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10 CFR 30
10 CFR 40
10 CFR 50.4
10 CFR 52.79
10 CFR 70

August 16, 2012

UN#12-087

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

Subject: UniStar Nuclear Energy, NRC Docket No. 52-016
Response to Request for Additional Information for the
Calvert Cliffs Nuclear Power Plant, Unit 3,
RAI No. 329, Sections Related to 10 CFR Parts 30, 40 and 70

- References:
- 1) Surinder Arora (NRC) to Paul Infanger (UniStar Nuclear Energy), "Final RAI 329 NARP 6171" email dated December 14, 2011
 - 2) UniStar Nuclear Energy Letter UN#12-078, from Mark Finley to Document Control Desk, U.S. NRC, RAI No. 329, Sections Related to 10 CFR Parts 30, 40 and 70, dated July 26, 2012
 - 3) UniStar Nuclear Energy Letter UN#08-003, from George Vanderheyden to Document Control Desk, Submittal of Revision 2 to the Partial Combined License Application for the Calvert Cliffs Nuclear Power Plant, Unit 3 and Application for Withholding of Documents

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 December 14, 2011 (Reference 1). The RAI requests that applicable sections of the Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Combined License Application (COLA) be identified which provide information specific to 10 CFR Parts 30, 40 and 70 requirements.

Reference 2 indicated that a response to RAI 329 would be provided to the NRC by August 24, 2012. Enclosure 1 provides our response to RAI No. 329, Question 01-14 and includes revised

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COLA content. A Licensing Basis Document Change Request has been initiated to incorporate these changes into a future revision of the COLA.

Reference 3 is the original application for 10 CFR Parts 30, 40 and 70 licenses for CCNPP Unit 3.

Enclosure 2 provides a Table of Changes to the CCNPP Unit 3 COLA associated with the RAI 329 response.

Our response does 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) 369-1907 or Mr. Wayne A. Massie at (410) 369-1910.

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

Executed on August 16, 2012



Mark T. Finley

- Enclosures:
- 1) Response to NRC Request for Additional Information RAI No. 329, Sections Related to 10 CFR Parts 30, 40 and 70, Calvert Cliffs Nuclear Power Plant, Unit 3
 - 2) Table of Changes to CCNPP Unit 3 COLA Associated with the Response to RAI 329, Calvert Cliffs Nuclear Power Plant, Unit 3
- cc: Surinder Arora, NRC Project Manager, U.S. EPR Projects Branch
Laura Quinn-Willingham, NRC Environmental Project Manager, U.S. EPR COL Application
Getachew Tesfaye, NRC Project Manager, U.S. EPR DC Application, (w/o enclosures)
Patricia Holahan, Acting Deputy Regional Administrator, NRC Region II, (w/o enclosures)
Silas Kennedy, U.S. NRC Resident Inspector, CCNPP, Units 1 and 2,
David Lew, Deputy Regional Administrator, NRC Region I (w/o enclosures)

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bcc: Jon Kirkwood, Bell Bend Licensing
Sébastien Thomas, NI Engineering Manager

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Enclosure 1

**Response to NRC Request for Additional Information
RAI No. 329, Sections Related to 10 CFR Parts 30, 40 and 70
Calvert Cliffs Nuclear Power Plant, Unit 3**

RAI 329

Question 01-14

As a part of the review of your combined license application, the staff will also be determining if your application contains adequate details to establish compliance to the applicable requirements of 10 CFR Parts 30, 40 and 70. To facilitate these reviews, the staff has created the attached tables (see Attachments 1 and 2) to collect the information relevant to your application. Please identify and list applicable sections of your application which include/provide the specific information identified by the staff. Specifically, the staff requests UniStar to complete the last column of the attached tables. Additionally, if your current version of the COLA does not have the requested information, it should be stated so in the last column of the attached tables and in such cases, the specific COLA mark up(s) are to be included in your response to this RAI.

Response

By this RAI 329 response, UniStar Nuclear Energy (UNE) withdraws the request for licenses under 10 CFR 30 and 40 included in the Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Combined License Application (COLA)¹. UNE will apply for these licenses before the beginning of construction or during construction, as required. The CCNPP Unit 3 COLA is being revised to reflect the withdrawal of the request for licenses under 10 CFR 30 and 40. Since the application for licenses under Part 30 and 40 are being withdrawn, the associated cross-reference tables provided for 10 CFR 30 and 40 in the RAI are not included in this response. A table entitled "Cross-Reference of Regulations and Regulatory Guidance in Support of Review of Part 70 License Application Versus Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Combined License Application (COLA)" follows.

¹ UniStar Nuclear Energy Letter UN#08-003, from George Vanderheyden to Document Control Desk, U.S. NRC, Submittal of Revision 2 to the Partial Combined License Application for the Calvert Cliffs Nuclear Power Plant, Unit 3 and Application for Withholding of Documents, dated March 14, 2008

Cross-Reference of Regulations and Regulatory Guidance in Support of Review of Part 70 License Application Versus Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Combined License Application (COLA)

Review Area	Regulations	Regulatory Guidance	Acceptance Criteria	COLA Chapter
General Information	10 CFR 70.22(a)(1) – (a)(4) 10 CFR 70.23(a)(5)	Chapter 1 of NUREG-1520	Sections 1.1.4, 1.2.4, and 1.3.4 of NUREG-1520.	70.22(a)(1) – COLA Part 1, Sections 1,1 Applicants, 1.1.1 Description of Business or Occupation, 1.1.2 Organization and Management, and 1.4 Foreign Ownership, Control, or Domination 70.22(a)(2) – COLA Part 1, Section 1.1.3 Requested Licenses and Authorized Uses 70.22(a)(3) – COLA Part 1, Section 1.1.3 Requested Licenses and Authorized Uses 70.22(a)(4) – COLA Part 1, Section 1.1.3 Requested Licenses and Authorized Uses 70.22(a)(5) – COLA Part 1, Section 1.2 Financial Qualifications
Organization and Administration	10 CFR 70.22(a)(6) and (a)(8) 10 CFR 70.23(a)(2) and (a)(4)	Chapter 2 of NUREG-1520 Reg Guide 1.8	Section 2.4.3 of NUREG-1520	70.22(a)(6) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.22(a)(8) – COLA Part 2, Chapter 13, Section 13.5 Plant Procedures 70.23(a)(2) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.23(a)(4) – COLA Part 2, Chapter 13, Section 13.5 Plant Procedures
ISA	N/A pursuant to 10 CFR 70.60	N/A	N/A	N/A

Review Area	Regulations	Regulatory Guidance	Acceptance Criteria	COLA Chapter
<p>Radiation Protection</p>	<p>10 CFR Part 19 10 CFR Part 20 10 CFR 70.22(a)(6) – (a)(8) 10 CFR 70.23(a)(2) – (a)(4)</p>	<p>Chapter 4 of NUREG-1520, Reg Guide 1.8, 8.8, 8.10, 8.15, etc.</p>	<p>Section 4.4 of NUREG-1520</p>	<p>10 CFR Part 19 – N/A, Not included in COLA, regulation to be complied with</p> <p>10 CFR Part 20 - COLA Part 2, Chapter 12 Radiation Protection</p> <p>70.22(a)(6) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant</p> <p>70.22(a)(7) – COLA Part 5, Emergency Plan</p> <p>70.22(a)(8) – COLA Part 2, Chapter 13, Section 13.5 Plant Procedures</p> <p>70.23(a)(2) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant</p> <p>70.23(a)(3) – COLA Part 5, Emergency Plan</p> <p>70.23(a)(4) – COLA Part 2, Chapter 13, Section 13.5 Plant Procedures</p>

Review Area	Regulations	Regulatory Guidance	Acceptance Criteria	COLA Chapter
Radiation Protection	10 CFR Part 70, Subpart G	Chapter 4 of NUREG-1520, Reg Guide 1.8, 8.8, 8.10, 8.15, etc.	Section 4.4 of NUREG-1520	<p>10 CFR Part 70, Subpart G</p> <p>70.50 Reporting Requirements – N/A - states that the provisions of 70.50 do not apply to licensees subject to 50.72</p> <p>70.51 Records Requirements – N/A, records required prior to license termination</p> <p>70.52 Reports of Accidental Criticality – N/A, Not included in COLA, regulation to be complied with</p> <p>70.55 Inspections – N/A, Met under compliance with provisions of 10 CFR 50.70</p> <p>70.56 Tests – N/A, Met under compliance with provisions of 10 CFR 50.59</p> <p>70.59 Effluent Monitoring Reporting requirements – N/A, applies to licensees authorized to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, conversion of uranium hexafluoride, or in a uranium enrichment facility</p>

Review Area	Regulations	Regulatory Guidance	Acceptance Criteria	COLA Chapter
Criticality Safety	10 CFR 70.22(a)(6) – (a)(8). 10 CFR 70.24(d)(1) includes an exemption from crit. alarms. 10 CFR 70.23(a)(2) – (a)(4) 10 CFR 70.52	Chapter 5 of NUREG-1520	Section 5.4.3 of NUREG-1520	70.22(a)(6) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.22(a)(7) – COLA Part 5, Emergency Plan 70.22(a)(8) – COLA Part 2, Chapter 13, Section 13.5 Plant Procedures 70.24(d)(1) – COLA Part 2, exempt based on compliance with 10 CFR 50.68 70.23(a)(2) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.23(a)(3) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.23(a)(4) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.52 Reports of Accidental Criticality – N/A, Not included in COLA, regulation to be complied with
Chemical Safety	N/A since the Part 70 license does not involve the use of chemicals	N/A	N/A	N/A

Review Area	Regulations	Regulatory Guidance	Acceptance Criteria	COLA Chapter
Fire Safety	10 CFR 70.22(a)(6) – (a)(8) 10 CFR 70.23(a)(2) – (a)(4)	Chapter 7 of NUREG-1520	Section 7.4.3 of NUREG-1520	70.22(a)(6) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.22(a)(7) – COLA Part 5, Emergency Plan 70.22(a)(8) – COLA Part 2, Chapter 13, Section 13.5 Plant Procedures 70.23(a)(2) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant 70.23(a)(3) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant, Chapter 9, Section 9.5.1, Fire Protection 70.23(a)(4) – COLA Part 2, Chapter 13, Section 13.1 Organizational Structure of Applicant
Emergency Preparedness	10 CFR 70.22(i)(1)(i) or 70.22 (i)(1)(ii). 10 CFR 70.22(i)(3), if an emergency plan is required	Chapter 8 of NUREG-1520	Section 8.4.3 of NUREG-1520	70.22(i)(1)(i) and 70.22(i)(1)(ii) – N/A 70.22(i)(3) – COLA Part 5, Emergency Plan

Review Area	Regulations	Regulatory Guidance	Acceptance Criteria	COLA Chapter
Environmental Protection	10 CFR Part 20 10 CFR 70.22(a)(7) – (a)(8) 10 CFR 70.23(a)(3) – (a)(4) Selected portions of 10 CFR Part 51, such as 10 CFR 51.52.	Chapter 9 of NUREG-1520 NUREG-1748 for preparing the EA + FONSI related to the possession, inspection, and handling of SNM, if needed. Otherwise, document the review of these activities as part of the EIS being prepared by the NRC staff under NUREG-1555.	Section 9.4.3 of NUREG-1520 (safety review only)	COLA Part 3 – Environmental Report
Decommissioning	N/A pursuant to 10 CFR 70.25 (a)	N/A	N/A	N/A
Management Measures	N/A pursuant to 10 CFR 70.60	N/A	N/A	N/A
Material Control and Accounting (MC&A)	10 CFR 20.2201 10 CFR 70.22(b) includes an exemption from a Fundamental Nuclear Material Control Plan for SNM used at a Part 50 reactor site. 10 CFR 74, Subpart B	Currently, there is no regulatory guidance (i.e., NUREG or RegGuide) to evaluate the possession, inspection, and handling of SNM at a reactor site. Regulations in 10 CFR 74, Subpart B are currently used as guidance to perform the review in this area.	Currently, there is no regulatory guidance (i.e., NUREG or RegGuide) to evaluate the possession, inspection, and handling of SNM at a reactor site. Regulations in 10 CFR 74, Subpart B are currently used as guidance to perform the review in this area.	70.22(b) – exempts applicants for uses involved with the operation of a nuclear power plant.
Physical Security	10 CFR 73.55 and 73.67	Section 13.6.1 of NUREG-0800	Subsection II of Section 13.6.1 of NUREG-0800.	70.22(k) – exempts applicants for possession and use in operation of a nuclear power plant.

COLA Impact

CCNPP Unit 3 COLA Part 1 General Information will be updated as follows in a future COLA revision:

1.1.3 Requested Licenses and Authorized Uses

In addition, this application is for the necessary licenses license issued under ~~10 CFR 30 (CFR, 2007d), 10 CFR 40 (CFR 2007e), and 10 CFR 70 (CFR, 2007f)~~ to receive, possess, and use ~~byproduct, source and special nuclear material~~. ~~Byproduct, source, and special nuclear material shall be in the form of sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and fission detectors in amounts as required. Byproduct, source, and special nuclear material in amounts as required, without restriction to chemical or physical form, shall be for sample analysis or instrument and equipment calibration or associated with radioactive apparatus or components. Special nuclear material shall be in the form of reactor fuel, in accordance with limitations for storage and amounts required for reactor operation, as described in Part 2 of this Combined License Application.~~

1.6 REFERENCES

~~CFR, 2007d. Not used. Title 10 Code of Federal Regulations, Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material, 2007.~~

~~CFR, 2007e. Not used. Title 10 Code of Federal Regulations, Part 40, Domestic Licensing of Source Material, 2007.~~

CCNPP Unit 3 FSAR Chapter 1 will be updated as follows in a future COLA revision:

1.1 INTRODUCTION

This section of the U.S. EPR FSAR is incorporated by reference with the following supplements.

This Final Safety Analysis Report is submitted to the Nuclear Regulatory Commission as part of an application for a Class 103 combined license (COL) to construct and operate a nuclear power facility under the provisions of 10 CFR 52, Subpart C. {This FSAR is also being submitted to the Nuclear Regulatory Commission to support the necessary Materials License Licenses requested in the COL Application Letter (UNE, 2008) to receive, possess and use ~~byproduct, source and special nuclear material~~ under ~~10 CFR 30, 10 CFR 40 and 10 CFR 70, respectively.~~} This nuclear power facility is designated {Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3.} This FSAR incorporates the FSAR prepared for the design certification application for the AREVA evolutionary pressurized water reactor, (herein referred to as the U.S. EPR). AREVA NP, the entity sponsoring the design certification application for the U.S. EPR, submitted a revised U.S. EPR design certification application to the NRC on August 10, 2011 (AREVA, 2011).

Enclosure 2

**Table of Changes to CCNPP Unit 3 COLA Associated with Response to RAI 329,
Calvert Cliffs Nuclear Power Plant, Unit 3**

Table of Changes to CCNPP Unit 3 COLA Associated with Response to RAI No. 329

Change ID #	Subsection	Type of Change	Description of Change
Part 1 – General Information			
CC3-12-0151	1.1.3, 1.6	Incorporate COLA markups associated with the response to RAI 329.	Delete references to 10 CFR 30 and 40
Part 2 – FSAR			
CC3-12-0151	1.1	Incorporate COLA markups associated with the response to RAI 329.	Delete references to 10 CFR 30 and 40