## CCNPP3eRAIPEm Resource

**From:** Steckel, James
**Sent:** Tuesday, November 02, 2010 9:34 AM
**To:** robert.poche@constellation.com; cc3project@constellation.com; Scott, Roger D
**Cc:** Colaccino, Joseph; Miernicki, Michael; Vrahoretis, Susan; Kirkwood, Sara; CCNPP3eRAIPEm Resource; Lee, Pete; Felts, Russell
**Subject:** Final RAI 272 RSPLB 5168
**Attachments:** Final RAI 272 RSPLB 5168.doc

Rob,

Attached please find the subject request for additional information (RAI). The draft of this RAI was sent to you on October 21, 2010. In a phone call on November 1, 2010, you informed us that UniStar does not need a clarification phone call for this RAI and the RAI can be issued final.

The schedule we have established for review of your application assumes technically correct and complete responses within 30 days of receipt of RAIs. For any RAIs that cannot be answered within 30 days, it is expected that a schedule date for submitting your technically correct and complete response will be provided to the staff within the 30 day period so that the staff can assess how this information will impact the review schedule.

Your response letter should also include a statement confirming that the response does or does not contain any sensitive or proprietary information.

Thank you,

James Steckel
Project Manager
NRC EPR Projects Branch
301 415-1026
james.steckel@nrc.gov

**Hearing Identifier:** CalvertCliffs_Unit3Col_RAI
**Email Number:** 42

**Mail Envelope Properties** (AF843158D8D87443918BD3AA953ABF7819C785C135)

**Subject:** Final RAI 272 RSPLB 5168
**Sent Date:** 11/2/2010 9:33:31 AM
**Received Date:** 11/2/2010 9:33:34 AM
**From:** Steckel, James

**Created By:** James.Steckel@nrc.gov

**Recipients:**
"Colaccino, Joseph" <Joseph.Colaccino@nrc.gov>
Tracking Status: None
"Miernicki, Michael" <Michael.Miernicki@nrc.gov>
Tracking Status: None
"Vrahoretis, Susan" <Susan.Vrahoretis@nrc.gov>
Tracking Status: None
"Kirkwood, Sara" <Sara.Kirkwood@nrc.gov>
Tracking Status: None
"CCNPP3eRAIPEm Resource" <CCNPP3eRAIPEm.Resource@nrc.gov>
Tracking Status: None
"Lee, Pete" <Pete.Lee@nrc.gov>
Tracking Status: None
"Felts, Russell" <Russell.Felts@nrc.gov>
Tracking Status: None
"robert.poche@constellation.com" <robert.poche@constellation.com>
Tracking Status: None
"cc3project@constellation.com" <cc3project@constellation.com>
Tracking Status: None
"Scott, Roger D" <roger.scott@unistarnuclear.com>
Tracking Status: None

**Post Office:** HQCLSTR02.nrc.gov

| **Files** | **Size** | **Date & Time** |
|---|---|---|
| MESSAGE | 1081 | 11/2/2010 9:33:34 AM |
| Final RAI 272 RSPLB 5168.doc | 72186 | |

**Options**
**Priority:** Standard
**Return Notification:** No
**Reply Requested:** No
**Sensitivity:** Normal
**Expiration Date:**
**Recipients Received:**

Request for Additional Information No. 272 (eRAI 5168)

11/22/2010

Calvert Cliffs Unit 3
UniStar
Docket No. 52-016
SRP Section: 13.06.01 - Physical Security - Combined License
Application Section: Parts 1, 2, and 8 (Rev. 6) and CCNPPU3 Security Assessment (Rev.4)

QUESTIONS for Reactor Security and Programs Branch (NSIR/DRP/RSPLB)

13.06.01-16

**(U)** Part 1, Section 1.1.3, Request Licenses and Authorized Use (Page 1-14): Provide specific types of sources, byproducts, and special nuclear material (SNM), the chemical or physical form, and the maximum amount at any one time for the requested material license under Title 10, Code of Federal Regulation (CFR) Parts 30, 40, and 70. Provide specific material information in accordance with requirements for 10 CFR 30.32, 10 CFR 40.31, and 10 CFR 70.21 and 70.22. Specific to the request for a SNM license pursuant to 10 CFR 70, clearly identify the category or class of SNM (Category I – strategic, Category II – moderate strategic significance, Category III – low strategic significance) for the requested license based on the requested types, form, enrichment and maximum total quantities of SNM.

**(U)** Regulatory Basis: The applicant requests a material license pursuant to 10 CFR 30, 10 CFR 40, and 10 CFR 70 in Part 1, Section 1.1.3, to receive, possess, and use byproduct, source, and SNM. Applicant (UniStar) response (ML102040036) dated July 20, 2010, to RAI Question 01-10 (Page 3) stated that "FSAR Table 13.4-1 provides milestones for implementation of various operation programs. Important milestones for various operational programs that support issuance of the license and requirements relative to 10 CFR 30, 40, and 70 included the following: . . .

- Security Program including physical security, safeguards contingency programs, training and qualification program – prior to receipt of fuel on site. Other than fuel, no sources containing SNM that would require implementation of the Physical Security Program or Safeguards Contingency Program have been identified."

**(U)** The RAI response included a plan to update FSAR Table 13.4-1, Item 15 to incorporate milestones for 10 CFR 30.32 and 10 CFR 40.31 as a result of the RAI on impact (changes) to the COLA. No specific information required by NRC regulations of Parts 30, 40, or 70 was provided. The applicant is required to provide specific descriptions of the nuclear materials to include the types, chemical or physical form, enrichment, and the maximum quantities, in accordance with the applicable requirements of 10 CFR 30, 10 CFR 40, and 10 CFR 70 for the license requested. Title 10 CFR 30.32 and 10 CFR 40.31 for license of byproduct and source material requires the applicant to include specific information of nuclear material requested and their use or purpose for the license. In accordance with 10 CFR 70.22(a)(4), applicants must include, the name, amount, and specifications (including the chemical and physical form

and, where applicable, isotopic content) of the special nuclear material the applicant requests to possess and use for a 10 CFR Part 70 license. The material categorization of SNM in accordance with 10 CFR 73 determines what security and safeguards measures are required. The applicant has not provided specific information required by regulations for the requested material license pursuant to Parts 30, 40, and 70.

**(U)** ***Note*****:** ***The information addressing specific details related to security features or providing security functions will be safeguards information (SGI) and should be marked and protected in accordance with 10 CFR 73.21. The applicant should portion mark text in the response to request for information (RAI) as appropriate to identify SGI (or security-related information) that reveals the specific details of security features.***

13.06.01-17

**(U)** Part 1, Section 1.1.3, Request Licenses and Authorized Use (Page 1-14) and Part 2, Section 13.4, Operational Programs, Table 13.4-1 (Pages 13.4-1 to 13.4-4): Describe the specific management controls and physical protection measures for how nuclear material (byproduct, source, and SNM) will be protected in accordance with applicable requirements for 10 CFR 30, 10 CFR 40, and 10 CFR 70, for the licensee to receive title to, own, acquire, deliver, receive, possess, use, and/or transfer specific SNM types, form and quantities requested. Describe the specifics on how the applicable requirements will be met in accordance with 10 CFR 70.22, "Contents of applications," and 10 CFR 70.32, "Conditions of licenses." Provide the following if the applicant plans to credit the proposed physical protection system and programs described for operation of a nuclear power plant licensed pursuant to 10 CFR 52 that will also meet the licensing requirements of 10 CFR 30, 10 CFR 40, and 10 CFR 70:

**(U)** (a) State clearly whether the applicant plans to take credit for the physical protection system and management controls and measures (including organization, procedures, processes, etc.) provided by the security plans submitted and conduct of operations described for operating a nuclear power plant to also satisfy the requirements of 10 CFR 70 (including the requirements for a physical security plan). Identify and provide detailed descriptions of all specific portions of PSP, T&Q, and/or SCP submitted under Part 52 COLA that will be credited and describe how they will meet requirements of 10 CFR 73 that are applicable to the Part 70 material license.

**(U)** (b) Describe how the applicant for a material license pursuant to 10 CFR 40 and 10 CFR 70 will meet the requirements of 10 CFR 40.31(m) and 10 CFR 70.22(l) for the protection of safeguards information in accordance with 10 CFR 73.21 and 10 CFR 73.22.

**(U)** (c) Confirm that the proposed license condition to implement fully security programs under 10 CFR 73.55 "prior to receipt of fuel," (Table 13.4-1, Item 15) will provide assurance that the requirements (10 CFR 73.67) for satisfying the requirements for a material license pursuant to 10 CFR 70 will be available for inspection and verification prior to implementation and will be implemented prior receipt of SNM. Provide revision to Part 2, Section 13.4, Operational Programs, Table 13.4-1, Operational Programs

Required by NRC Regulations, Security Program (Pages 13.4-1 to 13.4-4) to include the specific security (e.g., 10 CFR 73.67 for a Category III material license, etc.) requirements associated with a 10 CFR 70 material license.

**(U)** Regulatory Basis: Applicant requests, in Part 1, Section 1.1.3, a material license for the possession, transfer, and use of SNM and must adequately address physical protection and safeguards requirements in accordance with 10 CFR 70 to receive, possess, and use special nuclear material. The information submitted for the COL does not specifically address how regulatory requirements for a material license pursuant to Part 70 will be met, including whether the applicant intends on crediting the management controls, systems, processes, and organization described in the security plans for operation of a nuclear power plant under 10 CFR Part 52. Also, the applicant has not indicated when specific required programs, systems, and management measures for safeguards (i.e., 10 CFR 74) will be implemented.

**(U)** The regulatory requirements for physical protection of SNM pursuant to 10 CFR 70, assuming applicant's material license requested only low or moderate strategic significance SNM) include the following requirements: 10 CFR 70.22(k) which require an applicant must include a physical security plan that demonstrates how the applicant plans to meet the requirements of paragraphs (d), (e), (f), and (g) of § 73.67 of 10 CFR and retain records of the security plan. In addition, 10 CFR 70(l) requires protection of SGI in accordance with the requirements in § 73.21 and the requirements of § 73.22, or 73.23 of 10 CFR, as applicable. The current regulatory requirement provides exceptions for the possession or use of this material in operations of a nuclear reactor licensed pursuant to 10 CFR 50. However, the current regulatory requirement of 10 CFR 70 does not provide an exception for a Part 52 combined license for construction and operation of a nuclear power plant, which does not distinguish between the possession and use of a material license issued prior to operating a nuclear reactor and the possession and use of byproduct, source, or SNM (e.g., handling and storage of fuel assemblies) before completion of construction or prior to operating a nuclear power reactor. The issuance of a material license pursuant to 10 CFR 30, 10 CFR 40, and 10 CFR 70 requires that an applicant demonstrate that the applicable requirements will be met for the possession and use of licensed material, independent of or prior to operation of a nuclear reactor, and clearly establish when the security systems and management controls required will be fully implemented.

**(U)** The applicant proposed license condition to implement the reactor security programs prior to receipt of fuel must include those required by 10 CFR 73 and 10 CFR 74 for a Part 70 material license. License condition indicating milestones did not address implementation of safeguards requirements of 10 CFR 74 prior to the receipt of SNM. A proposed license condition must be specific and include appropriate milestones to adequately address and provide assurance that both security and safeguards requirements applicable to a Part 70 material license will be implemented prior to the possession of licensed material.

**(U)** ***Note*: *The information addressing specific details related to security features or providing security functions will be safeguards information (SGI) and should be marked and protected in accordance with 10 CFR 73.21. The applicant should portion mark text in the response to request for information (RAI) as appropriate***

***to identify SGI (or security-related information) that reveals the specific details of security features.***

13.06.01-18

**(U)** Part 1, Section 1.1.3, Request Licenses and Authorized Use (Page 1-14) and Part 2, Section 13.4, Operational Programs, Table 13.4-1 (Pages 13.4-1 to 13.4-4): Review requirements of 10 CFR 70.22(b) to addressing the material control and accounting of SNM and provide descriptions of how the applicable requirements for material accounting and controls under 10 CFR 74 will be met for the possession and storage of SNM during construction and prior to the operation of the nuclear power plant. In addition, provide a proposed license condition to clearly establish the milestone for implementation of applicable material control and accounting requirements of 10 CFR 74 prior to receipt of fuel, consistent and concurrently with the proposed license condition for implementing the applicable security (i.e., physical protection) requirements of 10 CFR 73.

**(U)** Regulatory Basis: Title 10 CFR 70.22(b) states that "[e]ach application for a license to possess special nuclear material, to possess equipment capable of enriching uranium, to operate an uranium enrichment facility, to possess and use at any one time and location special nuclear material in a quantity exceeding one effective kilogram, except for applications for use as sealed sources and for those uses involved in the operation of a nuclear reactor licensed pursuant to part 50 of this chapter and those involved in a waste disposal operation, must contain a full description of the applicant's program for control and accounting of such special nuclear material or enrichment equipment that will be in the applicant's possession under license to show how compliance with the requirements of §§ 74.31, 74.33, 74.41, or 74.51 of this chapter, as applicable, will be accomplished." However, the current regulatory requirement of 10 CFR 70 does not provide an exception for a Part 52 combined license for construction and operation of a nuclear power plant, which does not distinguish between the possession and use of material licensed prior to an operating the nuclear power plant and the possession and use of byproduct, source, or SNM (e.g., handling and storage of fuel assemblies) before completion of construction or anytime prior to an operating nuclear power plant. If appropriate, an applicant may apply the requirements for operating reactors in accordance with 10 CFR 74.19 and describe addition requirements that would satisfy the applicable requirements of 10 CFR 74 required for a material license pursuant to 10 CFR 70.22(b).

**(U)** ***Note*****:** ***The information addressing specific details related to security features or providing security functions will be safeguards information (SGI) and should be marked and protected in accordance with 10 CFR 73.21. The applicant should portion mark text in the response to request for additional information (RAI) as appropriate to identify SGI (or security-related information) that reveals the specific details of security features.***

13.06.01-19

**(U)** CCNPP Unit 3, Security Assessment, Section 6, Sub-Section 6.1, Target Set Analysis (Pages 49 - 53): Provide the following information that describes the analysis of target sets and the results of what safety functions and systems (e.g., front line and supporting systems) must be protected against the DBT for radiological sabotage to meet the performance requirements of 10 CFR 73.55(b):

(a) **(U)** Describe how target sets are systematically analyzed and developed (i.e. traced back and clearly mapped) based on source documents of the U.S. EPR DCD (e.g., U.S. EPR Vital Equipment List, FSAR equipment and system lists, PRA success criteria, FSAR dependencies matrix, etc.).

(b) **(U)** Provide descriptions for assumptions, initiating event(s), progressions for target element failures, time to core damage, and expected offsite consequences that characterized radiological sabotage due to core damage for the evaluations of target sets. Describe how PRA success criteria are applied and provide the technical bases for identifying target sets. Provide reference to documentation supporting the identification of the locations for all front line and secondary supporting systems associated with identified target sets.

(c) **(U)** Provide additional information to describe how target sets were determined based on the U.S. EPR standard design and information that demonstrate (i.e. allows confirmation) whether the resulting target sets are bounding and where target sets (i.e., systems) will be located within or outside of Vital Islands and Structures;

1. **(U)** Describe assumptions from analysis that sufficiently characterize or describe how identified target sets are bounding (e.g., Target Set 1 was not sufficiently described to explain assumptions and specificity of each safety functions/systems that must be unavailable to cause core damage);
2. **(U)** Describe the dependencies between systems identified as target sets elements and show clearly whether primary supporting systems, based on dependencies matrix, had been identified as target set elements;
3. **(U)** Describe the operator actions that are elements of target sets and provide sufficient detail to demonstrate that components (operator, equipment, action, locations) have been considered for applicable target sets and specifically identified as an element of a target set. Clarify whether the statement indicated on Page 50, first bullet, that a major PRA conclusion is there are no critical operator actions in the U.S. EPR PRA analysis applies to the determining of operator actions as elements of target sets.
4. **(U)** Describe how key safety functions (e.g., reactivity control, etc.) will or will need not be addressed, to justify and allow the determination of whether the target set results were complete and accurate based on the U.S. EPR standard design and site specific information (e.g., credited operator actions).
5. **(U)** Provide descriptions of Target Set No. 1 to sufficiently explain how the target set combination indicated table is used, along with improved descriptions of assumptions and sufficient information of each function/system and primary supporting systems that must fail or if unavailable leads to core damage. Describe the potential for a single

point failure and discuss how such a condition would affect maintaining the independence and reliability of safety divisions intended by design.

**(U)** The additional information provided on the docket must be sufficient for the NRC staff to determine that target sets are complete and accurate based on the U.S. EPR standard design and site specific information, with sufficient detail of supporting technical bases to allow the flow-down of target set functions and systems to developing detailed target set information at the component level for operations.

**(U)** Regulatory Basis: Subpart C of Title 10 CFR (10 CFR) 52, § 52.79(a)(35)(i), (ii), and (iv) 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 and safeguards contingency plan. Title 10 CFR 73.55(b)(3)(i) requires applicant to ensure that the capabilities to detect, assess, interdict, and neutralize the DBT and maintain at all times such capabilities. Title 10 CFR 73.55(b)(4) requires applicants to analyze and identify site specific conditions, including target sets, that may affect the specific measures needed to implement the requirements of 10 CFR 73 and account for conditions in the design of the physical protection program. Complete and accurate information (i.e., descriptions) of what must be protected (i.e., target sets) must be provided in accordance with requirements of 10 CFR 73.55(b)(3)(i). The COL applicant incorporates by reference Appendix F, Table F-1, Target Sets, of AREVA TR ANP-10295, "U.S. EPR Security Design Features." AREVA Technical Report ANP-10295 identifies the standard target sets based on the US-EPR design for the COL applicant, including what a COL applicant credits as additional elements for identified target sets (site specific conditions - operator actions - people and equipment) to indicate what must be adequately protected by a design of a physical protection program.

**(U)** The COL applicant incorporated by reference TR ANP-10295, provided information towards understanding of how target sets were developed, what assumptions were made, and the resulting target sets for CCNPP Unit 3. Specifically, the referenced information described the process applied to determine target sets, what source documents were used, and what were bounding assumptions. During licensing audit conducted June 28-20 (documented by ML102660176), the staff confirmed the minimal connectivity between safety divisions for the four-division nature of the U.S. EPR standard design. However, the staff identified a need to improve the documentation of how the applicant arrived at target sets that would demonstrate and allow confirmation that target sets are complete and accurate based on the U.S. EPR standard design and site specific information (e.g., , identified target set functions, system dependencies between front line and support systems, operator actions, technical assumptions, etc.). Additional information is required to demonstrate how the applicant has represented on the docket the target sets that are complete and provide an accurate representation of what safety functions and systems must be protected to prevent radiological sabotage due to core damage or spent fuel sabotage as a part of licensing bases meeting the performance requirements of 10 CFR 73.55(b).

**(U)** ***Note*: *The information addressing specific details related to security features or providing security functions will be safeguards information (SGI) and should be marked and protected in accordance with 10 CFR 73.21. The applicant should portion mark text in the response to request for additional information (RAI) as***

***appropriate to identify SGI (or security-related information) that reveals the specific details of security features.***

13.06.01-20

**(U)** Section 6.4, External Defensive Strategy (Pages 59- 87), Internal Defensive Strategy (Pages 88-99), Section 6.6, Evaluation of Combined Internal Plus External Strategy (Page 100): Provide the following information to address items identified for the physical protection system planned for meeting performance requirements of protecting the CCNPPU3 against the design basis threat (DBT) of radiological sabotage and the prescriptive requirements of 10 CFR 73:

(a) **(U)** Review and describe additional pathways using the shortest travel distances, and the use of cover, to reach target set elements described in the matrix for Target Set No. 1 (i.e., the same target set elements as postulated in Scenario 7), to include in the postulated scenarios and analysis that would bound the most challenging adversarial numbers and pathway;

(b) **(U)** Revise the design basis for the proposed ground level bullet resistant enclosure (BRE) to address the performance requirement to provide an equivalent or greater delay capabilities as adjacent physical barriers (i.e., walls or hardened access points). Described scenarios did not postulate access to vital island and structures by means of the ground level BRE.

(c) **(U)** Describe how elevators as possible pathways between floors are addressed in bounding postulated scenarios and how proposed defensive posture within the Vital Islands and Structures are sufficiently bounding to protect these pathways. Describe the design and performance requirements that address the use of elevators as alternative vertical pathways between floors (e.g., engineered control of elevators for security events). Similarly, provide descriptions of design and assumptions on how other available vertical pathways, such as man-passable HVAC ducts, were considered and described in analyzed postulated scenarios and are bounded by the proposed defensive postures within the Vital Islands and Structures.

(d) **(U)** Provide the design and performance requirements for providing camera coverage within the Vital Islands and Structures to indicate where coverage will be provided to facilitate assessment and detection. In addition, verify design document to ensure that design requirements and coverage for lighting include all areas around elevator lobbies as intended by design.

(e) **(U)** Verify and describe the evaluations and assumptions for the postulated adversarial scenarios including the pathways to areas beneath the spent fuel pool (SFP) and describe whether the pathways and access to areas beneath the SFP are protected. Describe the assumptions regarding the SFP structural walls and floors capabilities to withstand explosive breaching and describe the protection of pathways (delay and access) to SFP exterior structural walls.

**(U)** Regulatory Basis: Subpart C of Title 10 CFR (10 CFR) 52, § 52.79(a)(35)(i), (ii), and (iv) 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 and safeguards contingency plan. Title 10 CFR 73.55(b)(3)(i) requires applicant to ensure that the capabilities to detect, assess, interdict, and neutralize the DBT and maintain at all times such capabilities. The design of physical protection systems beyond the scope of the DC is required as COL Information Item 13.6.1. Title 10 CFR 52.6, Completeness and accuracy of information, requires information provided "shall be complete and accurate in all material respects." Also, Title 10 CFR 52.80(a) required the application to contain information for ITA and criteria necessary and sufficient to provide reasonable assurance that the facility has been constructed and will operate in conformity with the combined license, the provisions of the Act, and the Commission's rules and regulations. The descriptions of design and performance requirements in the stated sections are not consistent and must be corrected for accurate representation for the proposed design and licensing basis for a physical protection system.

**(U)** A proposed defense-in-depth protection of the Vital Islands and Structures and the plant areas of the CCNPP Unit 3, the descriptions of engineered systems for delays, and security features facilitating security responses are documented to describe the design bases for detailed design and the licensing bases for the flow-down to plant program implementing procedures and training for operations. During the licensing audit conducted June 28-20 (documented by ML102660176), the staff identified additional information regarding the licensing and design bases for the proposed physical protection system is needed that describe how the applicant will meet the performance and prescriptive requirements of 10 CFR 73 to protect against the DBT with a high assurance.

**(U) *Note*: *The information addressing specific details related to security features or providing security functions will be safeguards information (SGI) and should be marked and protected in accordance with 10 CFR 73.21. The applicant should portion mark text in the response to request for additional information (RAI) as appropriate to identify SGI (or security-related information) that reveals the specific details of security features.***

13.06.01-21

**(U)** Part 8, Physical Security Plan, Section 14.2, Mitigation Program, and Section 15.1, Illuminations (Pages 14 and 21): Identify all alternatives that are embedded in the PSP and provide detailed justifications for proposed alternative approaches to regulatory requirements in accordance with 10 CFR 73.55(r). Example of alternatives embedded without justifications, are contained in 14.2 (inside mitigation program) and 15.1 (illumination) of the PSP. In addition, clarify that Section 14.4.3, paragraph 2 of the PSP, applies only to "designated licensee vehicles" as stated in 10 CFR 73(f)(8) used by authorized persons for operations, maintenance, security, and emergency purpose.

**(U)** Regulatory Basis: Title 10 CFR 73.55(r), *Alternative measures*, allows measure for protection against radiological sabotage if the applicant or licensee demonstrates that

they meet the same performance objectives and requirements specified in paragraph 10 CFR 73.55(b) and the proposed alternative measure provides equivalent protection. Applicant/licensees shall submit proposed alternative measure(s) and its technical basis to the Commission for review and approval before implementation. The basis must include an analysis or assessment that demonstrates how the proposed alternative measure provides a level of protection that is at least equal to that which would otherwise be provided by the specific requirement of this section. Section 14.2 identifies an alternative measure that is not justified and does not address the capability or opportunity to detect and interdict prior to or during an intentional act to provide an equivalency to regulatory requirements 10 CFR 73.55 and Section 15.1 does not provide descriptions and justifications of equivalent performance of possible alternative technology. Alternatives must be identified, described, and justified in accordance with requirements of 10 CFR 73.55(r).

**(U)** ***Note*****:** ***The information addressing specific details related to security features or providing security functions will be safeguards information (SGI) and should be marked and protected in accordance with 10 CFR 73.21. The applicant should portion mark text in the response to request for additional information (RAI) as appropriate to identify SGI (or security-related information) that reveals the specific details of security features.***

13.06.01-22

**(U)** Part 2, Chapter 1.0, Conformance with Regulatory Criteria, Table 1.9, Conformance with Regulatory Guide: Identify applicable regulatory guidance for material control and accounting that will be applied (and exceptions) for meeting requirements 10 CFR 74 for the requested Part 70 material license in Table 1.9 (Division 5 Regulatory Guide). In addition, reconcile whether references identified in CNPPU3 Security Assessment need to be identified in Table 1.9 the Division 5 regulatory guides applied in meet the 10 CFR 73 for the requested COL Part 52 COL in Table 1.9 (example: RG 5.7, 5.44, 5.66, 5.69, 5.75, 5.76 , etc.).

**(U)** Regulatory Basis: Subpart C of Title 10 CFR (10 CFR) 52, § 52.79(a)(35)(i), (ii), and (iv) 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 and safeguards contingency plan. Title 10 CFR 73.55(b)(3)(i) requires applicant to ensure that the capabilities to detect, assess, interdict, and neutralize the DBT and maintain at all time such capabilities. RG 1.206 provides guidance on the format and content for COL applications, which conformance, provides an acceptable method for meeting requirement of content of application. RG 5.69 provides detailed descriptions for adversarial characteristics for the DBT that the applicant must protect with high assurance to meet performance requirements of 10 CFR 73.55(b). Other Division 5 regulatory guides, referenced by the applicant, provide methods in whole or parts are being applied for meeting requirements of 10 CFR 73, and are identified in security specific sections of the COL (Part 2 and Part 8). For completeness and accuracy, appropriate Division 5 regulatory guides should be identified. RG 1.206 provides a method for meeting requirements for 10 CFR 52.77, "Content of applications; general information," but is not a regulatory requirement.

**(U)** ***Note*****:** ***The information addressing specific details related to security features or providing security functions will be safeguards information (SGI) and should be marked and protected in accordance with 10 CFR 73.21. The applicant should portion mark text in the response to request for additional information (RAI) as appropriate to identify SGI (or security-related information) that reveals the specific details of security features.***