



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

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

330-436-1360

September 12, 2023  
L-23-205

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 letters dated April 20, 2023 (Accession No. ML23110A788) and August 7, 2023 (Accession No. ML23219A106), 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 facility ("ISFSI");

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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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, the wording of the proposed license conditions for BVPS-1 and BVPS-2 was noted as being inconsistent with that proposed for DBNPS and PNPP regarding the Support Agreement. Specifically, the phrase “10 working days after any funds are provided to Vistra Operations Company LLC” was used. The phrase should be “10 working days after any funds are provided by Vistra Operations Company LLC.” This has been entered into the Corrective Action Program. In addition, the NRC staff requested that the DBNPS condition be modified to state “10 working days” in place of “ten days” and “under the terms of the Support Agreement” in place of “under the Support Agreement.” To provide consistency in the wording of the proposed license conditions, corrected marked-up versions of the affected page for BVPS-1, BVPS-2, and DBNPS 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 September 12, 2023.

Sincerely,



David B. Hamilton

Comanche Peak Nuclear Power Plant, Units 1 and 2  
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Attachments:

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

cc: Raymond Lorson, Region I [rkl@nrc.gov]  
John Giessner, Region III [John.Giessner@nrc.gov]  
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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)  
(3 pages follow)

APPENDIX C

ADDITIONAL CONDITIONS  
OPERATING LICENSE NO. DPR-66

~~Energy Harbor Nuclear Corp. Vistra Operations Company LLC~~ and Energy Harbor Nuclear Generation LLC shall comply with the following conditions on the schedules noted below:

Amendment Number	Additional Condition	Implementation Date
304	<p>Based on the Commission's approval regarding the change in the parent company issuing a \$400 million Support Agreement to Energy Harbor Nuclear Generation LLC, Energy Harbor Nuclear Generation LLC shall comply with the conditions noted below. This \$400 million Support Agreement supersedes all previous parent support agreements.</p> <p>A. The Support Agreement in the amount of \$400 million described in the application dated April 26, 2019, is effective. Energy Harbor Nuclear Generation LLC shall take no action to void, cancel, or modify the Support Agreement without the prior written consent of the NRC staff. Energy Harbor Nuclear Generation LLC shall inform the Director of the Office of Nuclear Reactor Regulation, in writing, no later than 10 working days after any funds are provided to Energy Harbor Nuclear Generation LLC by Energy Harbor Corp. under the terms of the Support Agreement.</p>	<p>The amendment shall be implemented within 7 days from date of issuance</p>
306	<p>B. Deleted.</p> <p>C. Deleted.</p>	
<u>XXX</u>	<p><u>Based on the Commission's approval regarding the change in the parent company issuing a \$400 million Support Agreement to Energy Harbor Nuclear Generation LLC, Energy Harbor Nuclear Generation LLC shall comply with the conditions noted below. This \$400 million Support Agreement supersedes all previous parent support agreements.</u></p> <p><u>A. The Support Agreement in the amount of \$400 million described in the application dated April 14, 2023, is effective. Energy Harbor Nuclear Generation LLC shall take no action to void, cancel, or modify the Support Agreement without the prior written consent of the NRC staff. Energy Harbor Nuclear Generation LLC shall inform the Director of the Office of Nuclear Reactor Regulation, in writing, no later than 10 working days after any funds are provided to Energy Harbor Nuclear Generation LLC by Vistra Operations Company LLC under the terms of the Support Agreement.</u></p>	<p><u>The amendment shall be implemented within 7 days from date of issuance</u></p>

APPENDIX D  
ADDITIONAL CONDITIONS  
OPERATING LICENSE NO. NPF-73

~~Energy Harbor Nuclear Corp. Vistra Operations Company LLC~~ and Energy Harbor Nuclear Generation LLC shall comply with the following conditions on the schedules noted below:

Amendment Number	Additional Condition	Implementation Date
194	<p>Amendment Number 187 described a \$400 million Support Agreement between FirstEnergy Solutions Corp. (FES) and FirstEnergy Nuclear Generation, LLC (FENGen). However, the amendment did not clearly state that this Support Agreement superseded entirely a similar agreement between FirstEnergy Corp. and FirstEnergy Nuclear Generation Corp. (predecessor of FENGen).</p> <p>Based on the Commission’s approval regarding the change in the parent company issuing a \$400 million Support Agreement to Energy Harbor Nuclear Generation LLC, Energy Harbor Nuclear Generation LLC shall comply with the conditions noted below. This \$400 million Support Agreement supersedes all previous parent support agreements.</p> <p>A. The Support Agreement in the amount of \$400 million described in the application dated April 26, 2019 is effective. Energy Harbor Nuclear Generation LLC shall take no action to void, cancel or modify the Support Agreement without the prior written consent of the NRC staff. Energy Harbor Nuclear Generation LLC shall inform the Director of the Office of Nuclear Reactor Regulation, in writing, no later than 10 working days after any funds are provided to Energy Harbor Nuclear Generation LLC by Energy Harbor Corp. under the terms of the Support Agreement.</p>	<p>The amendment shall be implemented within 7 days from date of issuance</p>
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FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by  
**William M. Dean**  
William M. Dean, Director  
Office of Nuclear Reactor Regulation

Attachments:

1. Appendix A - Technical Specifications
2. Preoperational Tests, Startup Tests and Other Items Which Must Be Completed Prior to Proceeding to Succeeding Operational Modes

Date of Issuance: December 8, 2015

Attachment 2  
L-23-188

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



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