

November 05, 2021

Docket Nos.: 52-025
52-026

ND-21-0991
10 CFR 26.9
10 CFR 26.3

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

**Southern Nuclear Operating Company
Vogtle Electric Generating Plant Units 3 and 4
Request for Exemption:
Applicability of 10 CFR 26.3, Scope, Until Initial Fuel Load**

Ladies and Gentlemen:

In accordance with the provisions of Title 10 of the Code of Federal Regulations (CFR), 10 CFR 26.9, *Specific Exemptions*, Southern Nuclear Operating Company (SNC), as a Combined License (COL) holder under 10 CFR Part 52, hereby requests an exemption from the requirements of 10 CFR 26.3(a) and 10 CFR 26.3(c)(2), as applicable to Vogtle Electric Generating Plant (VEGP) Unit 3 (License Number NPF-91) and Unit 4 (License Number NPF-92). Specifically, 10 CFR 26.3(a) imposes Regulations applicable after the Commission has made the finding under 10 CFR 52.103(g) and 10 CFR 26.3(c) imposes Regulations applicable before the Commission has made the finding under 10 CFR 52.103(g). The proposed exemption from the schedule milestones of 10 CFR 26.3(a) and (c) would allow SNC to apply the change in requirements based on initial loading of fuel into the reactor core rather than the 10 CFR 52.103(g) milestone.

During the window between the 10 CFR 52.103(g) finding and initial fuel loading into the reactor vessel, this exemption is necessary to allow VEGP Unit 3 and Unit 4 personnel to continue to utilize the options provided in 10 CFR 26, Subpart K—FFD Programs for Construction as allowed by 10 CFR 26.3(c).

The exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest.

A pre-submittal meeting was held on November 04, 2021 with the NRC staff on the proposed exemption request (ADAMS No. ML21307A049).

The Enclosure to this letter provides the background and supporting basis for the requested exemption.

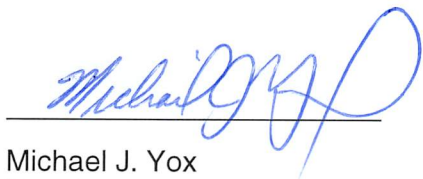
This letter contains no regulatory commitments. This letter has been reviewed and determined not to contain security-related information.

SNC requests NRC staff approval of the exemption by December 20, 2021, to avoid unnecessarily transitioning from construction fitness-for-duty (FFD) program (per 10 CFR Part 26 Subpart K) to the operational FFD program prior to the scheduled 10 CFR 52.103(g) finding by the NRC. Delayed approval of this exemption could result in the premature implementation of labor and other resources to implement the operational FFD program prior to the actual need date.

Should you have any questions, please contact Mr. Steve Leighty at (706) 848-6790.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 5th day of November 2021.

Respectfully submitted,



Michael J. Yox
Regulatory Affairs Director Vogtle 3&4

MJY/sfr

Enclosure: Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Exemption Request:
Applicability of 10 CFR 26.3, Scope, Until Initial Fuel Load

cc:

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