

**Southern Nuclear
Operating Company, Inc.**
42 Inverness Center Parkway
Birmingham, Alabama 35242



OCT 22 2010

Docket Nos.: 52-025
52-026

ND-10-2040

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

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Units 3 and 4 Combined License Application
Voluntary FSAR Revision to Clarify Implementation Milestones for Security Programs

Ladies and Gentlemen:

By letter dated March 28, 2008, Southern Nuclear Operating Company (SNC) submitted an application for combined licenses (COLs) for proposed Vogtle Electric Generating Plant (VEGP) Units 3 and 4 to the U.S. Nuclear Regulatory Commission (NRC) for two Westinghouse AP1000 reactor plants, in accordance with 10 CFR Part 52. During the NRC's detailed review of this application, the NRC requested a clarification regarding the security program and cyber security program implementation requirements presented in COL Application Part 2, Final Safety Analysis Report (FSAR), Table 13.4-201. The NRC's request was provided during a public conference call on September 30, 2010. The enclosure to this letter summarizes the NRC's request and provides the SNC response to this request.

This letter identifies changes that will be made to a future revision of the VEGP Units 3 and 4 Combined License Application (COLA).

If you have any questions regarding this letter, please contact Mr. Wes Sparkman at (205) 992-5061 or Ms. Amy Aughtman at (205) 992-5805.

Do92
NRD

Mr. C. R. Pierce states he the AP1000 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.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY

Charles R. Pierce

C. R. Pierce

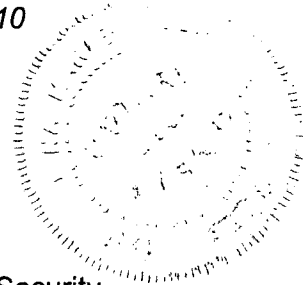
Sworn to and subscribed before me this 22nd day of October, 2010

Notary Public: Dana Marie Williams

My commission expires: December 29, 2010

CRP/BJs

Enclosure: Revision to R-COLA FSAR Related to Security Program and Cyber Security
Program Implementation Requirements



cc: Southern Nuclear Operating Company

Mr. J. H. Miller, III, President and CEO (w/o enclosure)
Mr. J. A. Miller, Executive Vice President, Nuclear Development (w/o enclosure)
Mr. J. T. Gasser, Executive Vice President, Nuclear Operations (w/o enclosure)
Mr. D. H. Jones, Site Vice President, Vogtle 3 & 4 (w/o enclosure)
Mr. B. L. Ivey, Vice President, Nuclear Development Support (w/o enclosure)
Mr. T. E. Tynan, Vice President - Vogtle (w/o enclosure)
Mr. M. K. Smith, Technical Support Director (w/o enclosure)
Mr. D. M. Lloyd, Vogtle 3 & 4 Project Support Director (w/o enclosure)
Mr. M. J. Ajluni, Nuclear Licensing Manager
Mr. T. C. Moorer, Manager, Environmental Affairs, Chemistry and Rad. Services
Mr. J. D. Williams, Vogtle 3 & 4 Site Support Manager
Mr. J. T. Davis, Vogtle 3 & 4 Site Licensing Supervisor
Mr. W. A. Sparkman, COL Project Engineer
Ms. A. G. Aughtman, Lead AP1000 Licensing Project Engineer
Document Services RTYPE: COR0507-03
File AR.01.02.06

Nuclear Regulatory Commission

Mr. L. A. Reyes, Region II Administrator
Mr. F. M. Akstulewicz, Deputy Director Div. of Safety Systems & Risk Assess. (w/o encl.)
Mr. R. G. Joshi, Lead Project Manager of New Reactors
Ms. T. E. Simms, Project Manager of New Reactors
Mr. B. C. Anderson, Project Manager of New Reactors
Mr. M. M. Comar, Project Manager of New Reactors
Ms. S. Goetz, Project Manager of New Reactors
Mr. J. M. Sebrosky, Project Manager of New Reactors
Mr. D. C. Habib, Project Manager of New Reactors
Ms. D. L. McGovern, Project Manager of New Reactors
Ms. T. L. Spicher, Project Manager of New Reactors
Ms. M. A. Sutton, Environmental Project Manager
Mr. M. D. Notich, Environmental Project Manager
Mr. L. M. Cain, Senior Resident Inspector of VEGP 1 & 2
Mr. J. D. Fuller, Senior Resident Inspector of VEGP 3 & 4

Georgia Power Company

Mr. T. W. Yelverton, Nuclear Development Director
Ms. A. N. Faulk, Nuclear Regulatory Affairs Manager

Oglethorpe Power Corporation

Mr. M. W. Price, Executive Vice President and Chief Operating Officer
Mr. K. T. Haynes, Director of Contracts and Regulatory Oversight

Municipal Electric Authority of Georgia

Mr. J. E. Fuller, Senior Vice President, Chief Financial Officer
Mr. S. M. Jackson, Vice President, Power Supply

Dalton Utilities

Mr. D. Cope, President and Chief Executive Officer

Bechtel Power Corporation

Mr. J. S. Prebula, Project Engineer (w/o enclosure)
Mr. R. W. Prunty, Licensing Engineer

Tetra Tech NUS, Inc.

Ms. K. K. Patterson, Project Manager

Shaw Stone & Webster, Inc.

Mr. B. Davis, Vogtle Project Manager (w/o enclosure)
Mr. J. M. Oddo, Licensing Manager

Westinghouse Electric Company, LLC

Mr. S. D. Rupprecht, Vice President, New Plant Product Services (w/o enclosure)
Mr. R. J. Buechel, Consortium Project Director Vogtle Units 3 & 4 (w/o enclosure)
Mr. R. F. Ziesing, Director, US Licensing, NPP
Mr. S. A. Bradley, Vogtle Project Licensing Manager
Mr. M. A. Melton, Manager, Regulatory Interfaces
Mr. D. A. Lindgren, Principal Engineer, AP1000 Licensing and Customer Interface

NuStart Energy

Mr. R. J. Grumbir
Mr. E. R. Grant
Mr. P. S. Hastings
Mr. B. Hirmanpour
Mr. N. Haggerty
Ms. K. N. Slays

Other NuStart Energy Associates

Ms. M. C. Kray, NuStart
Mr. S. P. Frantz, Morgan Lewis
Mr. J. A. Bailey, TVA
Ms. A. L. Sterdis, TVA
Mr. M. Vidard, EDF
Mr. W. Maher, FP&L
Mr. K. Hughey, Entergy
Mr. N. T. Simms, Duke Energy
Mr. G. A. Zinke, NuStart & Entergy
Mr. R. H. Kitchen, PGN
Ms. A. M. Monroe, SCE&G
Mr. T. Miller, DOE/PM

Southern Nuclear Operating Company

ND-10-2040

Enclosure

Revision to R-COLA FSAR

**Related to Security Program and Cyber Security Program
Implementation Requirements**

eRAI Tracking No: 4466

NuStart Qb Tracking No. 4236

NRC RAI Number: n/a

During a public conference call on September 30, 2010, NRC staff expressed some concerns regarding certain operational program implementation requirements, as presented in COLA Part 2, FSAR, Table 13.4-201, "Operational Programs Required by NRC Regulations." The staff noted that for those operational programs whose implementation is addressed by regulations, a license condition is not necessary to reiterate the implementation requirements. Accordingly, if a license condition is not necessary to address the implementation requirements for any such operational requirements, then the Implementation Requirement column in Table 13.4-201 for these programs should cite the regulation that specifies the applicable implementation requirement. The staff indicated that because the milestone for implementation of the Security and Cyber Security Programs is specified in 10 CFR Part 73, they do not expect to include these programs in the combined license (COL) license conditions. The applicant was requested to consider changes to the Implementation Requirement column of COLA Part 2, FSAR Table 13.4-201 to reflect this expectation. In addition, the applicant was requested to consider changes to the Security Program source requirements in Table 13.4-201.

SNC Response:

Paragraph 73.55(a)(4) of Title 10 of the Code of Federal Regulations requires that COL applicants implement the requirements of Section 73.55 before fuel is allowed onsite (protected area). Because this regulation clearly defines the implementation milestone for the security program and cyber security program, the Implementation Requirement column of FSAR Table 13.4-201 will be changed to cite 10 CFR 73.55(a)(4) in lieu of License Condition. It is the applicant's understanding that no changes are needed to the proposed license conditions in COLA Part 10, because the NRC staff's development of license conditions is primarily informed by regulations rather than the proposed information provided by the applicants.

The "Program Source (Required by)" column of Table 13.4-201 will be revised by:

- 1) Replacing citations to 10 CFR 50.34 with the following citations:
 - 10 CFR 73.55(b) for the Physical Security Program
 - 10 CFR 73.55(k) for the Safeguards Contingency Program
 - 10 CFR 73.55(d)(3) for the Training and Qualification Program; and
- 2) Adding references to 10 CFR 73.55(c)(3), (4), (5), and (6) for the security plans that correspond to the Physical Security Program, Training and Qualification Program, Safeguards Contingency Program, and Cyber Security Program, respectively.

In addition, the citation to 10 CFR 73.54 as the Cyber Security Program Source will be revised to identify 10 CFR 73.54(b) and 10 CFR 73.55(b)(8) as the source of the requirement to implement the cyber security program.

The changes identified in the COL Application Revisions section below will be included in a future COLA revision.

This response is expected to be STANDARD for the S-COLAs.

Associated VEGP COL Application Revisions:

1. COLA Part 2, FSAR, Chapter 13, Section 13.4, Table 13.4-201, item 15, Security Program, will be revised from:

Item	Program Title	Program Source (Required by)	FSAR Section	Implementation	
				Milestone	Requirement
15.	Security Program	10 CFR 50.34(c);			
	Physical Security Program	10 CFR 73.55; 10 CFR 73.56; 10 CFR 73.57;	13.6	Prior to receipt of fuel onsite (protected area)	License Condition
	(portions applicable to radioactive material)	10 CFR 30.34 10 CFR 40.41 10 CFR 73.1		Prior to initial receipt of byproduct, source, or special nuclear materials (excluding Exempt Quantities as described in 10 CFR 30.18)	10 CFR 30.32(a) 10 CFR 40.31(a) 10 CFR 73.1(a)
	Safeguards Contingency Program	10 CFR 50.34(d) 10 CFR Part 73, Appendix C	13.6	Prior to receipt of fuel onsite (protected area)	License Condition
	Training and Qualification Program	10 CFR Part 73, Appendix B	13.6	Prior to receipt of fuel onsite (protected area)	License Condition

To read:

Item	Program Title	Program Source (Required by)	FSAR Section	Implementation	
				Milestone	Requirement
15.	Security Program				
	Physical Security Program	10 CFR 73.55(b); 10 CFR 73.55(c)(3); 10 CFR 73.56; 10 CFR 73.57;	13.6	Prior to receipt of fuel onsite (protected area)	10 CFR 73.55(a)(4)
	(portions applicable to radioactive material)	10 CFR 30.34 10 CFR 40.41 10 CFR 73.1		Prior to initial receipt of byproduct, source, or special nuclear materials (excluding Exempt Quantities as described in 10 CFR 30.18)	10 CFR 30.32(a) 10 CFR 40.31(a) 10 CFR 73.1(a)

ND-10-2040
Enclosure
Security Program Implementation Clarifications

Safeguards Contingency Program	10 CFR 73.55(c)(5); 13.6 10 CFR 73.55(k); 10 CFR Part 73, Appendix C	Prior to receipt of fuel onsite (protected area)	10 CFR 73.55(a)(4)
--------------------------------	---	--	--------------------

Training and Qualification Program	10 CFR 73.55(c)(4); 13.6 10 CFR 73.55(d)(3); 10 CFR Part 73, Appendix B	Prior to receipt of fuel onsite (protected area)	10 CFR 73.55(a)(4)
------------------------------------	--	--	--------------------

2. COLA Part 2, FSAR, Chapter 13, Section 13.4, Table 13.4-201, item 21, Cyber Security Program, will be revised from:

Item	Program Title	Program Source (Required by)	FSAR Section	Implementation	
				Milestone	Requirement
21.	Cyber Security Program	10 CFR 73.54	13.6	Prior to receipt of fuel onsite (protected area)	License Condition

To read:

Item	Program Title	Program Source (Required by)	FSAR Section	Implementation	
				Milestone	Requirement
21.	Cyber Security Program	10 CFR 73.54(b); 10 CFR 73.55(b)(8); 10 CFR 73.55(c)(6)	13.6	Prior to receipt of fuel onsite (protected area)	10 CFR 73.55(a)(4)

ASSOCIATED ATTACHMENTS/ENCLOSURES:

None.