

SAFEGUARDS INFORMATION

October 29, 2004

Mr. Jeffrey T. Gasser
Executive Vice President
Southern Nuclear Operating Company, Inc.
40 Inverness Center Parkway
P.O. Box 1295
Birmingham, AL 35201

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2, VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2, AND EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2 - ADMINISTRATIVE CHANGE TO FACILITY OPERATING LICENSES AND RENEWED OPERATING LICENSES IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT (DBT) AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATIONS PLAN, AND SAFEGUARDS CONTINGENCY PLAN (TAC NOS. MC2926, MC2927, MC2918, MC2919, MC2985, AND MC2986)

Dear Mr. Gasser:

By letter dated April 29, 2004, Southern Nuclear Operating Company, Inc. submitted a supplemental response in accordance with Order EA-03-086, the order requiring compliance with the revised design basis threat, dated April 29, 2003, (DBT Order) for Joseph M. Farley Nuclear Plant, Units 1 and 2 (Farley), Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle), and Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch). Section III.A of the Order required licensees to revise physical security plans (PSPs), training and qualification plans (T&Q Plans), and safeguards contingency plans (SCPs) to provide protection against the revised DBT set forth in Attachment 2 to the DBT Order. These revised plans, along with an implementation schedule, were required to be submitted to the Nuclear Regulatory Commission (NRC or the Commission) for review and approval no later than April 29, 2004.

**NOTICE: Enclosures 2 contain Safeguards Information.
Upon separation from Enclosures 2, this letter and
Enclosure 1 are DECONTROLLED.**

SAFEGUARDS INFORMATION

In your revised security plan, you included information related to the independent spent fuel storage installation (ISFSI) co-located at the Hatch and the Farley sites. The DBT Order did not require this information to be included in the revised security plans for these sites. However, Order EA-02-104, dated October 16, 2002, required licensees to comply with the requirements, set forth in an attachment to the Order, that described the compensatory measures necessary to protect the ISFSI as a result of the heightened threat environment following the September 11, 2001, terrorist attacks. (This Order did not apply to the Farley site ISFSI, which is under construction.) On September 10, 2004, the NRC staff requested that you clarify whether the information provided in the revised security plan for Hatch related to the ISFSI modified the response you provided to Order EA-02-104. This letter did not include the ISFSI planned for Farley due to its construction status. By letter dated September 24, 2004, you indicated that no modifications have been made following the implementation of ISFSI-related security provisions of the ISFSI Interim Compensatory Measures Order that would decrease the effectiveness of the implementation of ISFSI-related security provisions at Hatch. The effectiveness of these security provisions will continue to be subject to NRC review and inspection.

The NRC staff's review of the PSP, SCP, and T&Q Plans submitted in your letter dated April 27, 2004, as supplemented on May 10, June 1, July 9, July 16, July 23, August 9, September 3 and October 13, 2004, has focused on ensuring the necessary programmatic elements are contained in these plans in order to provide high assurance 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.

The NRC staff has determined that subject to subsequent inspection and evaluation, these plans contain the necessary programmatic elements to provide the required high assurance that the facilities operated by Southern Nuclear Operating Company will be protected against the revised DBT. The NRC staff, therefore, approves the PSP, SCP, and T&Q Plan for the facilities operated by Southern Nuclear Operating Company. However, ultimately, the effectiveness of these plans will be judged on your ability to meet regulatory requirements through facility implementing procedures and site practices. As such, your facility implementing procedures and practices will continue to be subject to future NRC review and inspection, including NRC-conducted force-on-force exercises.

In addition, the NRC staff noted that your PSP included alternatives to certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55. In each case, the NRC staff found that the alternative measures provide an equivalent level of protection to that of the associated requirement and meet the high assurance objective of 10 CFR 73.55(a). The NRC staff, therefore, approves the alternatives shown in the table below. The NRC staff's evaluation is discussed further in the enclosed Safety Evaluation (SE).

Approved Alternatives to the Requirements of 10 CFR Part 73			
SE Section	PSP Section	Alternative to 10 CFR	Description
3.6.2	6.2	73.55(c)(3)	Isolation zones
3.9.4.3	9.4.3	73.55(d)(4)	Protected Area (PA) vehicle search requirements
3.9.4.4	9.4.4	73.55(d)(1)	PA personnel search requirements
3.9.5.2	9.5	73.55(d)(1) 73.55(d)(4)	PA access control requirements
3.10.1	10.1	73.55(c)(5)	PA illumination requirements
3.13.1	14.1	73.55(c)(1) 73.55(d)(7)(i)(B)	Temporary reclassification of Vital Areas to PA status (devitalization)

As an optional measure, the licensee elected to deploy additional delay barriers in its owner controlled area (OCA). The NRC staff reviewed the information provided by the licensee, including the letter dated October 15, 2004, in light of the DBT Implementing Guidance dated May 8, 2004. Deployment of these supplemental delay barriers is not necessary to meet applicable Order or regulatory requirements. Based upon NRC staff review of proposed surveillance frequencies, credit will not be given for OCA delay barriers at Farley, Hatch and Vogtle for the purpose outlined in the DBT Implementing Guidance during subsequent NRC inspections and reviews.

Finally, consistent with Order EA-03-086, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, administrative license changes to FOL Nos. NPF-2, NPF-8, NPF-68, and NPF-81 for Farley and Vogtle, respectively, and Renewed FOL Nos. DPR-57 and NPF-5 for Hatch are being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I.

Mr. Gasser

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Please replace the enclosed pages to your FOLs and Renewed FOLs as indicated in the Enclosure 1.

A copy of our SE with regard to your security plan (designated as Safeguards Information), is provided in Enclosure 2.

Sincerely,

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-321, 50-348, 50-424, 50-366, 50-364 and 50-425

Enclosures: 1. Administrative Change to FOL Nos. NPF-2, NPF-8, NPF-68, and NPF- 81 and Renewed FOL Nos. DPR-57 and NPF-5
2. SE Regarding the Security Plans (**SAFEGUARDS INFORMATION**)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 and 2: Mr. John R. Thompson, Security Manager, Hatch
Ms. Rebecca V. Badham, Site Security Manager, Farley
Mr. Ken C. Dyar, Security Manager, Vogtle

Mr. Gasser

- 4 -

Please replace the enclosed pages to your ROLs and FOLs as indicated in the Enclosure 1.

A copy of our SE with regard to your security plan (designated as Safeguards Information), is provided in Enclosure 2.

Sincerely,

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-321, 50-348, 50-424, 50-366, 50-364 and 50-425

- Enclosures:
1. Administrative Change to FOL Nos. NPF-2, NPF-8, NPF-68, and NPF- 81 and ROL Nos. DPR-57 and NPF-5
 2. SE Regarding the Security Plans (**SAFEGUARDS INFORMATION**)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 and 2: Mr. John R. Thompson, Security Manager, Hatch
Ms. Rebecca V. Badham, Site Security Manager, Farley
Mr. Ken C. Dyar, Security Manager, Vogtle

DISTRIBUTION (w/o Enclosure 2):

PUBLIC	SPRT R/F	OGC	ACRS	CHawes	CGratton
MRoss-Lee	EHackett	GHill (4)	DLPM DPR	TBoyce	VMcCree, RII
SPeters					

Accession No.: ML043120023

OFFICE	SPRT/TL	SPRT/PM	SPRT/LA	SPRT/PL	OGC	NSIR/SC	NRR/SC
NAME	PPeduzzi	MChernoff	CHawes	JPeralta	JHeck	SMorris	JNakoski
DATE	10-20-04	10-20-04	10/20/04	10-27-04	10-26-04	10-27-04	10/28/04

OFFICIAL RECORD COPY

Edwin I. Hatch Nuclear Plant
Vogtle Electric Generating Plant
Joseph M. Farley Nuclear Plant

cc w/o encl.:

Laurence Bergen
Oglethorpe Power Corporation
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Chairman
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Baxley, GA 31513

Office of the County Commissioners
Burke County Commission
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Senior Engineer -Power Supply
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Mr. G. R. Frederick, General Manager
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Mr. Reece McAllister
Executive Secretary
Georgia Public Service Commission
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Atlanta, GA 30334

Mr. K. Rosanski, Resident Manager
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Edwin I. Hatch Nuclear Plant
Vogtle Electric Generating Plant
Joseph M. Farley Nuclear Plant

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Mr. L. M. Stinson
Vice President - Farley Project
Southern Nuclear Operating
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Birmingham, AL 35201-1295

Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
244 Washington St., NW
Atlanta, GA 30328-4684

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

DOCKET NO. 50-321

EDWIN I. HATCH NUCLEAR PLANT, UNIT 1

ADMINISTRATIVE LICENSE CHANGE TO RENEWED FACILITY OPERATING LICENSE

Renewed License No. DPR-57

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the order requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to Renewed FOL No. DPR-57 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

Enclosure 1

2. Accordingly, the Renewed FOL is changed as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief,
Security Plan Review Team,
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed FOL

Date of Issuance: October 29, 2004

CHANGES TO RENEWED FACILITY OPERATING LICENSE NO. DPR-57

DOCKET NO. 50-321

Replace the following page of the Renewed Facility Operating License No. DPR-57 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

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would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(4) Physical Protection

Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," and was submitted on October 13, 2004.

(5) FSAR Supplement

The licensee's Final Safety Analysis Report Supplement, dated September 5, 2001, shall be included in the next Updated Final Safety Evaluation Analysis Report update, required by 10 CFR 50.71(e).

(6) Safety Analysis Report

The licensee's Final Safety Analysis Report Supplement, dated September 5, 2001, submitted pursuant to 10 CFR 54.21(d), describes certain future inspection activities to be completed before the period of extended operation begins. The licensee shall complete these activities no later than August 6, 2014.

(7) Integrated Surveillance Program

The licensee shall implement a staff-approved reactor vessel integrated surveillance program for the extended period of operation which satisfies the requirements of 10 CFR Part 54. Such a program will be implemented through a staff-approved Boiling Water Reactor Vessel and Internals Project program or through a staff-approved plant-specific program. The plant specific program, if needed, will be developed in a manner that is consistent with other aging management programs, will include consideration of the 10 program attributes utilized for other aging management programs, and will provide a technical justification for any

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

DOCKET NO. 50-366

EDWIN I. HATCH NUCLEAR PLANT, UNIT 2

ADMINISTRATIVE LICENSE CHANGE TO RENEWED FACILITY OPERATING LICENSE

Renewed License No. NPF-5

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the order requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to Renewed FOL No. NPF-5 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Renewed FOL is changed as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed FOL

Date of Issuance: October 29, 2004

CHANGES TO RENEWED FACILITY OPERATING LICENSE NO. NPF-5

DOCKET NO. 50-366

Replace the following page of the Renewed Facility Operating License No. NPF-5 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

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in the updated Fire Hazards Analysis and Fire Protection Program for the Edwin I. Hatch Nuclear Plant Units 1 and 2, which was originally submitted by letter from GPC to the Commission dated July 22, 1986. Southern Nuclear may make changes to the fire protection program without prior Commission approval only if the changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(b) Physical Protection

Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and the author of 10 CFR 50.90 and 10 CFR 50.54(p). The plan is entitled "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," and was submitted on October 13, 2004.

(c) FSAR Supplement

The licensee's Final Safety Analysis Report Supplement dated September 5, 2001, shall be included in the next Updated Final Safety Analysis Report update, required by 10 CFR 50.71(e).

(d) Safety Analysis Report

The licensee's Final Safety Analysis Report Supplement dated September 5, 2001, submitted pursuant to 10 CFR 54.21(d), describes certain future inspection activities to be completed before the period of extended operation begins. The licensee shall complete those activities no later than June 13, 2018.

(e) Integrated Surveillance Program

The licensee shall implement a staff-approved reactor vessel integrated surveillance program for the extended period of operation which satisfies the requirements of 10 CFR Part 54. Such a program will be implemented through a staff-approved

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

DOCKET NO. 50-348

JOSEPH M. FARLEY NUCLEAR PLANT, UNIT 1

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. NPF-2

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the order requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to FOL No. NPF-2 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the FOL is changed as indicated in the attachment.
3. Except as otherwise noted in the letter dated October 29, 2004, relaxing the requirement of Section III.A.2 of Order EA-03-086, this administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 29, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. NPF-2

DOCKET NO. 50-348

Replace the following page of the Facility Operating License No. NPF-2 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

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6. A procedure identifying the authority responsible for the interpretation of the data and the sequence and timing of administrative events required to initiate corrective action.

(h) The Additional Conditions contained in Appendix C, as revised through Amendment No. 146, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the additional conditions.

(i) Deleted per Amendment 152

(4) Fire Protection

Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described on the Final Safety Analysis Report for the facility, which implements the fire protection requirements of 10 CFR 50.48 and 10 CFR 50 Appendix R. Southern Nuclear may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown.

D. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," and was submitted on October 13, 2004.

E. This license is subject to the following additional conditions for the protection of the environment:

(1) Southern Nuclear shall operate the facility within applicable Federal and State air and water quality standards and the Environmental Technical Specifications which include nonradiological and radiological monitoring programs, limits on effluent releases, and appropriate comprehensive ecological surveillance study, and reporting requirements.

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

DOCKET NO. 50-364

JOSEPH M. FARLEY NUCLEAR PLANT, UNIT 2

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. NPF-8

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the order requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to FOL No. NPF-8 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the FOL is changed as indicated in the attachment.
3. Except as otherwise noted in the letter dated October 29, 2004, relaxing the requirement of Section III.A.2 of Order EA-03-086, this administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief
Security Plan Review Team,
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 29, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. NPF-8

DOCKET NO. 50-364

Replace the following page of the Facility Operating License No. NPF-8 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

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(22) Additional Conditions

The Additional conditions contained in Appendix C, as revised through Amendment No. 137, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the additional conditions.

- D. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," and was submitted on October 13, 2004.
- E. Deleted per Amendment 144
- F. Alabama Power Company shall meet the following antitrust conditions:
- (1) Alabama Power Company shall recognize and accord to Alabama Electric Cooperative (AEC) the status of a competing electric utility in central and southern Alabama.
 - (2) Alabama Power Company shall offer to sell to AEC an undivided ownership interest in Units 1 and 2 of the Farley Nuclear Plant. The percentage of ownership interest to be so offered shall be an amount based on the relative sizes of the respective peak loads of AEC and Alabama Power Company (excluding from the Alabama Power Company's peak load that amount imposed by members of AEC upon the electric system of Alabama Power Company) occurring in 1976. The price to be paid by AEC for its proportionate share of Units 1 and 2, determined in accordance with the foregoing formula, will be established by the parties through good faith negotiations. The price shall be sufficient to fairly reimburse Alabama Power Company for the proportionate share of its total costs related to the Units 1 and 2 including, but not limited to, all costs of construction, installation, ownership and licensing, as of a date, to be agreed to by the two parties, which fairly accommodates both their respective interests. The offer by Alabama Power Company to sell an undivided ownership interest in Units 1 and 2 may be conditioned, at Alabama Power Company's option, on the agreement by AEC to waive any right of partition of the Farley Plant and to avoid interference in the day-to-day operation of the plant.

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

DOCKET NO. 50-424

VOGTLE ELECTRIC GENERATING PLANT, UNIT 1

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. NPF-68

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the order requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to FOL No. NPF-68 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the FOL is changed as indicated in the attachment.
3. Except as otherwise noted in the letter dated October 29, 2004, relaxing the requirement of Section III.A.2 of Order EA-03-086, this administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 29, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. NPF-68

DOCKET NO. 50-424

Replace the following page of the Facility Operating License No. NPF-68 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

Remove Page

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these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," and was submitted on October 13, 2004.

F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.

G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, and submittals dated July 2, August 4 and 13, October 10 and 24, November 5, and December 19, 1986, and January 2, 1987, as approved in the SER (NUREG-1137) through Supplement 5 subject to the following provision:

Southern Nuclear may make changes to the approved fire protection program without prior approval of the Commission, only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

H. Reporting to the Commission

Except for item 2.C.(2), Southern Nuclear shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).

I. The Owners shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

DOCKET NO. 50-425

VOGTLE ELECTRIC GENERATING PLANT, UNIT 2

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. NPF-81

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. Consistent with Order EA-03-086, the order requiring compliance with the revised design basis threat, (DBT Order), issued on April 29, 2003, conforming administrative license changes to Facility Operating Licenses (FOLs) are required to ensure implementation of the DBT Order requirements. Therefore, an administrative license change to FOL No. NPF-81 is being made to incorporate the reference to the revised **Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plans** required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the FOL is changed as indicated in the attachment.
3. Except as otherwise noted in the letter dated October 29, 2004, relaxing the requirement of Section III.A.2 of Order EA-03-086, this administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 29, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. NPF-81

DOCKET NO. 50-425

Replace the following page of the Facility Operating License No. NPF-81 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

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An exemption was previously granted pursuant to 10 CFR 70.24. The exemption was granted with NRC materials license No. SNM-1981, issued July 13, 1988, and relieved GPC from the requirement of having a criticality alarm system. GPC and Southern Nuclear are hereby exempted from the criticality alarm system provision of 10 CFR 70.24 so far as this section applies to the storage of fuel assemblies held under this license.

These exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. The exemptions in items b and c above are granted pursuant to 10 CFR 50.12. With these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," and was submitted on October 13, 2004.
- F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.
- G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, as approved in the SER (NUREG-1137) through Supplement 9 subject to the following provision:
 - Southern Nuclear may make changes to the approved fire protection program without prior approval of the Commission, only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- H. Reporting to the Commission
 - Except for item 2.C.(2), Southern Nuclear shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).
- I. The Owners shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.