



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

September 6, 2024

Charles Diebold, Chief
Seneca-Cayuga Nation
23701 South 655 Road
Grove, OK 74344

SUBJECT: NOTICE OF AVAILABILITY OF THE DRAFT SITE-SPECIFIC ENVIRONMENTAL IMPACT STATEMENT AND FINDING OF NO HISTORIC PROPERTIES AFFECTED FOR PERRY NUCLEAR POWER PLANT, UNIT 1 LICENSE RENEWAL, LAKE COUNTY, OHIO (DOCKET NUMBER: 50-440)

Dear Chief Charles Diebold:

The U.S. Nuclear Regulatory Commission (NRC) is considering the renewal of Facility Operating License No. NPF-58 for an additional 20 years of operation for Perry Nuclear Power Plant Unit 1 (Perry Plant). Perry Plant is operated by Vistra Operations Company LLC (VistraOps), and is located in Lake County, Ohio. License renewal would allow for continued operations of Perry Plant from 2026 to 2046, as described in Section 2.1 of the draft supplemental environmental impact statement (DSEIS). On October 18, 2023, the NRC notified the Advisory Council on Historic Preservation, Ohio State Historic Preservation Office (SHPO), and other consulting parties of its decision to use the National Environmental Policy Act of 1969, as amended, process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, in accordance with 36 CFR § 800.8(c). The NRC is issuing the DSEIS for Section 106 consultation and public comment. The results of identification and evaluation efforts in compliance with Section 106 are in Section 3.9 of the DSEIS.

The NRC staff conducted a literature review through the Ohio History Connection's Ohio Archaeological Inventory. The review identified 38 cultural resources within one mile of the Perry Plant area of potential effect (APE), which consists of the 1,030-acre Perry Plant site boundary where operations activities are expected, including six archaeological sites and 32 historic-age buildings. None were identified within the Perry Plant APE. Three previous surveys were identified within one mile of the Perry Plant APE.

On October 18, 2023, NRC requested information from the SHPO and Indian tribes regarding potential historic properties within the APE. On November 13, 2023, the SHPO responded referencing their September 28, 2022, response to the applicant during their information outreach. This response stated no concerns for archaeological resources as no ground disturbing activities are planned. However, considering Perry Plant was constructed in 1974, the Ohio SHPO recommended that the NRC consider evaluating the facility for its potential eligibility for listing in the National Register of Historic Places. The SHPO also noted that license renewal would have no effect even if historic properties are present within the APE, but recommended evaluation as a planning tool for future undertakings at the plant. No other responses were received. Based on the results of the identification and evaluation efforts as documented in the DSEIS, the NRC has determined that a finding of no historic properties affected, as defined in 36 CFR § 800.4(d)(1), would be appropriate for this undertaking.

This finding of effect and supporting documentation in the DSEIS has been provided to the following the consulting parties for review and comment: Ohio SHPO, Eastern Shawnee Tribe of Oklahoma, Hannahville Indian Community in Michigan, Little Traverse Bay Bands of Odawa Indians in Michigan, Miami Tribe of Oklahoma, Seneca-Cayuga Nation, and the Seneca-Iroquois National Museum.

The DSEIS is available for review via the following link: (Perry Plant DSEIS [ML24241A256](#)). The NRC staff will hold two virtual public meetings on the DSEIS on October 1, 2024, from 1:00 p.m. to 3:00 p.m., and October 2, 2024, from 6:00 p.m. to 8:00 p.m. Eastern Time, including a presentation on the preliminary findings and a transcribed public comment session. The details of the public meeting are available on the NRC's Public Meeting Schedule at <https://www.nrc.gov/pmns/mtg>.

The NRC is submitting a finding of no historic properties affected, as defined in 36 CFR § 800.4(d)(1) and supporting documentation for your review and comment. Please provide your concurrence or objection to PerryEnvironmental@nrc.gov by (October 21, 2024). Written comments may be provided to the email above or by mail to:

ATTN: Program Management
Announcements and Editing Staff
Office of Administration
Mail Stop: TWFN-7-A60M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

If you have questions please contact Jean Trefethen, via email at jean.trefethen@nrc.gov or 301-415-0867.

Sincerely,



Signed by Moses, John
on 09/06/24

John M. Moses, Deputy Director
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No: 50-440

cc:

William Tarrant, THPO
Wtarrant@sctribe.com

SUBJECT: NOTICE OF AVAILABILITY OF THE DRAFT SITE-SPECIFIC ENVIRONMENTAL IMPACT STATEMENT AND FINDING OF NO HISTORIC PROPERTIES AFFECTED FOR PERRY NUCLEAR POWER PLANT, UNIT 1 LICENSE RENEWAL, LAKE COUNTY, OHIO (DOCKET NUMBER: 50-440)

DATED: September 6, 2024

DISTRIBUTION:

PUBLIC
RidsNrrDnrl Resource
RidsNrrPMPerry Resource
NMSS_REFS_EPMB1 Distribution

VThomas, NRR/DNRL
LGibson, NRR/DNRL
SKoenick, NMSS/REFS
BSmith, NRR/DNRL
SLEE, NRR/DNRL
SWall, NRR/DORL
NSalgado, NRR/DORL
DRoth, OGC
SBurnell, HQ/OPA
LWilkins, OCA
DMcIntyre, HQ/OPA
VMitlyng, RIII/OPA
ABarker, RIII/FCO
JLara, RIII/DRP
SAtack RIII/DRS
JSteffes, RIII, SRI
JNance, RIII, RI

mjbensi@energyharbor.com

ADAMS Package Accession No: ML24166A016; ML24249A075 (Letter)

***via email**

OFFICE	NMSS/REFS	NMSS/REFS	NMSS/REFS	NMSS/REFS	NMSS/REFS
NAME	JTrefethen	JLarson	AWalker-Smith	LRakovan	SKoenick
DATE	06/14/2024	06/14/2024	06/17/2024	06/25/2024	08/05/2024
OFFICE	NMSS/REFS	OGC	NMSS/REFS		
NAME	MRome	MCarpentier	JMoses		
DATE	08/06/2024	08/20/2024	09/06/2024		

OFFICIAL RECORD COPY