

From: Wall, Scott
Sent: Thursday, June 16, 2022 12:09 PM
To: Lashley, Phil H (EH)
Cc: Morgan, Jeffrey D.
Subject: Perry Nuclear Power Plant – Delay in Issuance of License Amendment and Exemptions Regarding Revising the Methodology Used for Flood Hazard Analysis (EPIDs No.L-2021-LLA-0067, L-2021-LLE-0022, L-2021-LLE-0023)

Dear Mr. Lashley:

By letter dated April 7, 2021 (Agencywide Documents Access and Management System Accession No. ML21106A027), Energy Harbor Nuclear Corp (EHNC, the licensee) submitted license amendment requests for Perry Nuclear Power Plant (PNPP), to revise the Updated Safety Analysis Report (USAR) to change the methodology used for analysis of flooding hazards and drainage within the local intense precipitation (LIP) domain and reflect the results from the new analysis. Based on the new analysis a new flood hazard protection scheme is also proposed for PNPP. In addition, in accordance with Title 10 of the Code of Federal Regulations (10 CFR) Section 50.12, EHNC requests exemptions to credit non-safety related protection features including (1) permanent (passive) and temporary (deployable), as flood barriers, and (2) the plant storm drain system in mitigation of flood levels during a LIP event.

In its submittal, EHNC requested the U.S. Nuclear Regulatory Commission (NRC) staff's approval by April 9, 2022, with a 120-day implementation period. On May 20, 2021 (ML21140A280) the NRC staff notified you that your April 7, 2021 request had been accepted for review, and that the NRC staff estimated its review would be completed by May 31, 2022. On July 6, 2021, the NRC published a notice of consideration of approval of the application in the *Federal Register* (86 FR 35544). During an regulatory audit (July 26, 2021 to March 31, 2022), the NRC staff identified a potential issue regarding the procedure for implementing flood protection barriers in the event of a local intense precipitation (LIP) event. Specifically, the NRC staff inquired for the licensee's basis for concluding that a technical specification (TS) limiting condition for operation (LCO) was not required for the new procedure implementing flood protection barriers in the event of a LIP event. As a result of this discussion, on June 1, 2022 (ML22152A180), EHNC provided a supplement adding a new LCO to the PNPP TSs. The previously provided no significant hazards consideration included a statement that there were no technical specification changes associated with the request. As a result, the June 1, 2022, supplement, provided additional information that expanded the scope of the application as originally noticed. Therefore, the NRC intends to publish a new notice of consideration of approval of the application, as supplemented, in the *Federal Register* on June 23, 2022. In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.309(b)(3), the *Federal Register* notice for the proposed issuance of an amendment must provide a hearing request period of at least 60 days.

During a clarification call on March 31, 2022, the NRC staff communicated to EHNC that the addition of a new LCO would delay in schedule for the subject LAR and associated exemptions. The purpose of this email is to officially inform you that the NRC did not complete its review by May 31, 2022, as a result of the licensee's expansion in the scope of the application. To account for the unforeseen delay in the schedule, based on the information provided in your submittal, as supplemented, the NRC staff plans to complete this review by **November 18, 2022**. 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. The change in the milestone schedule for the LAR was discussed with the Deputy Director for the Division of Operating Reactor Licensing, who approved the schedule change.

If you have any questions, please contact me at (301) 415-2855 or e-mail at Scott.Wall@nrc.gov.

Scott P. Wall, LSS BB, BSP
Senior Project Manager
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation
301.415.2855
Scott.Wall@nrc.gov

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From: Wall, Scott

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Recipients:

"Morgan, Jeffrey D." <jdmorgan@energyharbor.com>

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"Lashley, Phil H (EH)" <phlashley@energyharbor.com>

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