Southern Nuclear
Operating Company, Inc

November 20, 2009

SOUTHERN COMPANY
Energy to Serve Your World

Docket Nos.: 50-424
50-425

NL-09-1865

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

Vogtle Electric Generating Plant
Request for Schedule Exemption from 10 CFR 73.55(a)(1)
Compliance Date

Ladies and Gentlemen:

In accordance with the requirements of 10 CFR 73.5, Southern Nuclear Operating Company (SNC) requested in letter NL-09-1757 dated November 6, 2009 that the Nuclear Regulatory Commission (NRC) approve an exemption from specific requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials" for the Vogtle Electric Generating Plant (VEGP) Units 1 and 2. SNC is requesting an exemption from the March 31, 2010 compliance date specified in 10 CFR 73.55(a)(1) to September 27, 2010 as described herein. In letter NL-09-1758, SNC provided the environmental assessment for the security changes requested in the proposed exemption. SNC discussed the exemption request with the NRC on November 17, 2009 and the NRC staff requested that SNC supplement the exemption request to clarify the specific item requiring an exemption for the new requirements in the final rule. As a result of the discussion with the NRC staff, the proposed exemption request has been revised and is provided in SNC letter NL-09-1863 dated November 20, 2009. Therefore, this submittal and NL-09-1863 supersede the earlier exemption request (NL-09-1757) and the associated environmental assessment (NL-09-1758) in its entirety.

SNC requests approval of this exemption request by January 29, 2010 so that appropriate and timely actions can be taken to revise and implement the VEGP security program. The proposed exemptions are requested to be effective upon issuance.

Enclosure 1 contains the environmental assessment for the security changes requested in the proposed exemption. Enclosure 2 is the non-proprietary version of information in NL-09-1863 dated November 20, 2009 that supports the environmental assessment.

Mr. M. J. Ajluni states he is Nuclear Licensing Manager 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.

This letter contains no NRC commitments. If you have any questions, please advise.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY

M.J. Ajluni
Manager, Licensing

Sworn to and subscribed before me this 20th *day of* November, *2009.*

Patricia H. Raymond
Notary Public

My commission expires: 7-21-2012

MJA/BDM/phr

Enclosures:
1. Environmental Assessment
2. Non-Proprietary Version of Supporting Information

cc: Southern Nuclear Operating Company
Mr. J. T. Gasser, Executive Vice President
Mr. T. E. Tynan, Vice President – Vogtle
Ms. P. M. Marino, Vice President – Engineering
RType: CVC7000

U. S. Nuclear Regulatory Commission
Mr. L. A. Reyes, Regional Administrator
Ms. D. N. Wright, NRR Project Manager – Vogtle
Mr. M. Cain, Senior Resident Inspector – Vogtle

Vogtle Electric Generating Plant

Enclosure 1

Environmental Assessment

Enclosure 1
Environmental Assessment

1. Describe any change to the types, characteristics, or quantities of non-radiological effluents discharged to the environment as a result of the proposed exemption.

SNC Response

There are no expected changes in the types, characteristics, or quantities of non-radiological effluents discharged to the environment associated with the proposed exemption. This application is associated with implementation of security changes. These security changes will not result in changes to the design basis requirements for the structures, systems, and components (SSCs) at the Vogtle Electric Generating Plant (VEGP) that function to limit the release of non-radiological effluents during and following postulated accidents. All the SSCs associated with limiting the release of offsite non- radiological effluents will therefore continue to be able to perform their functions, and as a result; there is no significant non-radiological effluent impact. There are no materials or chemicals introduced into the plant that could affect the characteristics or types of non-radiological effluents. In addition, the method of operation of non-radiological waste systems will not be affected by this change.

2. Describe any changes to liquid radioactive effluents discharged as a result of the proposed implementation.

SNC Response

There are no expected changes to the liquid radioactive effluents discharged as a result of this exemption. The proposed security changes will not interact to produce any different quantity or type of radioactive material in the reactor coolant system. These security changes will not result in changes to the design basis requirements for the SSCs at the VEGP that function to limit the release of liquid radiological effluents during and following postulated accidents. All the SSCs associated with limiting the release of liquid radiological effluents will therefore continue to be able to perform their functions, and as a result, there is no significant liquid radiological effluent impact.

3. Describe any changes to gaseous radioactive effluents discharged as a result of the proposed exemption.

SNC Response

For the same reasons as described in item 2 above, this change would have no effects on the characteristics of gaseous radioactive effluents.

4. Describe any change in the type or quantity of solid radioactive waste generated as a result of the proposed exemption.

SNC Response

These security changes will not result in changes to the design basis requirements for the SSCs at the VEGP that function to limit the release of solid

waste during and following postulated accidents. All the SSCs associated with limiting the release of solid radioactive waste will therefore continue to be able to perform their function.

Radiation surveys will be performed in accordance with plant radiation protection procedures on excavated soil that could be contaminated, such as inside the protected area or radiation control areas, that will be disposed of offsite. Any contaminated soil will be handled in accordance with plant procedures. VEGP has a radiation survey program and procedures to handle any contaminated excavated soil that is inside the protected area or radiation control areas.

5. What is the expected change in occupational dose as a result of the proposed exemption under normal and design basis accident conditions?

SNC Response

Under normal power operation there would be no expected radiological impact on either the workforce or the public. There are no other expected changes in normal occupational operating doses. Control room dose is not impacted by the proposed security changes and would not impact occupational dose.

6. What is the expected change in the public dose as a result of the proposed change under normal and design basis accidents (DBA) conditions?

SNC Response

Dose to the public will not be changed by the proposed security changes during normal operations. As noted in items 2, 3 and 4 above there is no basis to contemplate an increased source of liquid, gaseous or solid radiological effluents that could contribute to increased public exposure during normal operations and DBA conditions. The proposed security changes do not impact systems used during normal operation nor systems used to detect or mitigate a DBA.

7. What is the impact to land disturbance for the proposed security changes?

SNC Response

Earth disturbance will be insignificant and will occur within previously disturbed and backfilled areas. Non-radiological environmental impact evaluations will be performed as needed per the Applicability Determination process to support the proposed security changes. Therefore, specific provisions for dealing with the inadvertent discovery of significant subsurface archaeological deposits and human remains are not required for security changes that are proposed. None of the proposed security changes are located in areas that are known to have cultural or historical significance.

Conclusion:

There is no significant radiological environmental impact associated with the proposed security changes at VEGP. These proposed changes will not affect any historical sites nor will they affect non-radiological plant effluents.

Vogtle Electric Generating Plant

Enclosure 2

Non-Proprietary Version of Supporting Information

Enclosure 2
Vogtle Electric Generating Plant
Non-Proprietary Version of Supporting Information

Southern Nuclear Operating Company (SNC) is requesting an exemption to

[redacted]

The basis for requesting an exemption from the March 31, 2010 compliance date to September 27, 2010

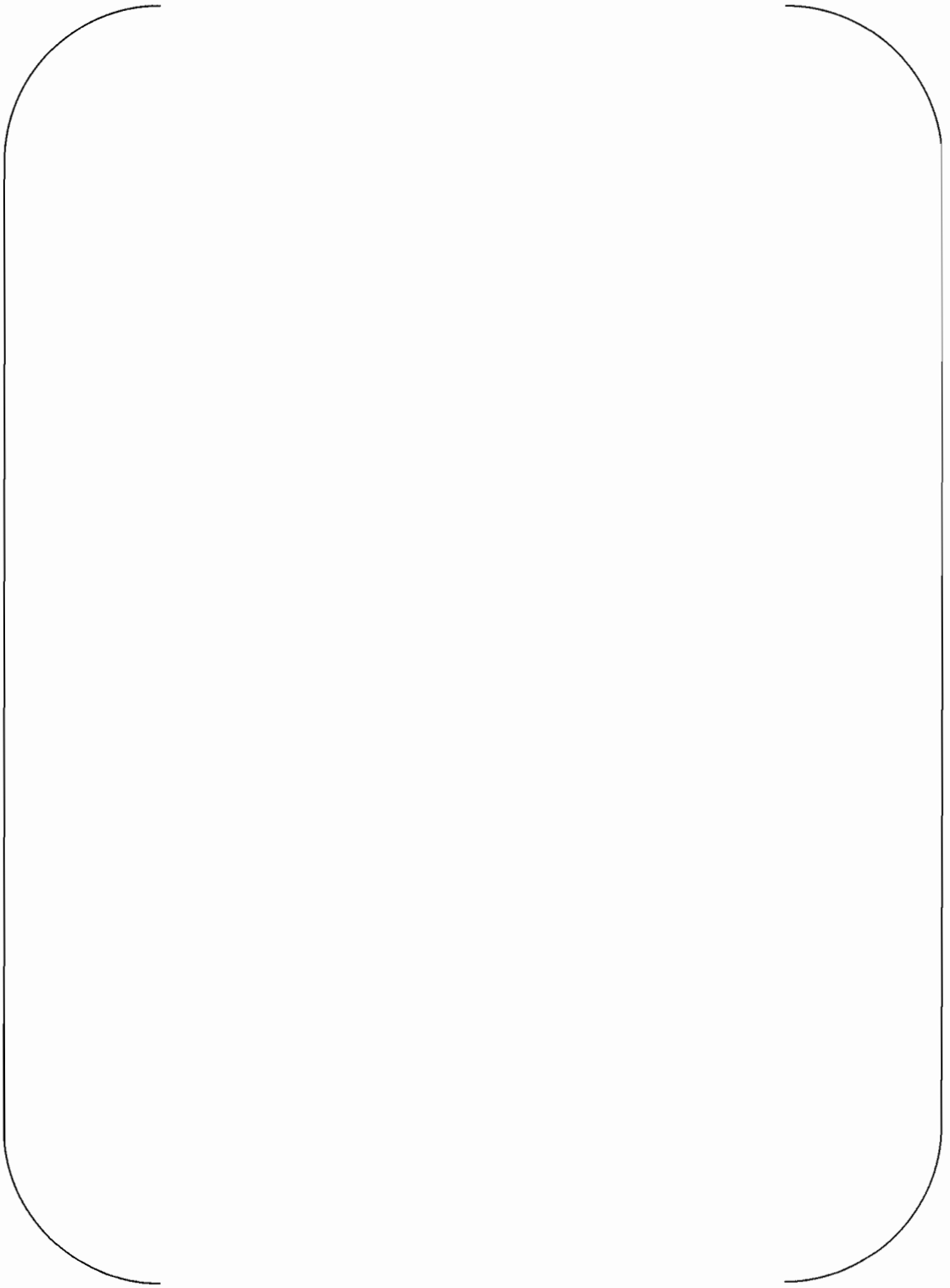
[redacted]

SNC is requesting this exemption from the compliance date specified in 10 CFR 73.55(a)(1) due to a number of issues that will present a significant challenge to timely

[redacted]

protective strategy and the new security measures that will be implemented by March 31, 2010, will continue to provide high assurance against the design basis threat of radiological sabotage during this exemption period. SNC is continuing efforts to implement the remaining new Part 73 requirements identified in the March 27, 2009 Federal Register Notice and associated Regulatory Guides completed in July 2009 by March 31, 2010.

SNC has identified an aggressive and comprehensive work scope with a cost of approximately $20 million. In addition to the [ ] the following is a description of the additional work activities currently planned to enhance the site protective strategy at VEGP.



The size and scope of the Vogtle Part 73 project adds considerable challenges when coupled with a planned refueling outage, Part 26 compliance, and other security-related site modifications. The following items impact implementation of

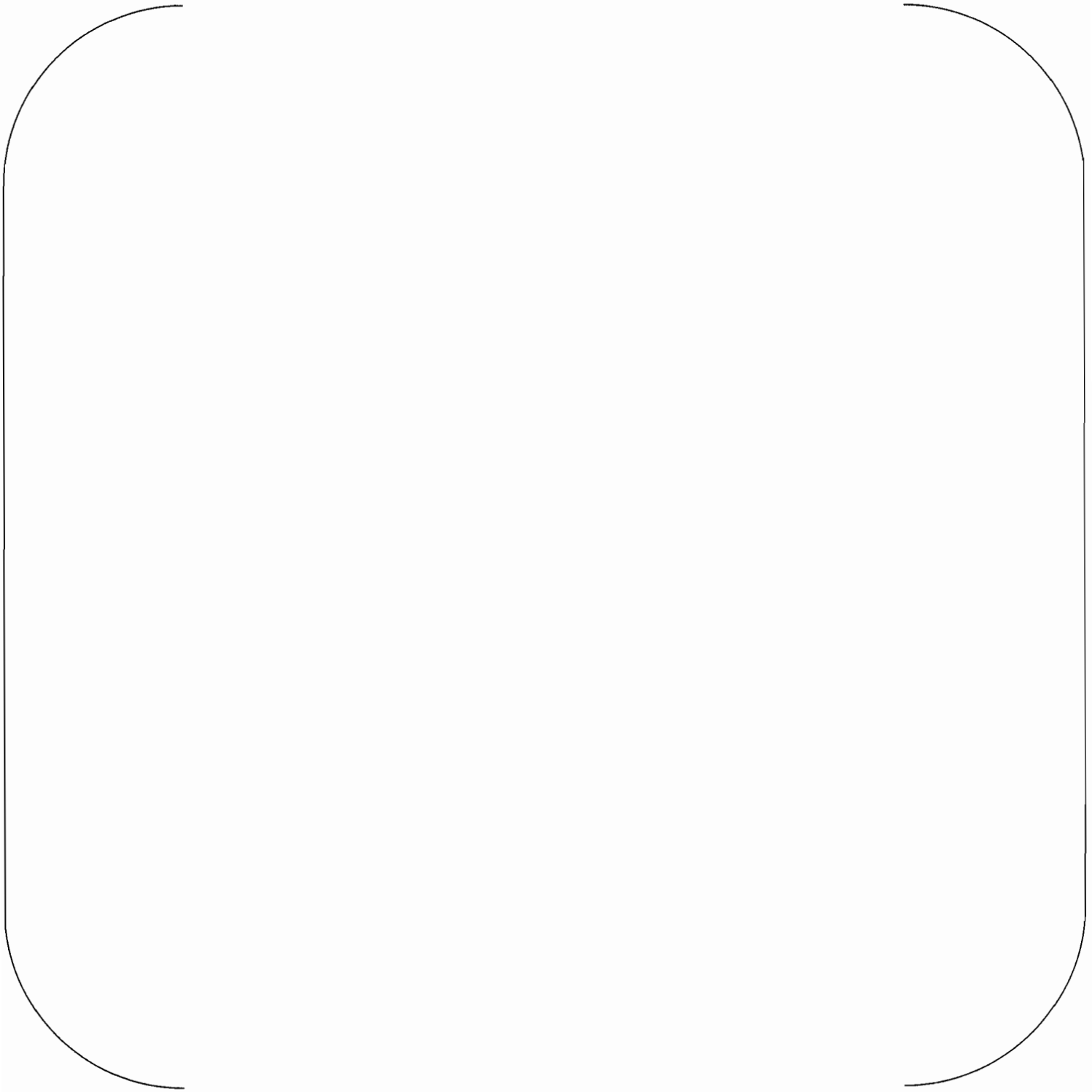
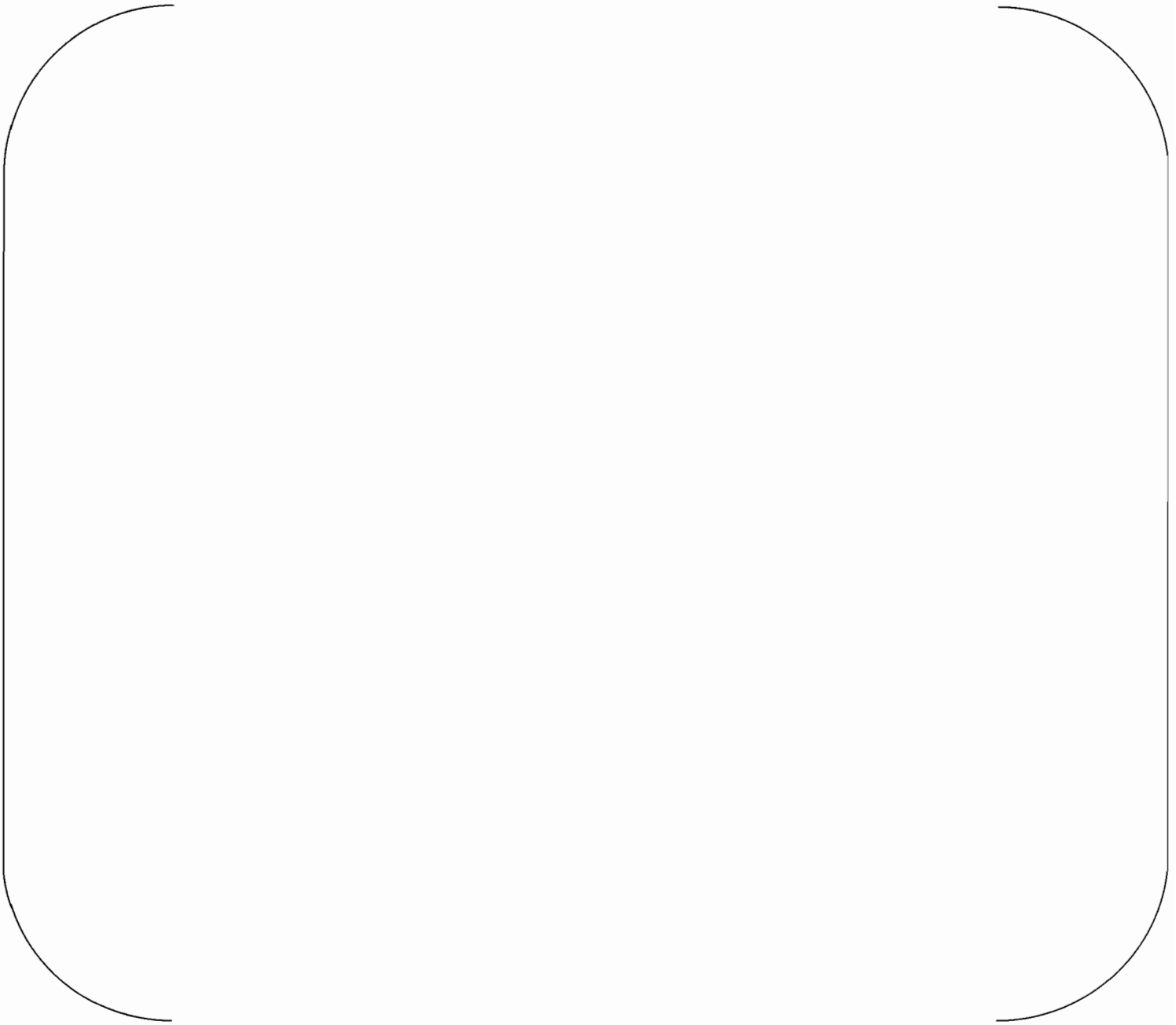
[ ]

- Design engineering has begun; however, there are details that have yet to be worked out that threaten to delay procurement and/or construction.

- The sequencing of this many activities within such a compressed time frame present a number of challenges. Many activities have to be completed in series with each other while other activities can be accomplished in parallel. In order to meet the March 31, 2010 date every sequential activity must be compressed and there is no margin to allow for late material delivery, unexpected complications due to design, construction, weather issues, unexpected plant issues that would divert manpower, etc.

- One piece of operating experience that came from implementation of the previous security orders is that decisions made within a compressed schedule to meet an aggressive deadline may meet the intent of the regulation but, since there is not adequate time to thoroughly research and evaluate all available options and considerations, they often create unintended consequences that have long-term adverse impacts on the site. Additional time for design and implementation will help to avoid adverse consequences associated with this project.

- The VEGP Unit 2 refueling outage is currently scheduled to start on [ ]. The demands of this outage will have a significant impact on the site's ability to support these major modification projects.

- Functional testing, security strategy validation, and security training must be completed prior to declaring that VEGP is in compliance with the new Part 73 requirements. To achieve best results, these activities should not be completed until after all modifications are complete.

- If this exemption is not granted and SNC can not complete the required modifications in time to meet the March 31, 2010 implementation date, additional compensatory or other alternate measures may be required. The majority of these measures would require additional security manpower that VEGP is not currently staffed to provide. This additional staffing of security officers would be extremely difficult to achieve due to the new Part 26 work hour requirements and the time required for screening, hiring, and training new security officers.