



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

November 22, 2021

MEMORANDUM TO: Victor E. Hall, Chief
Vogtle Project Office
Office of Nuclear Reactor Regulation

FROM: Cayetano Santos Jr., Senior Project Manager
Vogtle Project Office
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF A PUBLIC MEETING WITH SOUTHERN NUCLEAR
OPERATING COMPANY ON NOVEMBER 4, 2021

Cayetano Santos Jr.

Signed by Santos, C
on 11/22/21

The U.S. Nuclear Regulatory Commission (NRC) staff held a public observation meeting with Southern Nuclear Operating Company (SNC) on November 4, 2021. The purpose of the meeting was to discuss (1) the exemption request for the Physical Protection Program and Access Authorization Program implementation and (2) the draft exemption request regarding the applicability of Title 10 of the *Code of Federal Regulations* (10 CFR) 26.3, "Scope," until initial fuel load.

The meeting notice can be found in the Agencywide Documents Access and Management System (ADAMS) Accession No. ML21307A049. The meeting notice was also posted on the NRC public website. Enclosures 1 and 2 are the meeting agenda and attendance list for the meeting, respectively. The documents referenced during the discussion can be found at the ADAMS Accession Nos. given below:

Request for Exemption: Physical Protection Program and Access Authorization Program Implementation	ML21305B797
Draft Request for Exemption: Applicability of 10 CFR 26.3, Scope, Until Initial Fuel Load	ML21306A002

CONTACT: C. Santos, NRR/VPO
(301) 415-7270

Meeting Summary

On November 4, 2021, NRC staff held an observation public meeting with SNC to discuss (1) the exemption request for the Physical Protection Program and Access Authorization Program implementation and (2) the draft exemption request regarding the applicability of 10 CFR Part 26, "Fitness for Duty Programs," Section 26.3, "Scope," until initial fuel load.

Topic 1

The first topic was a discussion of SNC's November 1, 2021 formal submittal of an exemption request for the Physical Protection Program and Access Authorization Program implementation (ADAMS Accession No. ML21305B797). SNC staff described the changes made to the exemption request following the October 28, 2021, pre-submittal meeting on the same topic (ADAMS Accession No. ML21305B797). SNC considered and addressed comments and feedback provided by NRC staff during that pre-submittal meeting. There were no additional comments or questions from the NRC staff during the November 4th meeting.

At the conclusion of the discussion, there was an opportunity for the public to provide comments and ask questions. There were no comments or questions from the public.

Topic 2

The second topic was a pre-submittal discussion of SNC's draft request for an exemption from certain requirements of 10 CFR 26.3, "Scope," to delay implementation of a full fitness for duty (FFD) program, that implements all 10 CFR Part 26 requirements, except Subpart K, "FFD Programs for Construction," until initial fuel load into the reactor vessel. The purpose of this discussion was for SNC to discuss its draft exemption, which was provided in advance of the meeting. SNC staff described the draft exemption request (ADAMS Accession No. ML21306A002). 10 CFR 26.3, in part, defines when the various portions of 10 CFR Part 26, "Fitness for Duty Programs," should be implemented relative to the Commission's 10 CFR 52.103(g) finding that all the acceptance criteria in the combined license are met, except for those acceptance criteria that the Commission found were met under § 52.97(a)(2), after which SNC may load fuel and begin operation in accordance with the conditions of the license. SNC plans to request this exemption so that 10 CFR Part 26, Subpart K, may continue to be used during the period between the 10 CFR 52.103(g) finding and the licensee's initial loading of fuel into the reactor vessel. The draft exemption, if approved, would permit transition to a full FFD program based on initial fuel load, instead of the 10 CFR 52.103(g) finding, as stated in the rule.

Below is a summary of the general comment and discussions:

- SNC cites the NRC regulatory basis document titled, "Alignment of Licensing Process and Lessons Learned from New Reactor Licensing," (ADAMS Accession No. ML20149K680) as part of the justification for the draft exemption. The NRC staff noted that there are minor differences between the language suggested in this regulatory basis document and the language in the draft exemption request, and the NRC staff would consider this difference as part of its detailed technical review.
- The NRC staff noted that the majority of the justification for the draft exemption request is based on a generic assessment described in the NRC regulatory basis document.

- The NRC staff prepared this regulatory basis document to support a possible proposed rule, but this proposed rule has not yet been prepared. The NRC asked what Vogtle-specific justification could be provided. SNC stated that they would consider revising the draft exemption request to include more specific justification.
- The NRC staff noted that Subpart K is the construction FFD program and that “construction” is defined in the regulations. The NRC staff asked about activities that occur after the 10 CFR 103(g) finding and how the regulatory requirements would impact those activities. Specifically, the NRC staff asked if the exemption were approved, would a gap be created such that activities which should be addressed by FFD program requirements would not be addressed. SNC staff stated that granting the exemption would not create any gaps in coverage by a FFD program because there would effectively be no change from what is currently being done in accordance with 10 CFR Part 26, Subpart K, and other requirements. Personnel at the site who are required to be covered by an FFD program will continue to be covered by either the Subpart K FFD program or other FFD program requirements contained in 10 CFR Part 26. SNC stated that they would consider adding additional discussion in the exemption request.
- The NRC staff noted that the draft exemption request states there is an “unnecessary burden and cost” with meeting existing requirements, but no specific information is provided. SNC staff explained that, if the exemption is not approved, additional administrative tasks such as background investigations, criminal history checks, and psychological evaluations would need to be performed for Subpart K workers following the 10 CFR 52.103(g) finding. The NRC staff commented that including this information in the submittal explicitly could be helpful in justifying that the exemption is in the public interest.
- The NRC staff asked when SNC plans to submit the exemption request and when SNC would need NRC’s decision. SNC stated that revision of the draft exemption request would be necessary and that they plan to submit the final version by Monday, November 8, 2021, with a requested completion date of approximately December 20, 2021. The NRC staff suggested holding another public meeting on Wednesday November 10, 2021, to continue discussions of this topic. SNC stated that it would be willing to support a future meeting.

At the conclusion of the discussion, there was an opportunity for the public to provide comments and ask questions. There were no comments or questions from the public.

Docket No.: 52-025
52-026

Enclosures:
As stated

cc w/encls: See next page

SUBJECT: SUMMARY OF A PUBLIC MEETING WITH SOUTHERN NUCLEAR
OPERATING COMPANY ON NOVEMBER 4, 2021
DATED: NOVEMBER 22, 2021

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NRR-106

OFFICE	PM: NRR/VPO	LA: NRR/VPO	BC: NSIR/DPCP/RSB
NAME	CSantos	RButler	ABowers
DATE	11/12/21	11/17/21	11/22/21
OFFICE	BC: NRR/DRO/IOLB	BC: NRR/VPO	PM: NRR/VPO
NAME	BGreen	VHall	CSantos
DATE	11/22/21	11/22/21	11/22/21

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**AGENDA FOR PUBLIC MEETING
U.S. NUCLEAR REGULATORY COMMISSION
Thursday, November 4, 2021
Teleconference
9:00 a.m. – 11:00 a.m.**

PURPOSE: To discuss issues associated with the safety review of licensing actions for Southern Nuclear Operating Company's (SNC) Vogtle Electric Generating Plant (VEGP) Units 3 and 4.

Time	Topic	Led By
9:00 a.m.	Opening Remarks and Introductions	NRC
9:05 a.m. – 9:30 a.m. 9:30 a.m. – 10:30 a.m.	Discussion of Identified Topics <ul style="list-style-type: none"> • Request for Exemption: Physical Protection Program and Access Authorization Program Implementation • Draft Request for Exemption: Applicability of 10 CFR 26.3, Scope, Until Initial Fuel Load Opportunity for Public Comment Following each Topic	NRC/SNC NRC/Public
10:30 a.m.	Open Portion Concludes	NRC
10:30 a.m. – 11:00 a.m.	Closed Portion of Meeting (If needed)	NRC/SNC
11:00 a.m.	Adjourn	NRC

PUBLIC MEETING
U.S. NUCLEAR REGULATORY COMMISSION
Thursday, November 4, 2021
List of Attendees

Name	Organization
Cayetano (Tanny) Santos Victor Hall William (Billy) Gleaves Greg Bowman Garry Armstrong Michael Webb Chandu Patel James Gaslevic Justin Vazquez Philip McKenna Ed Miller Alissa Neuhausen David Desaulniers	NRC/Office of Nuclear Reactor Regulation
Niry Simonian Pete Lee Paul Harris	NRC/Office of Nuclear Security and Incident Response
Michael Spencer Norman St. Amour	NRC/Office of the General Counsel
Steve Leighty Nick Kellenberger Neil Haggerty Dan Williamson Jason Weathersby Stephanie Agee Keith Dorsey Mike Long Mitch Hillis Cheree Montgomery Lisa Pritchett Kelli Roberts Tina St. Pierre	Southern Nuclear Operating Company
None identified	Members of the Public

Note: All participated via teleconference.