



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

March 1, 2024

Mr. Ken J. Peters
Senior Vice President and
Chief Nuclear Officer
Attention: Regulatory Affairs
Vistra Operations Company LLC
Comanche Peak Nuclear Power Plant
6322 N FM 56
P.O. Box 1002
Glen Rose, TX 76043

Mr. David B. Hamilton
President and Chief Nuclear Officer
Energy Harbor Nuclear Corp.
168 E. Market Street
Akron, OH 44308-2014

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2; DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1; PERRY NUCLEAR POWER PLANT, UNIT NO. 1; AND THE ASSOCIATED INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS - ISSUANCE OF AMENDMENTS RELATED TO ORDER APPROVING TRANSFER OF LICENSES (EPID L-2024-LLM-0000)

Dear Mr. Peters and Mr. Hamilton:

By order dated September 28, 2023 (Agencywide Documents Access and Management System Accession No. ML23237B427), the U.S. Nuclear Regulatory Commission (NRC) staff approved the license transfer application dated April 14, 2023 (ML23104A423), as supplemented by letters dated April 20, 2023 (ML23110A788), August 7, 2023 (ML23219A106), and September 12, 2023 (ML23255A061), submitted by Vistra Operations Company LLC, on behalf of itself, Comanche Peak Power Company LLC, and certain other affiliates, and Energy Harbor Nuclear Corp., on behalf of itself and Energy Harbor Nuclear Generation LLC (collectively, the Applicants). The order approved the indirect transfer of control of Facility Operating License Nos. NPF-87 and NPF-89 for Comanche Peak Nuclear Power Plant (Comanche Peak), Unit Nos. 1 and 2, respectively, and its generally licensed independent spent fuel storage installation (ISFSI), and the direct and indirect transfer of control of the following licenses and their respective generally licensed ISFSIs:

- Renewed Facility Operating License Nos. DPR-66 and NPF-73 for Beaver Valley Power Station, Unit Nos. 1 and 2, respectively;
- Renewed Facility Operating License No. NPF-3 for Davis-Besse Nuclear Power Station, Unit No. 1; and
- Facility Operating License No. NPF-58 for Perry Nuclear Power Plant, Unit No. 1.

The order also approved draft conforming license amendments to reflect the transfer. A copy of the NRC staff safety evaluation (ML23237B430) related to the license transfer application was provided with the order.

By letter dated February 23, 2024 (ML24054A498), the Applicants informed the Directors of the NRC Office of Nuclear Reactor Regulation (NRR) and the NRC Office of Nuclear Material Safety and Safeguards (NMSS) that all required regulatory approvals necessary to close the transfer transaction had been received and that the transfer transaction would not close before March 1, 2024. The letter also included, under oath or affirmation, the names, addresses, and citizenship of the directors and principal officers of Special Purpose Entity 1 LLC, Special Purpose Entity 2 LLC, Special Purpose Entity 3 LLC, and Special Purpose Entity 2 LLC Managing Member LLC. The NRC staff reviewed this information and found it to be consistent with the statements made in the license transfer application. Finally, the letter provided satisfactory documentary evidence to the Directors of NRR and NMSS that the licensees reflected in the amended licenses have obtained the appropriate amount of insurance required of a licensee under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 140 and 10 CFR 50.54(w).

On February 29, 2024 (ML24061A100), the Applicants informed the NRC that the transfer transaction will close on March 1, 2024. Accordingly, the NRC staff is issuing the following enclosed conforming license amendments (Enclosure 1):

1. Amendment No. 323 to Renewed Facility Operating License No. DPR-66
2. Amendment No. 213 to Renewed Facility Operating License No. NPF-73
3. Amendment No. 306 to Renewed Facility Operating License No. NPF-3
4. Amendment No. 203 to Facility Operating License No. NPF-58

Notice of Issuance of the conforming license amendments will be included in the NRC's monthly *Federal Register* notice.

Enclosure 2 to this letter provides digitally signed copies of amendments to the indemnity agreements for the facilities. The NRC staff requests that the applicable parties sign the amendments and, within 15 days, return one signed copy of each to the NRC's Document Control Desk as proof of acceptance. Each party should keep a signed original copy of each applicable amendment for their records.

If you have any questions, please contact me at (301) 425-3733 or by email to Robert.Kuntz@nrc.gov.

Sincerely,

/RA/

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

Docket Nos. 50-334, 50-412, 72-1043,
50-346, 72-14, 50-440, and 72-69

Enclosures:

1. Conforming License Amendments
2. Amendments to Indemnity Agreements

cc: Listserv

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ADAMS Accession Nos.:

Package: ML24057A092

Letter: ML24057A075

Conforming License Amendments: ML24057A077

Amendments to Indemnity Agreements: ML24057A078

OFFICE	NRR/DORL/LPL3/PM	NRR/DORL/LPL3/LA	NMSS/REFS/FAB/BC	OGC - NLO
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DATE	02/26/2024	02/26/2024	02/27/2024	02/27/2024
OFFICE	NRR/DORL/LPL3/BC	NRR/DORL/D	NRR/D	NRR/DORL/LPL3/PM
NAME	JWhited	BPham	AVeil (MKing for)	RKuntz
DATE	02/27/2024	02/28/2024	03/01/2024	03/01/2024

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