



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 21, 2021

Mr. Brian H. Whitley
Director Regulatory Affairs
Southern Nuclear Operating Company Inc.
3535 Colonnade Parkway, Bin N-226-EC
Birmingham, AL 35243

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 — EXEMPTION
FROM SCHEDULE MILESTONES FOR CERTAIN FITNESS FOR DUTY
PROGRAM REQUIREMENTS OF 10 CFR 26.3 (EPID L-2021-LLE-0051)

Dear Mr. Whitley:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has granted the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 26.3, "Scope," paragraphs (a), and (c)(2), for Vogtle Electric Generating Plant (VEGP) Units 3 and 4. This action is in response to Southern Nuclear Operating Company, Inc.'s letter dated November 5, 2021, as supplemented by letter dated November 21, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML21309A546 and ML21316A255, respectively).

Specifically, 10 CFR 26.3(a) requires, in part, holders of a combined license (COL) under 10 CFR Part 52, after the Commission has made the 10 CFR 52.103(g) finding to implement the requirements of 10 CFR Part 26, except Subpart K, and implement a fitness for duty program before the receipt of special nuclear material in the form of fuel assemblies. In addition, 10 CFR 26.3(c)(2) requires COL holders, before the Commission has made the finding under 10 CFR 52.103(g), must, before the receipt of special nuclear material in the form of fuel assemblies, shall comply with the requirements of 10 CFR Part 26, except Subpart I, no later than the receipt of special nuclear fuel in the form of fuel assemblies. The 10 CFR 52.103(g) finding is a determination made by the NRC that all the acceptance criteria in the COL are met, after which the licensee may load fuel and begin operation in accordance with the conditions of the license.

This exemption authorizes VEGP Units 3 and 4 to implement the requirements of 10 CFR 26.3(a) and (c) for each unit until after the Commission makes its finding under 10 CFR 52.103(g) for the unit but before initial fuel load for that unit. The exemption, for Units 3 and 4, is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. The exemption is effective immediately.

B. Whitley

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A copy of the exemption is enclosed. The exemption has been forwarded to the Office of the *Federal Register* for publication.

Sincerely,

/RA/

William (Billy) Gleaves, Senior Project Manager
Vogtle Project Office
Office of Nuclear Reactor Regulation

Docket Nos.: 52-025
52-026

Enclosure:
Exemption

cc: Listserv

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NRO-008

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