

**From:** Robert Kuntz  
**Sent:** Monday, May 8, 2023 1:53 PM  
**To:** Jack Hicks (Jack.Hicks@luminant.com); Lashley, Phil H  
**Subject:** Comanche Peak Nuclear Power Plant, Units 1 and 2, Beaver Valley Power Station, Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, Unit 1, and Perry Nuclear Power Plant, Unit No. 1 – Acceptance of Requested Licensing Action Re: Order Consenting to the

**SUBJECT:** Comanche Peak Nuclear Power Plant, Units 1 and 2, Beaver Valley Power Station, Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, Unit 1, and Perry Nuclear Power Plant, Unit No. 1 – Acceptance of Requested Licensing Action Re: Order Consenting to the Transfer of Licenses and Confirming License Amendments (EPID L-2023-LLM-0000)

By letter dated April 14, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23104A422), as supplemented by letter dated April 20, 2023 (ML23110A788) Vistra Operations Company LLC and Energy Harbor Nuclear Corp. submitted a request for an order consenting to the transfer of licenses and confirming license amendments for Comanche Peak Nuclear Power Plant, Units 1 and 2, Beaver Valley Power Station, Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, Unit 1, and Perry Nuclear Power Plant, Unit No. 1. The purpose of this e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this order and amendment requests. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The provisions of Section 184 of the Atomic Energy Act of 1954, as amended, and NRC's regulations at Title 10 of the Code of Federal Regulations (10 CFR) 50.80, "Transfer of licenses," stipulate that NRC approval is required for transfer of control of the ownership and/or operating authority responsibilities within the facility operating license. An application for transfer of a license under 10 CFR 52.28, "Transfer of Early Site Permit," 10 CFR 52.105, "Transfer of Combined License," and 10 C R 52.175, "Transfer of Manufacturing License," will also be processed under 10 CFR 50.80. Specifically, 10 CFR 50.80(a) states, in part, that "No license for a production or utilization facility..., shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission gives its consent in writing."

Consistent with Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), an application for an amendment to a license (including the technical specifications) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

The NRC staff has reviewed your application, as supplemented, and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed [amendment/relief] in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance

review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that this licensing request will take approximately 210 hours to complete. The NRC staff expects to complete this review by October 1, 2023

If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application, and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-related activities.

If you have any questions, please contact me.

Robert Kuntz, Sr. Project Manager  
Licensing Project Branch III  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos.

50-445, 50-446, 72-74, 50-334, 50-412, 72-1043, 50-346, 72-14, 50-440, and 72-69

cc: Listserv

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