

Request for Additional Information 156

Application Title: North Anna, Unit 3 - Docket Number 52-017

Operating Company: Dominion

Review Section: 01.05 - Other Regulatory Considerations

Application Section: Part 8 Security, Appendix 8C Special Nuclear Material Physical Protection Program

QUESTIONS

01.05-04

1. Explain how the applicable special nuclear material of low strategic significance requirements of Title 10 of the *Code of Federal Regulations* (CFR), Part 73.67 "Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance." will be met. Specifically, describe how the fixed site requirements of 10 CFR 73.67(a)(1), (a)(1)(i), a(1)(ii), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), and 10 CFR 73.67(f)(1)-(4) will be met.

The final safety evaluation report (FSAR) in table 13.4-201 states that 10 CFR 73.67 will be implemented before fuel is accepted and the protected area (PA) is declared operational. Therefore, because the applicant will have more than 10kg of Cat III special nuclear material, a security plan that covers how 10 CFR 73.67(f) will be addressed must be submitted for NRC approval (see 10 CFR 73.67(c)). The plan must describe how the above requirements will be met and include, in some manner, how the requirements of 10 CFR 73.67 in-transit requirements will be met, which includes the general performance objective requirements of 10 CFR 73.67(a)(1), (a)(1)(i), a(1)(ii), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), in regard to in-transit physical protection and the 10 CFR 76.67(g)(1)-(5) in-transit requirements.

2. Because the protected area will not be implemented under 10 CFR Part 52 in accordance with 10 CFR 73.55(a)(4) when fresh fuel first arrives on site, the physical security of the fresh fuel will need to be provided by other means. Criteria for determining whether physical security provisions will assure that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety include those set forth in the post-September 11, 2001, orders issued to licensees for Category III special nuclear material. An example order (EA-11-272, "Additional Security Measures for Category-3 Fuel Cycle Facilities") is provided below in Enclosure 2 for your information.

Please describe how each of the criteria in the order and the requirements applicable to a Part 70 license will be satisfied for the Category III special nuclear material low enriched uranium reactor fuel. This information is necessary for the staff to determine whether or not it can make the finding in regard to whether the activities described in your application involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

Enclosure 1