

Jeffrey T. Gasser  
Executive Vice President  
and Chief Nuclear Officer

Southern Nuclear  
Operating Company, Inc.  
40 Inverness Center Parkway  
Post Office Box 1295  
Birmingham, Alabama 35201

Tel 205.992.7721  
Fax 205.992.6165

**SAFEGUARDS INFORMATION  
(THIS PAGE IS DECONTROLLED IF  
DETACHED FROM SGI PAGES IN  
ENCLOSURES)**



September 13, 2004

Docket Nos.: 50-348 50-424  
50-364 50-425

NL-04-1745

Mr. James E. Dyer  
Director, Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Joseph M. Farley Nuclear Plant  
Vogtle Electric Generating Plant  
Supplemental Response to the April 29, 2003 Orders

Dear Mr. Dyer:

The NRC issued an Order, dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat ("Order EA-03-086" or "Order") and other security related Orders (collectively "Orders") for the Joseph M. Farley Nuclear Plant (FNP) and the Vogtle Electric Generating Plant (VEGP).

Order EA-03-086 imposed license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order required licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also required licensees to revise their security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

In accordance with the Order and 10 CFR 50.4, Southern Nuclear Operating Company (SNC) submitted a Supplemental Response for the above-mentioned licensed facility on April 27, 2004. Our activities to implement the new SNC Security Plan at all of our facilities were scheduled to be completed by October 29, 2004 to support the requirements of the Order. Due to extenuating circumstances that are described in the attachments, SNC has now determined that it cannot complete the implementation of all of the details in the SNC Security Plan by October 29, 2004; however, other actions will be in place to ensure that the Order requirements are met by October 29, 2004, while we continue to complete all the activities as submitted in the new plan.

\*NSIR05

**SAFEGUARDS INFORMATION  
(THIS PAGE IS DECONTROLLED IF DETACHED FROM SGI PAGES IN ENCLOSURES)**

**SAFEGUARDS INFORMATION**  
**(THIS PAGE IS DECONTROLLED IF DETACHED FROM SGI PAGES IN ENCLOSURES)**

U. S. Nuclear Regulatory Commission  
NL-04-1745  
Page 2

Enclosure 1 includes a detailed explanation of the portions of the SNC Security Plan that FNP will not have completed on October 29, 2004. Enclosure 2 includes a detailed explanation of the portions of the SNC Security Plan that VEGP will not have completed on October 29, 2004. Due to the nature of the issues at VEGP, Enclosure 2 also includes the manner in which SNC had intended to meet that requirement; the reasons why SNC cannot complete implementation by that date; as well as the steps that will be taken to meet the requirements of the Order until implementation is completed.

Because the Commission concluded that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, SNC requests that enforcement discretion be exercised during the period from this request until the steps necessary to allow full implementation of the SNC Security Plan at FNP and VEGP, as submitted, are completed. At that time, the SNC Security Plan will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

In accordance with 10 CFR § 2.202(b), the following affirmation is provided:

Mr. Jeffrey T. Gasser states he is Executive Vice President of Southern Nuclear Operating Company, is authorized to execute this oath on behalf of Southern Nuclear Operating Company and to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY



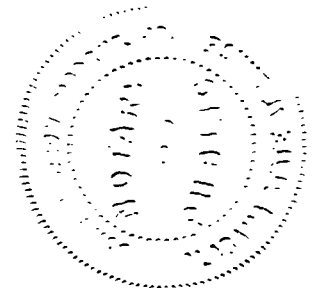
Jeffrey T. Gasser

Sworn to and subscribed before me this 13<sup>th</sup> day of SEPTEMBER, 2004.

  
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Nov 30, 2006  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My commission expires: \_\_\_\_\_



Enclosures: *(Safeguards Information)*

- 1) FNP – Actions Taken to Comply with Order EA-03-086 (SGI)
- 2) VEGP – Actions Taken to Comply with Order EA-03-086 (SGI)

JTG/JMG

**SAFEGUARDS INFORMATION**  
**(THIS PAGE IS DECONTROLLED IF DETACHED FROM SGI PAGES IN ENCLOSURES)**

