



Energy Harbor Nuclear Corp.  
168 E. Market Street  
Akron, Ohio 44308

**David B. Hamilton**  
*President and Chief Nuclear Officer*

330-436-1360

August 7, 2023  
L-23-188

10 CFR 50.80  
10 CFR 50.90  
10 CFR 72.50

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

**SUBJECT:**

Comanche Peak Nuclear Power Plant, Units 1 and 2  
Docket No. 50-445, License No. NPF-87  
Docket No. 50-446, License No. NPF-89  
Comanche Peak Nuclear Power Plant, Units 1 and 2, Independent Spent Fuel Storage  
Installation ("ISFSI")  
Docket No. 72-74  
Beaver Valley Power Station, Unit Nos. 1 and 2  
Docket No. 50-334, License No. DPR-66  
Docket No. 50-412, License No. NPF-73  
Beaver Valley Power Station, Unit Nos. 1 and 2, ISFSI  
Docket No. 72-1043  
Davis-Besse Nuclear Power Station, Unit No. 1  
Docket No. 50-346, License No. NPF-3  
Davis-Besse Nuclear Power Station, Unit No. 1, ISFSI  
Docket No. 72-14  
Perry Nuclear Power Plant, Unit No. 1  
Docket No. 50-440, License No. NPF-58  
Perry Nuclear Power Plant, Unit No. 1, ISFSI  
Docket No. 72-69  
Supplement to Application for Order Consenting to Transfer of Licenses and  
Conforming License Amendments

By letter dated April 14, 2023 (Accession No. ML23104A423), as supplemented by letter dated April 20, 2023 (Accession No. ML23110A788), Vistra Operations Company LLC ("VistraOps"), acting on behalf of itself, Comanche Peak Power Company LLC and certain other affiliates, and Energy Harbor Nuclear Corp. ("EHNC"), acting on behalf of itself and Energy Harbor Nuclear Generation LLC ("EHNG"), submitted an application requesting that the U.S. Nuclear Regulatory Commission ("NRC") consent to the indirect transfer of control of the licenses for Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2 ("CPNPP") and its generally licensed independent spent fuel storage installation

Comanche Peak Nuclear Power Plant, Units 1 and 2  
Comanche Peak Nuclear Power Plant, Units 1 and 2 ISFSI  
Beaver Valley Power Station, Unit Nos. 1 and 2  
Beaver Valley Power Station, Unit Nos. 1 and 2 ISFSI  
Davis-Besse Nuclear Power Station, Unit No. 1  
Davis-Besse Nuclear Power Station, Unit No. 1 ISFSI  
Perry Nuclear Power Plant, Unit No. 1  
Perry Nuclear Power Plant, Unit No. 1 ISFSI  
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facility (“ISFSI”); the indirect transfer of control of the licenses to own the Beaver Valley Power Station, Unit Nos. 1 and 2 (collectively “BVPS” and individually “BVPS-1” and “BVPS-2”), Davis-Besse Nuclear Power Station, Unit No. 1 (“DBNPS”), and Perry Nuclear Power Plant, Unit No. 1 (“PNPP”), and their respective generally licensed ISFSIs (collectively, the “EH Facilities”); and the direct transfer of the operating licenses for the EH Facilities to VistraOps as a consequence of Vistra Corp.’s transaction with Energy Harbor Corp., the parent company of EHNG and EHNC.

Within the application, changes to the EHNC facility operating licenses were shown in Exhibit H, with clean pages provided in Exhibit I. Following submittal of the application, it was identified that several occurrences of EHNC currently in the operating licenses were not indicated to be changed to VistraOps. This has been entered into the Corrective Action Program. It was also noted that “LLC” was inadvertently omitted in one instance for VistraOps. Corrected marked-up versions of the affected pages are provided in Attachment 1 to supplement Exhibit H. Clean versions of these corrected pages are provided in Attachment 2 to supplement Exhibit I.

There is no impact to the previous no significant hazards consideration as a result of this supplement to the application.

There are no regulatory commitments contained in this letter. If there are any questions or if additional information is required, please contact Mr. Phil H. Lashley, Manager – Fleet Licensing, at (330) 696-7208.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 7, 2023.

Sincerely,



David B. Hamilton

Attachments:

1. Corrected Facility Operating License Pages (Changes)
2. Corrected Facility Operating License Pages (Clean Pages)

Comanche Peak Nuclear Power Plant, Units 1 and 2  
Comanche Peak Nuclear Power Plant, Units 1 and 2 ISFSI  
Beaver Valley Power Station, Unit Nos. 1 and 2  
Beaver Valley Power Station, Unit Nos. 1 and 2 ISFSI  
Davis-Besse Nuclear Power Station, Unit No. 1  
Davis-Besse Nuclear Power Station, Unit No. 1 ISFSI  
Perry Nuclear Power Plant, Unit No. 1  
Perry Nuclear Power Plant, Unit No. 1 ISFSI  
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cc: Raymond Lorson, Region I [rkl@nrc.gov]  
John Giessner, Region III [John.Giessner@nrc.gov]  
Robert Lewis, Region IV [Robert.Lewis@nrc.gov]  
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John Ellegood, Senior Resident Inspector, CPNPP [John.Ellegood@nrc.gov]  
David Nani, Resident Inspector, CPNPP [David.Nani@nrc.gov]  
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David Baracco, Director BRP/DEP [dbaracco@pa.gov]  
Wade DeHaas, Site BRP/DEP [wdehaas@pa.gov]  
Chris Salz, URSB and OEMA, State of Ohio [cmsalz@dps.ohio.gov]  
Robert Free, Tex. Dept. of State Health Svc. [robert.free@dshs.state.tx.us]

Attachment 1  
L-23-188

Corrected Facility Operating License Pages (Changes)  
(5 pages follow)

- G. UFSAR Supplement Changes – The information in the UFSAR supplement, as revised, submitted pursuant to 10 CFR54.21(d), shall be incorporated into the UFSAR as required by 10 CFR 50.71(e) following the issuance of this renewed operating license. Until that update is complete, Energy Harbor Nuclear Corp-Vistra Operations Company LLC may not make changes to the information in the supplement. Following incorporation into the UFSAR, the need for prior Commission approval of any changes will be governed by 10 CFR 50.59.
- H. Capsule Withdrawal Schedule – For the renewed operating license term, all capsules in the reactor vessel that are removed and tested must meet the test procedures and reporting requirements of American Society for Testing and Materials (ASTM) E 185-82 to the extent practicable for the configuration of the specimens in the capsule. Any changes to the capsule withdrawal schedule, including spare capsules, must be approved by the NRC prior to implementation.
- I. Containment Liner Volumetric Inspection –
- a) If degradation (greater than 10 percent of the nominal thickness not attributable to fabrication/erection practices) is identified in the non-random areas examined using ultrasonic testing (UT) as described in Supplement 1 of NUREG-1929, UT examinations shall be performed at additional non-random areas, to be selected based on this operating experience. Should additional degradation be identified, additional non-random areas shall be UT examined until no further degradation (greater than 10 percent of the nominal thickness) is identified. All areas with degradation shall be reexamined over at least the next three successive inspection periods to ensure that progression of the degradation is not occurring.
- b) If degradation (greater than 10 percent of the nominal thickness not attributable to fabrication/erection practices) is identified in the random samples examined using ultrasonic testing (UT) as described in Supplement 1 of NUREG 1929, UT examinations shall be performed on additional random samples, to ensure a 95 percent confidence that 95 percent of the unexamined accessible containment liner is not degraded. If additional degradation is identified, the sample size for UT examinations shall be further expanded until the statistical sampling has achieved the 95 percent confidence goal described previously. All areas with degradation shall be reexamined over at least the next three successive inspection periods to ensure that progression of the degradation is not occurring.
3. This renewed operating license is effective as of the date of issuance and shall expire at midnight on January 29, 2036.

FOR THE NUCLEAR REGULATORY COMMISSION

*ORIGINAL SIGNED BY:*

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Attachments:

1. Appendix A - Technical Specifications
2. Appendix C - Additional Conditions

Date of Issuance: November 05, 2009

- (2) The facility requires an exemption from the requirements of 10 CFR 50, Appendix J, Section III.D.2(b)(ii). The justification of this exemption is contained in Section 6.2.6 of Supplement 5 to the Safety Evaluation Report and modified by a letter dated July 26, 1995. The staff's environmental assessment was published on May 12, 1987 (52 FR 17651) and on June 9, 1995 (60 FR 30611). Therefore, pursuant to 10 CFR 50.12(a)(1) and 10 CFR 50.12(a)(2)(ii) and (iii), Beaver Valley Power Station, Unit 2 is exempt from the quoted requirements and instead, is required to perform the overall air lock leak test at pressure  $P_a$  before establishing containment integrity if air lock maintenance has been performed that could affect the air lock sealing capability. Local leak rate testing at a pressure of not less than  $P_a$  may be substituted for an overall air lock test where the design permits.

E. Physical Security

~~Energy Harbor Nuclear Corp.-Vistra Operations Company LLC~~ shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contains Safeguards Information protected under 10 CFR 73.21 is entitled: "Beaver Valley Power Station (BVPS) Physical Security Plan" submitted by letter September 9, 2004, and supplemented September 30, 2004, October 14, 2004, and May 12, 2006.

~~Energy Harbor Nuclear Corp.-Vistra Operations Company LLC~~ shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The Beaver Valley Power Station CSP was approved by License Amendment No. 174, and amended by License Amendment No. 183.

F. Fire Protection Program

~~Energy Harbor Nuclear Corp.-Vistra Operations Company LLC~~ shall implement and maintain in effect all provisions of the approved fire protection program that comply with 10 CFR 50.48(a) and 10 CFR 50.48(c) as specified in the license amendment request dated December 23, 2013, (as supplemented by letters dated February 14, 2014; April 27, May 27, June 26, November 6, and December 21, 2015; February 24 and May 12, 2016; and January 30, April 21, June 23, August 22, October 25, and November 29, 2017), and as approved in the safety evaluation dated January 22, 2018. Except where NRC approval for changes or deviations is required by 10 CFR 50.48(c), and provided no other regulation, technical specification, license condition, or requirement would require prior NRC approval, the licensee may make changes to the fire protection program without prior approval of the Commission if those changes satisfy the provisions set forth in 10 CFR 50.48(a) and 10 CFR 50.48(c), the change does not require a change to a technical specification or a license condition, and the criteria listed below are satisfied.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

~~Energy Harbor Nuclear Corp.~~Vistra Operations Company LLC is authorized to operate the facility at reactor core power levels not in excess of 3758 megawatts thermal (100% power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 200, are hereby incorporated into the license. ~~Energy Harbor Nuclear Corp.~~Vistra Operations Company LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

- a. Energy Harbor Nuclear Generation LLC shall comply with the antitrust conditions delineated in Appendix C to this license; Appendix C is hereby incorporated into this license.

APPENDIX A

TO FACILITY OPERATING LICENSE NO. NPF-58

PERRY NUCLEAR POWER PLANT

UNIT 1

~~ENERGY HARBOR NUCLEAR CORP.~~ VISTRA OPERATIONS COMPANY LLC

DOCKET NO. 50-440

TECHNICAL SPECIFICATIONS

ARE FILED IN THE

TECHNICAL SPECIFICATION MANUAL



APPENDIX B

TO FACILITY OPERATING LICENSE NO. NPF-58

PERRY NUCLEAR POWER PLANT

UNIT 1

~~ENERGY HARBOR NUCLEAR CORP.~~ VISTRA OPERATIONS COMPANY LLC

DOCKET NOS. 50-440 AND 50-441

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

November 13, 1986

Attachment 2  
L-23-188

Corrected Facility Operating License Pages (Clean Pages)  
(5 pages follow)

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