



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

September 22, 2023

Rod L. Penfield  
Energy Harbor Nuclear Corp.  
Perry Nuclear Power Plant  
P.O. Box 97, Mail Stop A-PY-A290  
Perry, OH 44081-0097

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1 – DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR DOCKETING, PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A HEARING REGARDING THE ENERGY HARBOR NUCLEAR CORP. APPLICATION FOR LICENSE RENEWAL

Dear Mr. Penfield:

By letter dated July 3, 2023, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23184A081), Energy Harbor Nuclear Corp. (the applicant) submitted to the U.S. Nuclear Regulatory Commission (NRC) an application for license renewal of Facility Operating License No. NPF-58 for Perry Nuclear Power Plant (PNPP), Unit No. 1.

By letter dated July 28, 2023, (ML23198A041), and *Federal Register* Notice (FRN) (ML23198A040, 88 FR 53933) dated August 9, 2023, the NRC noted the receipt and availability of this application.

The NRC staff reviewed your application following the guidance in NUREG-1800, Revision 2, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants," and NUREG-1555, Supplement 1, Revision 1, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants," to determine if the application is sufficient and acceptable for docketing in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 2.101, "Filing of application," 51.45, "Environmental report," 51.53(c), "Postconstruction environmental reports," 54.19, "Contents of application--general information," 54.21, "Contents of application--technical information," 54.22, "Contents of application--technical specifications," and 54.23, "Contents of application--environmental information." The acceptance review is intended to identify whether the application is reasonably complete and conforms to the timing and information requirements in applicable regulations.

The NRC staff conducted two pre-submittal meetings, as documented in letters dated August 29, 2022 (ML22213A036) and March 15, 2023 (ML23065A219).

Based on the results of the NRC staff's sufficiency review, the NRC staff has concluded that the application is acceptable for docketing. Given the lesser scope and depth of the acceptance review as compared to a detailed technical review, the staff's determination does not preclude the issuance of requests for additional information or topic specific audits. Additionally, the NRC staff's determination to accept the application for docketing does not constitute a determination that a renewed operating license should be issued. During the NRC staff's 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. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

This letter also forwards the NRC staff's projected review schedule for the PNPP license renewal application (Enclosure 1). The NRC staff will follow established review procedures and the enclosed schedule to complete the reviews required by 10 CFR Part 51, "Environmental Protection Regulations for Renewal of Operating Licenses for Nuclear Power Functions," and 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants." Based on the information provided in your submittal and discussions during the pre-application meetings, the NRC staff has estimated that review of this license renewal application will take approximately 20,000 hours to complete. These hours include both staff and contractor hours. 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 via separate correspondence. Milestones and estimated hours for hearing-related activities that may be needed are not included in the enclosed schedule and estimate because these dates, if needed, would be established by the Commission or the Atomic Safety and Licensing Board and new resource considerations would need to be developed if hearings are conducted.

The NRC staff's review schedule relies on your responses to the NRC staff's requests for additional information, if needed, being of high quality and provided in a timely manner. A timely response is defined as 30 days from the date of the request, or within such other time as may be specified in the request in accordance with 10 CFR 2.108, "Denial of application for failure to supply information." You should also be prepared to provide high quality support in a timely and organized manner during technical audits determined necessary by the NRC staff. Delays in NRC staff's receipt of necessary information could result in changes to the plan for evaluating and processing your application, up to and including the denial of your application in accordance with the regulations or a significant delay in the schedule based on the overall workload for the NRC staff involved in the review. We request that you inform the NRC staff in writing as early as possible should potential delays arise in your support of the schedule. The NRC staff's goal is to complete the review in 23 months provided that PNPP addresses the staff's information needs in a sufficient and timely manner.

Finally, we have also enclosed a copy of the notice related to your application that is being sent to the Office of the *Federal Register* for publication (Enclosure 2). This notice announces the opportunity for members of the public to request a hearing and to file a petition for leave to intervene.

If you have any questions on this matter, please contact Vaughn Thomas, Project Manager, for the staff's safety review of the PNPP license renewal application at [Vaughn.Thomas@nrc.gov](mailto:Vaughn.Thomas@nrc.gov) or Lance Rakovan, Project Manager, for the staff's environmental review of the PNPP license renewal application at [Lance.Rakovan@nrc.gov](mailto:Lance.Rakovan@nrc.gov).

Sincerely,



Signed by Smith, Brian  
on 09/22/23

Brian W. Smith, Director  
Division of New and Renewed Licenses  
Office of Nuclear Reactor Regulation

Docket Nos: 50-440

Enclosures:

1. Review Schedule
2. Copy of *Federal Register* Notice

cc w/encls: Listserv

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1– DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR DOCKETING, PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A HEARING REGARDING THE ENERGY HARBOR NUCLEAR CORP. APPLICATION FOR LICENSE RENEWAL DATED: **SEPTEMBER 22 , 2023**

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**EMAIL:**

MJBensi@energyharbor.com

**ADAMS Accession Nos.:**

**PKG: ML23256A358**

**LTR: ML23256A359**

**FRN: ML23256A360**

**\*eConcurrence via Email**

**NRR -106**

OFFICE	PM/NLRP/DNRL	LA/NLIB/DNRL	PM/NLRP/DNRL	PM/ERLRB/REFS
NAME	Alm	SGreen	VThomas	LRakovan
DATE	09/05/2023	09/15/2023	09/15/2023	09/19/2023
OFFICE	OGC (NLO)	BC/ERLRB/REFS	BC/NLRP/DNRL	D/DNRL
NAME	STurk	TSmith	LGibson	BSmith
DATE	09/21/2023	09/22/2023	09/22/2023	9/22/23

**OFFICIAL RECORD COPY**

**PERRY NUCLEAR POWER PLANT, UNITS NO. 1  
LICENSE RENEWAL APPLICATION REVIEW SCHEDULE**

<b>Milestone</b>	<b>Scheduled</b>	<b>Actual</b>
Receive License Renewal Application (LRA)	07/2023	07/3/2023
Publish <i>Federal Register</i> Notice (FRN) – LRA Availability	08/2023	08/09/2023
Publish FRN – Docketing Acceptance/Rejection and Opportunity for Hearing	09/2023	
Publish FRN – Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping	09/2023	
Public Meeting – Overview of License Renewal Process and Environmental Scoping	10/2023	
Environmental Scoping Period Ends	10/2023	
Deadline for Filing Hearing Requests and Petitions for Intervention	11/2023	
Issue Draft Supplemental Environmental Impact Statement (SEIS)	08/2024	
Public Meeting – Draft SEIS Meeting, If Needed	09/2024	
End of Draft SEIS Comment Period	10/2024	
Issue Safety Evaluation Report (SER)	12/2024	
ACRS Subcommittee Meeting	02/2025	
Issue Final SEIS	04/2025	
U.S. Environmental Protection Agency FRN Published – Availability of Final SEIS	05/2025	
ACRS Full Committee Meeting	05/2025	
Decision – Director, NRR	08/2025	

**Copy of the Draft *Federal Register* Notice of  
Perry Nuclear Power Plant, Unit No. 1 – Determination  
of Acceptability and Sufficiency for Docketing,  
Proposed Review Schedule, and Opportunity for a  
Hearing Regarding the Energy Harbor Nuclear Corp.  
Application for License Renewal**

**ADAMS Accession No. ML23256A360**