



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

January 3, 2023

Mr. Rod L. Penfield
Site Vice President
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 – WITHDRAWAL OF EXEMPTIONS RELATED TO LICENSE AMENDMENT REGARDING REVISING THE FLOOD HAZARD PROTECTION SCHEME (EPIDS L-2021-LLA-0067, L-2021-LLE-0022, L-2021-LLE-0023)

Dear Mr. Penfield:

By letter dated April 7, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21106A027), as supplemented by letters dated August 17, 2021, and June 1, 2022 (ML21237A075 and ML22152A180), Energy Harbor Nuclear Corp. (EHNC or the licensee) submitted:

1. A license amendment request for the Perry Nuclear Power Plant (PNPP) that:
 - a. revises the methodology used for analysis of flooding hazards and drainage within the local intense precipitation (LIP) domain and reflect the results of the new flood hazard protection scheme in the Updated Safety Analysis Report; and
 - b. adds a new limiting condition for operation to the technical specification (TS) as TS 3.7.11, "Flood Protection," and revises the TS Table of Contents.
2. Two specific exemptions to credit non-safety-related protection features including: (1) permanent (passive) and temporary (deployable) flood barriers, and (2) the plant storm drain system in mitigation of flood levels during a LIP event.

By letter dated December 16, 2022 (ML22350A798), EHNC withdrew both exemptions. The U.S. Nuclear Regulatory Commission (NRC) acknowledges your request to withdraw both exemptions. The NRC staff's activities associated with the respective exemptions have ceased and the associated EPIDs L-2021-LLE-0022 and L-2021-LLE-0023 have been closed.

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

Sincerely,

/RA/

Scott P. Wall, Senior Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-440

cc: Listserv

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