



Jack C. Hicks
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**Comanche Peak
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CP-202300181
TXN-23025
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ATTN: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Ref 10 CFR 2.390

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
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, Independent Spent Fuel Storage Installation
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 Independent Spent Fuel Storage Installation
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 Independent Spent Fuel Storage Installation
Docket No. 72-69

Subject: Corrected Affidavit for Application for Order Consenting to Transfer of Licenses and
Conforming License Amendments

Reference 1: Letter from Mr. Ken J. Peters and David B. Hamilton to NRC, "Application for Order
Consenting to Transfer of Licenses and Conforming License Amendments," April 14, 2023,
ML23104A423

Dear Sir or Madam:

On April 14, 2023, 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 Reference 1, an application requesting that the U.S. Nuclear Regulatory Commission consent to the

indirect transfer of control of the licenses for Comanche Peak Nuclear Power Plant, Units 1 and 2 ("CPNPP") and its generally licensed independent spent fuel storage installation facility ("ISFSI"); the indirect transfer of control of the licenses to own the Beaver Valley Power Station, Unit Nos. 1 and 2, Davis Besse Nuclear Power Station, Unit No. 1, and Perry Nuclear Power Plant, Unit No. 1, 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.

Enclosed with this letter is a corrected version of the 10 CFR 2.390 withholding affidavit that was attached to Reference 1, as Enclosure 3. VistraOps has corrected the affidavit to appropriately reference the redacted confidential information submitted in Reference 1, which includes the pro forma financial information submitted for CPNPP and the EH Facilities, as well as confidential commercial terms for the Energy Services Agreement to be entered into with VistraOps' affiliate Dynegy Marketing and Trade (all of which were submitted as proprietary Enclosure 4, to Reference 1). The enclosed affidavit replaces the withholding affidavit provided in Reference 1, in its entirety.

This communication contains no new commitments.

Should you have any questions, please contact Jack Hicks, Manager, Regulatory Affairs at (254) 897-6725 or jack.hicks@luminant.com.

Sincerely,



Jack C. Hicks

Enclosure: Corrected Enclosure 3 Affidavit of Stephanie Zapata Moore Supporting Withholding from Public Disclosure

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**CORRECTED DECLARATION OF STEPHANIE ZAPATA MOORE SUPPORTING
VISTRA OPERATIONS COMPANY LLC'S
APPLICATION TO WITHHOLD CERTAIN DOCUMENTS FROM PUBLIC
DISCLOSURE**

I, Stephanie Zapata Moore, Executive Vice President, General Counsel, and Chief Compliance Officer and for Vistra Operations Company LLC ("VistraOps"), declare the following under penalty of perjury:

1. I am authorized to execute this declaration on behalf of VistraOps, on behalf of itself and Comanche Peak Power Company LLC (collectively referred to as "Vistra").
2. Vistra is providing information to the U.S. Nuclear Regulatory Commission (NRC) in support of their "Application for Order Consenting to Transfer of Licenses." The proprietary version of Application, Enclosure 1, Exhibits C, D, and E being provided separately in Enclosure 4 of this submittal contain commercial and financial information, including pro forma income statements and commercial terms related to anticipated revenues from sales of electricity and capacity, as well as plant operating and maintenance costs. These documents constitute proprietary commercial and financial information that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(a)(4) and 10 CFR 9.17(a)(4) because:
 - a. They contain information that is held in confidence by Vistra and their affiliates.
 - b. This information is of a type that is customarily held in confidence by Vistra and their affiliates and there is a rational basis for doing so because the information contains sensitive financial competitive information concerning the Applicants' anticipated revenues and operating expenses.
 - c. This information is being transmitted to the NRC in confidence.
 - d. This information is not available in public sources and could not be gathered readily from publicly available information.
 - e. Public disclosure of this information would create substantial financial harm to the competitive position of Vistra and their affiliates by disclosing their internal financial pro forma statements and commercial information to other parties whose commercial interests may be adverse to those of Vistra.
3. Accordingly, Vistra requests that redacted portions of Exhibits C, D, and E to the "Application for Order Consenting to Transfer of Licenses" be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4) and 9.17(a)(4).

I declare that the foregoing is true and correct.

Executed on April 19, 2023.

Vistra Operations Company LLC



Stephanie Zapata Moore
Executive Vice President, General Counsel and Chief
Compliance Officer