NUCLEAR REGULATORY COMMISSION

Docket Nos. 52-025 and 52-026

Southern Nuclear Operating Company

Vogtle Electric Generating Plant, Units 3 and 4

Exemptions

I. Background.

Southern Nuclear Operating Company (SNC, the licensee) is the holder of Combined License Nos. NPF-91 and NPF-92 for the Vogtle Electric Generating Plant (Vogtle), Units 3 and 4, respectively. The licenses state, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. These facilities consist of two pressurized-water reactors located at the licensee's site in Burke County, Georgia, respectively.

On July 17, 2024, NRC issued a final rule incorporating by reference Regulatory Guide (RG) 1.147, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," Revision 21 (Agencywide Documents Access and Management System (ADAMS), Accession No. ML23291A003), into Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a(3)(ii) (89 FR 58039). This RG determined American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section XI (ASME BPV XI) Code Case N-921, "Alternative 12-yr Inspection Interval Duration, Section XI, Division 1," to be conditionally acceptable. This code case allows NRC licensees to implement an inservice inspection (ISI) program based upon a 12-year ISI interval, as

opposed to the traditional 10-year ISI interval required by ASME BPV XI, Article IWA-2431. RG 1.147, Revision 21, specifies four conditions on Code Case N-921. Condition 2 states, “This code case can only be implemented at the beginning of an ISI interval as part of a routine update of the ISI program.” The July 17, 2024, final rule also added 10 CFR 50.55a(y), which includes a definition for the term “inservice inspection interval.” This definition, in part, specifies that the length of the ISI interval is described in ASME BPV XI, Article IWA-2431.

II. Action.

By application dated April 27, 2026 (ML26117A373), the licensee, pursuant to 10 CFR 50.12, “Specific exemptions,” requested exemptions from certain requirements of 10 CFR 50.55a(a)(3)(ii) and 10 CFR 50.55a(y) to allow the use of Code Case N-921 after the start dates of the first ISI interval at Vogtle, Units 3 and 4, which is not in accordance with Condition 2 on Code Case N-921, as specified in RG 1.147, Revision 21. The first ISI interval at Vogtle, Units 3 and 4, began on July 31, 2023, and April 29, 2024, respectively. The end of the current 10-year first ISI interval is July 30, 2033, and April 28, 2034, for Vogtle, Units 3 and 4, respectively. The end of the proposed 12-year first ISI interval is July 30, 2035, and April 28, 2036, for Vogtle, Units 3 and 4, respectively. The licensee stated that the ASME Section XI Code of Record for the Vogtle, Units 3 and 4, first ISI Interval is the 2019 Edition. The licensee stated that the Vogtle, Units 3 and 4, augmented inspection examination schedules will remain unchanged. The licensee also stated that the exceptions of IWB-2411(a), IWC-2411(a) and IWD-2411(a) will be applied to Table 1 of Code Case N-921 when implemented.

III. Discussion.

Pursuant to 10 CFR 50.12(a), the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of

10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security and (2) special circumstances are present. Under 10 CFR 50.12(a)(2), special circumstances are present when at least one of the following six conditions are met:

(i) Application of the regulation in the particular circumstances conflicts with other rules or requirements of the Commission; or

(ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or

(iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated; or

(iv) The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption; or

(v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation; or

(vi) There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

A. The Exemptions are Authorized by Law

The exemptions would authorize exemption from certain requirements of 10 CFR 50.55a(a)(3)(ii) and 10 CFR 50.55a(y) to allow the use of Code Case N-921, after the

start dates of the first ISI interval at Vogtle, Units 3 and 4. As stated, 10 CFR 50.12(a) allows the NRC to grant an exemption from the requirements of 10 CFR part 50, including 10 CFR 50.55a(a)(3)(ii) and 10 CFR 50.55a(y), when the exemption is authorized by law. Exemption is authorized by law where it is not expressly prohibited by statute or regulation. Proposed exemptions are implicitly authorized by law if it will not present an undue risk to public health and safety, is consistent with the common defense and security, and special circumstances are present, and no other provisions in law prohibit, or otherwise restrict, its application. The NRC staff has determined that no provisions in law expressly prohibit or otherwise restrict the application of the requested exemptions. The NRC staff has also determined, as explained below, that the requested exemptions will not present an undue risk to public health and safety, is consistent with the common defense and security, and special circumstances are present. Therefore, the NRC staff concludes that the exemptions are authorized by law.

B. The Exemptions Present No Undue Risk to Public Health and Safety

These exemptions would allow the licensee to implement Code Case N-921 after the start dates of the first ISI interval at Vogtle, Units 3 and 4. The first interval for Vogtle, Unit 3, began July 31, 2023 and on April 29, 2024 for Vogle, Unit 4. The action does not change the manner in which the plant operates and maintains public health and safety because the exemptions do not result in a change to the facility or the current operating license. The licensee stated that extending the ISI interval by two years does not impact the technical basis supporting any of the currently authorized 10 CFR 50.55a alternatives and does not create any particular challenge in reconciling the ISI inspection schedules to conform with the three four-year periods specified in Code Case N-921. Accordingly, the NRC staff reviewed the alternatives listed in Attachment 2 of the licensee’s exemption request dated April 27, 2026, for ISI interval-related impacts and

identified several common themes in these alternatives and evaluated the alternatives as described below.

The NRC noted that the following previously authorized alternatives/relief requests were based on a 10-year ISI interval for which SNC performed a review, as described in the letter dated April 27, 2026, and assessed the impact of extending the interval by 2 years to implement Code Case N-921 on the technical basis supporting each alternative.

- VEGP 3&4- PSI/ISI-ALT-06 – April 25, 2019 (ML19087A173)
- VEGP 3&4- PSI/ISI-ALT-08 – March 26, 2018 (ML18071A359)
- VEGP 3&4- PSI/ISI-ALT-14R1 – September 17, 2020 (ML20147A663)
- VEGP 3&4- PSI-ISI-ALT-15R1 – April 9, 2021 (ML21090A247)
- VEGP 3&4- ISI-ALT-17 – April 14, 2023 (Package, ML23095A284)
- VEGP 3&4- ISI1-ALT-18 – May 4, 2023 (Package, ML23109A067)
- VEGP 3&4- ISI-ALT-2025-01 – July 24, 2025 (ML25196A297)

Alternatives with No ISI Interval Relationship

NRC staff noted that the results of SNC's assessment determined that there is no impact on the technical basis supporting any of the previously approved alternatives. For example, the previously approved alternatives approved include: inspection of the pipe base material and weld from the pipe side in lieu of a volumetric inspection; use of alternative counterbore configurations on weld joints; alternative flaw acceptance criteria; reduced coverage due to inaccessibility; visual inspection in lieu of volumetric sections for inner radius sections of specific reactor vessel nozzles; and utilization of a later edition of the ASME Code, Section XI. Therefore, the NRC staff's basis for approving the previously approved alternatives listed above are not impacted by extending the length of the ISI interval to 12 years.

Based on its review of the licensee's analysis of alternatives in Enclosure 2 of the exemption request, dated April 27, 2026, the NRC staff concludes that the exemptions would not result in any significant reduction in the effectiveness of the ISI programs implemented by the licensee at Vogtle, Units 3 and 4. Further, based on the above, the NRC staff concludes that the exemptions would not present an undue risk to the public health and safety.

C. The Exemptions are Consistent with the Common Defense and Security

The requested exemptions would allow the licensee to implement Code Case N-921 after the start dates of the first ISI interval at Vogtle, Units 3 and 4. The change is administrative in nature, adequately controlled by the ISI Program criteria and ASME Code requirements and is not related to security issues. The length of the ISI interval is also not related to security issues. Thus, NRC staff determined that the common defense and security is not impacted by this exemption, and, therefore, the exemptions are consistent with the common defense and security.

D. Special Circumstances

The regulation under 10 CFR 50.12(a)(2) states, in part, that "[t]he Commission will not consider granting an exemption unless special circumstances are present," and describes, in 10 CFR 50.12(a)(2)(i) – (vi), the conditions under which special circumstances exist.

In the licensee's exemption request submittal dated April 27, 2026, the licensee stated that three of the six special circumstances listed in 10 CFR 50.12(a)(2) are present:

(ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

(iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

(vi) There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

The NRC staff performed an independent review of the special circumstances claimed by the licensee.

For the special circumstances in 10 CFR 50.12(a)(2)(ii), the licensee stated that the purpose of the July 2024 final rule (89 FR 58039) was to identify ASME Code cases that the NRC determined to be acceptable for use. The licensee noted that NRC's approval of Code Case N-921 includes a condition that, "This code case can only be implemented at the beginning of an ISI interval as part of a routine update of the ISI program." The licensee provided the following support to the claim that application of the regulation would not serve the underlying purpose of the rule:

- The licensee stated: "Implementation of Code Case N-921 during the current ISI interval (and the first of three periods within the interval) does not inhibit the ability to comply with code required periodic distribution requirements and allows for a more consistent periodic distribution of examinations and tests throughout the extended interval."
- Tables 2 and 3 for Vogtle, Units 3 and 4, of the licensee's submittal dated April 27, 2026, described the new inspection period dates and corresponding refueling outages.

- The licensee evaluated all NRC-authorized alternative requests in the enclosure of the licensee's submittal, dated April 27, 2026, consistent with NRC concerns expressed in the 89 FR 58039 final rule preamble (see NRC staff's independent review above).
- The licensee stated that the site ISI program owners routinely modify the ISI examination schedule during the ISI interval due to various reasons, such as evolving availability of qualified personnel and equipment.

In the 89 FR 58039 final rule preamble, the NRC communicated that order and predictability of licensee ISI programs is a paramount consideration. The careful advance planning required by ASME BPV XI and 10 CFR 50.55a maximizes licensee effectiveness in successfully executing all ISI requirements. The successful execution of ISI requirements, in turn, contributes to nuclear safety by providing a data stream used to continuously evaluate the structural integrity of safety-related components. The NRC staff determined that the licensee provided adequate evidence that, if the NRC staff approves the proposed exemptions, the ISI programs at Vogtle, Units 3 and 4, will be managed in a manner that promotes order and predictability.

In the 89 FR 58039 final rule, the NRC added a new condition requiring that Code Case N-921 be implemented at the start of a new ISI interval. The basis for the condition is that implementation of Code Case N-921 in the middle of an ISI interval creates complications related to existing examination schedules and alternatives that were approved assuming a 10-year ISI interval. As discussed above, the licensee demonstrated that no currently approved alternatives are impacted by extending the length of the ISI interval to 12 years. Another concern identified by the NRC staff with allowing mid-cycle implementation of Code Case N-921 involves potential complications of reconciling ISI inspection schedules to conform with the three four-year periods

specified in Code Case N-921. As discussed above, the licensee stated that in anticipation of implementing Code Case N-921, it proactively adjusted examination schedules accordingly to maintain compliance with Code Case N-921 periodic distribution requirements. Therefore, the NRC staff concludes that application of the regulation would not serve the underlying purpose of the rule because the licensee demonstrated that mid-cycle implementation of Code Case N-921 will have no impact on the ISI programs at Vogtle, Units 3 and 4. Based on the above, the NRC staff determined that the special circumstances described in 10 CFR 50.12(a)(2)(ii) are present for the requested exemption. Since the regulations require that one of the special circumstances in 10 CFR 50.12(a)(2) be satisfied before NRC may grant an exemption, the NRC staff did not evaluate the licensee's additional claims that the special circumstances in 10 CFR 50.12(a)(2)(iii) and (vi) are also applicable.

E. Environmental Considerations

The NRC staff determined that the exemptions discussed herein meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(d)(1) due to changes to requirements in 10 CFR part 50 or 52 with respect to changes to inspection or surveillance requirements, because the changes do not provide any ground disturbance and there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, no significant increase in individual or cumulative public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. Therefore, in accordance with 10 CFR 51.22(d), no environmental impact statement or environmental assessment need to be prepared in connection with the issuance of these exemptions.

The basis for this NRC staff determination is discussed as follows with an evaluation against each of the requirements in 10 CFR 51.22(d).

There is no significant hazards consideration.

The criteria for determining whether an action involves a significant hazards consideration are found in 10 CFR 50.92(c). The exemptions only involve an ISI program implementation change, which is administrative in nature. The exemptions do not adversely affect plant equipment, operation, or procedures. Therefore, there are no significant hazard considerations, because granting the exemptions would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

The exemptions involve only an ISI program implementation change, which is administrative in nature, and does not involve any changes in the types or significant increase in the amounts of any effluents that may be released offsite.

There is no significant increase in individual or cumulative public or occupational radiation exposure.

Since the exemptions involve only an ISI program implementation change, which is administrative in nature, it does not contribute to any significant increase in occupational or public radiation exposure.

There is no significant construction impact.

Since the exemptions involve only an ISI program implementation change, which is administrative in nature, it does not involve any construction impact.

There is no significant increase in the potential for or consequences from radiological accidents.

The exemptions involve only an ISI program implementation change, which is administrative in nature and does not impact the potential for or consequences from accidents.

The requirements from which the exemption is sought involve requirements that are of an administrative, managerial, or organizational nature.

The exemptions involve only an ISI program implementation change regarding examination scheduling requirements and other requirements of an administrative, managerial, or organizational nature, because it is associated with the marginal extension from a 10-year to 12-year ISI interval.

Based on the above, NRC staff determined that the exemptions meet the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(d)(1). Therefore, in accordance with 10 CFR 51.22(d), no environmental impact statement or environmental assessment need to be prepared in connection with these exemptions requests.

IV. Conclusions.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants SNC's request for exemptions from certain requirements of 10 CFR 50.55a(a)(3)(ii) and 10 CFR 50.55a(y) to allow the implementation of ASME Code Case N-921 after the start date of the first ISI interval at Vogtle, Units 3 and 4.

The exemptions are effective upon issuance.

Dated: November 17, 2026

For the Nuclear Regulatory Commission.

MAHMOUD JARDANEH

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