



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352
September 20, 2018

EA-18-003

Mr. David Hamilton
Site Vice President
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
Reg Affairs–A210
10 Center Road, P.O. Box 97
Perry, OH 44081–0097

SUBJECT: PERRY NUCLEAR POWER PLANT—NRC SECURITY BASELINE INSPECTION
REPORT 05000440/2018412, AND INVESTIGATION REPORT (3-2017-004)

Dear Mr. Hamilton:

This letter refers to the investigation completed on December 14, 2017, and to the inspection completed on June 28, 2018, at the Perry Nuclear Power Plant. On August 9, 2018, the U.S. Nuclear Regulatory Commission (NRC) discussed the results of this investigation and inspection with Mr. Vince Forbus and members of your staff. The enclosed report presents the results of this investigation and inspection.

Based on the results of this investigation, the NRC has determined that a deliberate Severity Level IV violation of NRC requirements occurred. This violation was licensee-identified. The NRC is treating this violation as a Non-Cited Violation consistent with Section 2.3.2.a of the Enforcement Policy. In accordance with Section 2.3.2 the approval of the Director, Office of Enforcement, is required to disposition willful violations as Non-Cited Violations. After consultation with the Director, Office of Enforcement, I have been authorized to issue this violation as Non-Cited.

If you contest the violation or significance of the Non-Cited Violation, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555–0001; with copies to the Regional Administrator, Region III; the Director, Office of Enforcement; and the NRC Resident Inspector at the Perry Nuclear Power Plant.

This letter will be made available for public inspection and copying at <http://www.nrc.gov/reading-rm/adams.html> and at the NRC Public Document Room in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding."

Enclosure contains Sensitive Unclassified Non-Safeguards Information. When separated from enclosure, this transmittal document is decontrolled.

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D. Hamilton

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However, the enclosed report contains Security-Related Information, so the enclosed report will not be made publicly available in accordance with 10 CFR 2.390(d)(1). If you choose to provide a response that contains Security-Related Information, please mark your entire response "Security-Related Information—Withhold from public disclosure under 10 CFR 2.390" in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). The NRC is waiving the affidavit requirements for your response in accordance with 10 CFR 2.390(b)(1)(ii).

You should note that final NRC documents, including the final Office of Investigations report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records. The instructions for making a request for information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-request.html>.

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

/RA/

Steven K. Orth, Chief
Plant Support Branch
Division of Reactor Safety

Docket No. 50-440
License No. NPF-58

Nonpublic Enclosure:
IR 05000440/2018412

cc: C. Salz, Radiological Branch Chief
Ohio Emergency Management Agency

cc w/o encl: Distribution via LISTSERV®

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Letter to David Hamilton from Steven K. Orth dated September 20, 2018

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