



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

September 7, 2021

EA-2020-148

Mr. Rod Penfield
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 – SECURITY BASELINE INSPECTION
REPORT 05000440/2021401 AND INVESTIGATION REPORT (3-2019-009)**

Dear Mr. Penfield:

This letter refers to the investigation completed by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations on November 24, 2020, and to the inspection completed on July 29, 2021, at the Perry Nuclear Power Plant. On July 29, 2021, the NRC discussed the results of this investigation and inspection with you and members of your staff. The enclosed report presents the results of this investigation and inspection.

No NRC-identified or self-revealing findings were identified during this 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.

Licensee-identified violations which were determined to be of very low security significance are also documented in this report. We are treating these violations as non-cited violations (NCVs) consistent with Section 2.3.2 of the Enforcement Policy.

If you contest the violations or the significance or severity of the violations documented in this inspection report, 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; the Director, Office of Nuclear Security and Incident Response; and the NRC Resident Inspector at Perry Nuclear Power Plant.

Enclosure(s) transmitted herewith contain(s) SUNSI. When separated from enclosure(s), this transmittal document is decontrolled.

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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 2.390, "Public Inspections, Exemptions, Requests for Withholding." You should also be aware that all final NRC documents, including the final Office of Investigation report, are official agency records and may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of certain information in accordance with the FOIA.

The enclosed report contains Security-Related Information, so the enclosed report will not be made publicly available in accordance with Title 10 of the *Code of Federal Regulations* (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).

Sincerely,



Signed by Orth, Steven
on 09/07/21

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

Docket No. 05000440
License No. NPF-58

Enclosure:
As stated

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

cc w/o encl: Distribution via LISTSERV®

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Letter to Rod Penfield from Steven K. Orth dated September 7, 2021.

SUBJECT: PERRY NUCLEAR POWER PLANT – SECURITY BASELINE INSPECTION REPORT 05000440/2021401 AND INVESTIGATION REPORT (3-2019-009)

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