describing the physical security during construction, including access control (i.e., reference letter from the NRC to NEI, dated November 13, 2008, ML082540163). However, there are no specific regulation requiring physical protection during construction at this time and this is subject under NRC considerations as proposed rulemaking. The applicant may voluntarily describe how it will provide physical protection during construction that enhances proposed Appendix F, but is not required by regulation.

Response

The reference to NEI 03-12, Appendix F was deleted from FSAR Section 13.6.1, References, in COLA Revision 5. Additionally, the paragraph, "The Physical Security Plan during construction, including control of access to the new plant construction site, is consistent with NEI 03-12, Appendix F (NEI, 2007), which is currently under NRC review" was also deleted from Subsection 13.6. These deletions were based on the NRC not accepting the proposed NEI 03-12, Appendix F, as stated above in the RAI question.

COLA Impact

The COLA FSAR will not be revised as a result of this response.

Question 13.06-4

5. (U) Part 2, Chapter 1, Table 1.8-2, FSAR Sections that Address COL Items (Page 1-40): Delete "the portions of the NRC orders to the current operating plants" in COL item 13.6-1 that will be addressed in Part 2, FSAR Section 13.6.

(U) Regulatory Basis: Subpart C of Title 10 CFR (10 CFR) 52, § 52.79(a)(35)(i) and (ii) requires that information submitted for combined license (COL) include how the applicant will meet the requirements of 10 CFR 73 and descriptions of implementation of the physical security plan. NRC orders to operating reactor licensees are not regulatory requirements for new reactor. The revision of 10 CFR 73 addresses adequate protection requirements implemented through NRC orders after events of September 11, 2001.

Response

FSAR section 13.6 and Table 1.8-2 were revised in COLA Revision 5 to delete the phrase "the portions of the NRC orders to the current operating plants" as stated above in the RAI question.

The paragraph was revised to read:

A COL applicant that references the U.S. EPR design certification will provide a site-specific security assessment that adequately demonstrates how the performance requirements of 10 CFR 73.55(a) are met for the initial implementation of the security program.

COLA Impact

The COLA FSAR will not be revised as a result of this response.