Southern Nuclear

Regulatory Affairs

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November 17, 2026

Docket Nos.: 52-025
52-026

NL-26-0477
10 CFR 50.54(a)(3)

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

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Units 3 and 4
Request for Schedular Exemption – 10 CFR 50.54(a)(3)

Ladies and Gentlemen:

In accordance with the requirements of 10 CFR 50.12(a), Southern Nuclear Operating Company (SNC) requests a schedular exemption from the requirements of 10 CFR 50.54(a)(3) for submitting periodic Quality Assurance Topical Report (QATR) changes that do not reduce commitments. SNC is requesting that this schedular exemption apply to Vogtle Electric Generating Plant (VEGP) Units 3 and 4. Specifically, 10 CFR 50.54(a)(3) stipulates that changes to the QATR that do not reduce commitments shall be submitted in accordance with the schedule requirements specified in 10 CFR 50.71(e)(4). This specific requirement states that changes "must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months."

SNC has a common QATR for all the nuclear plants in the SNC fleet. For its Farley, Hatch, and VEGP Unit 1 and 2 plants, an exemption was granted by the Nuclear Regulatory Commission (NRC) that changes to the common QATR that do not reduce commitments be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal [ML20034F500]. VEGP Units 3 and 4 had maintained a separate Nuclear Development Quality Assurance Manual, which was recently merged into the fleet QATR. Accordingly, SNC desires to extend this exemption to VEGP Units 3 and 4 to avoid what would otherwise be much more frequent QATR reporting requirements. Further details supporting the 10 CFR 50.12(a) exemption request are provided in the enclosure to this letter.

SNC requests approval of this exemption by May 31, 2027.

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

If you have any questions, please contact Ryan Joyce at (205) 992-6468.

Respectfully submitted,

Jamie Coleman
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Jamie M. Coleman
Director, Regulatory Affairs
Southern Nuclear Operating Company

Enclosure:: Request for Schedular Exemption for QATR Submittal

cc: NRC Regional Administrator, Region II
NRR Project Manager – Vogtle 3 & 4
Senior Resident Inspector – Vogtle 3 & 4
Director, Environmental Protection Division – State of Georgia
Document Services RTYPE: CGA02.001

**Southern Nuclear Operating Company**
**Vogtle Electric Generating Plant – Units 3 and 4**
**Quality Assurance Topical Report Submittal**
**Request for Schedular Exemption – 10 CFR 50.54(a)(3)**

**Enclosure**

**Request for Schedular Exemption for QATR Submittal**

## SPECIFIC EXEMPTION REQUEST

In accordance with 10 CFR 50.12(a)(1), Southern Nuclear Operating Company (SNC), is requesting U.S. Nuclear Regulatory Commission (NRC) approval of a permanent exemption from the requirements of 10 CFR 50.54(a)(3) for submitting periodic Quality Assurance Topical Report (QATR) changes that do not reduce commitments for Vogtle Electric Generating Plant (VEGP) Units 3 and 4 (VEGP 3 & 4). 10 CFR 50.12(a)(1) stipulates the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which 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. For its Farley, Hatch, and VEGP Units 1 and 2 plants, an exemption was granted by the NRC that changes to the common QATR that did not reduce commitments to the quality assurance program be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal [ML20034F500]. SNC desires to extend this exemption to VEGP 3 & 4. SNC requests approval of this exemption by May 31, 2027

## BASIS FOR EXEMPTION REQUEST

10 CFR 50.54(a)(3) requires that: "… changes to the quality assurance program description that do not reduce the commitments must be submitted to the NRC in accordance with the requirements of 10 CFR 50.71(e)." Specifically, the schedule for submitting QATR changes is described in 10 CFR 50.71(e)(4) and stipulates that changes, "… must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months." The underlying intent of the regulation is to ensure that QATR changes that do not reduce the level of commitment to the quality assurance program are periodically submitted to the NRC to allow the NRC staff to provide regulatory oversight of a licensee’s changes, and to ensure that the changes are consistent with the regulations. This proposed exemption only extends the reporting period and does not exceed the time period between successive updates established by 10 CFR 50.71(e).

SNC's quality assurance program, described in the Quality Assurance Topical Report (QATR), is common to the eight plants in the SNC fleet. For six of these plants (Farley Units 1 and 2, Hatch Units 1 and 2, and VEGP Units 1 and 2) a similar exemption was granted on March 12, 2020 [ML20034F500]. VEGP 3 & 4 maintained a separate Nuclear Development Quality Assurance Manual, which was recently merged into the fleet QATR. VEGP Unit 3 and Unit 4 are on separate 18-month refueling cycles. Therefore, compliance with 10 CFR 50.54(a)(3) would require the fleet QATR to be submitted on a much more frequent basis than the current 24-month periodicity. Amortized over the expected life of the SNC nuclear fleet the increased submittal frequency would be aggregately burdensome without any discernable safety benefit.

The primary intent of the regulation is to ensure that QATR changes that do not reduce the level of commitment to the quality assurance program are periodically submitted to the NRC. Because the intent of the rule is not to increase regulatory burden for a multi-plant common QATR by requiring updates to the common QATR annually or within six months after each respective plant's refueling outage, this exemption request qualifies under 10 CFR 50.12(a)(2)(ii).

(a) The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are-

* * *

(2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever-

* * *

(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.

**SPECIAL CIRCUMSTANCES**

In accordance with 10 CFR 50.12(a)(2), the NRC will not consider granting an exemption unless special circumstances exist. In this case, special circumstances exist per 10 CFR 50.12(a)(2)(ii) in that 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. SNC maintains a common QATR for their nuclear fleet. Since the underlying intent of the regulation is to ensure that QATR changes that do not reduce the level of commitment to the quality assurance program are periodically submitted to the NRC, and the required schedule (per 10 CFR50.71 (e)) allows for 24 months between periodic submittals, processing more frequent changes to the common QATR to accommodate VEGP 3 & 4 compliance does not serve the underlying purpose of the rule, nor is it necessary to achieve the purpose of the rule.

**JUSTIFICATION FOR THE EXEMPTION**

In accordance with 10 CFR 50.12(a)(1), the NRC may grant exemptions from certain requirements of the 10 CFR 50 regulations that 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.

1. This exemption request is authorized by law:

In accordance with 10 CFR 50.12, the NRC may grant an exemption from the requirements of 10 CFR 50, if the exemption is authorized by law. The proposed exemption is authorized by law in that no other prohibition of law exists to preclude the activities which would be authorized by the exemption. The proposed exemption will continue to serve the underlying purpose of the regulation. The underlying purpose of the rule is to ensure that licensees periodically provide updates of their QATRs to the NRC. As required by 10 CFR 50.54(a)(3), QATR updates shall be submitted in accordance with the schedule in 10 CFR 50.71(e)(2), i.e., annually or within six months following each refueling outage provided the interval between successive updates does not exceed 24 months. Submitting updates to the VEGP 3 & 4 quality assurance plan within the common SNC QATR every 24 months, and not exceeding 24 months between successive updates, continues to meet the intent of the regulation while allowing for regulatory burden reduction.

Therefore, this exemption request is authorized by law.

2. This exemption request will not present an undue risk to the public health and safety:

The common QATR is the highest tiered document that assigns major functional responsibilities for all those planned and systematic actions necessary to provide adequate confidence that structures, systems, and components will perform satisfactorily in service for plants owned and operated by SNC. The proposed exemption will not alter the manner in which changes to the VEGP 3 & 4 quality assurance plan (within the common SNC QATR) are evaluated in order to ensure that there is no reduction in commitment. Changes to the VEGP 3 & 4 quality assurance plan (within the common SNC QATR) will be reviewed through the existing applicable administrative and programmatic control processes to ensure that QATR changes are properly evaluated and implemented. The methods and procedures used to evaluate changes to the common QATR are not changed or modified. 10 CFR 50.54(a)(3) requires licensees to provide their QATRs periodically (per 10 CFR 50.71(e)) to assure that the NRC has the latest material developed. In that regulation, the NRC has determined an update frequency not exceeding 24 months between successive updates to be acceptable for periodic submissions of the QATR. The proposed exemption provides an equivalent level of protection to the existing requirements with respect to VEGP 3&4.

Therefore, this exemption request will not present an undue risk to the public health and safety.

3. This exemption request is consistent with the common defense and security:

This exemption requests NRC approval to permit periodic updates of the VEGP 3 & 4 quality assurance plan (within the common SNC QATR) to be submitted every 24 months, not to exceed 24 months from the previous submittal. Therefore, the regulatory requirement that an update be submitted annually or within six months following each plant's refueling outage would not be retained. The proposed exemption provides an equivalent level of protection to the existing regulation and should be considered acceptable.

The common defense and security are not affected by this exemption request.

**ENVIRONMENTAL ASSESSMENT**

SNC has determined that the proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(a). Specifically, the requested exemption is in regards to 10 CFR 50.54(a)(3), which is an administrative reporting requirement. Accordingly, it qualifies for categorical exclusion per 10 CFR 51.22(a)(1)(ii). Pursuant to 10 CFR 51.22, no environmental impact statement or environmental assessment is required to be prepared in connection with granting the exemption.