



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

September 2, 2022

EA-22-025

Mr. Rod Penfield
Site Vice President
Energy Harbor Nuclear Generation
341 White Pond Drive
Mail Stop, A-WAC-B3
AKRON, OH 44320-1119

SUBJECT: PERRY NUCLEAR POWER PLANT; RESULTS OF NRC INVESTIGATION
REPORT NO. 3-2021-007

Dear Mr. Penfield:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) to determine whether certain current and former Perry Nuclear Power Plant (PNPP) employees were involved in the use, sale, or possession of illegal drugs (steroids) on or off site. Also, under investigation was whether certain PNPP employees failed to follow PNPP Fitness for Duty (FFD) protocols upon receipt of information regarding the use, sale, or possession of illegal steroids by PNPP employees. The investigation was initiated on March 2, 2021 and completed on March 1, 2022.

Based on the evidence developed during the investigation, the NRC did not substantiate the allegation that certain current and former PNPP employees were willfully involved in the use, sale, or possession of illegal drugs (steroids). In addition, based on the evidence developed, the allegation that certain PNPP employees willfully failed to follow PNPP FFD protocols was not substantiated. Therefore, the NRC did not identify any violations of NRC requirements by PNPP and this investigation is closed.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

You should note that final NRC documents, including the final OI 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>.

R. Penfield

-2-

If you have any questions, you may contact Mr. Steven Orth at 630-810-4373.

Sincerely,

A handwritten signature in cursive script that reads "SAtack".

Signed by Atack, Sabrina
on 09/02/22

Sabrina Atack, Acting Director
Division of Reactor Safety

Docket No. 05000440
License No. NFP-58

Enclosure:
Factual Summary

cc: Distribution via Listserv

FACTUAL SUMMARY OF OFFICE OF INVESTIGATIONS REPORT 3-2021-007

On March 2, 2021, the U.S. Nuclear Regulatory Commission's Office of Investigations (OI), Region III Field Office, initiated an investigation to determine whether certain current and former Perry Nuclear Power Plant (PNPP) employees were involved in the use, sale, or possession of illegal drugs (steroids) on or off site and is whether other PNPP employees failed to follow PNPP Fitness for Duty (FFD) protocols upon receipt of information regarding the use, sale, or possession of illegal steroids by PNPP employees. The NRC completed its investigation on March 1, 2022.

In December, 2020, a PNPP employee became concerned when another employee, a mechanical maintenance worker, discussed selling “tes” (what she understood to be testosterone, or illegal steroids) to other plant workers. The same employee testified that in February, 2021, he/she learned from online discussions with another PNPP employee, a security officer, that he was also involved with using and selling steroids.

The PNPP employee testified that he/she notified the Radiation Superintendent (RS) of the concern that illegal steroids were being used and sold by plant employees on January 29, 2021. On January 30, 2021, the PNPP employee further reported the concern to a PNPP Resident Inspector. The investigation confirmed that neither the maintenance worker nor the security officer had a prescription for steroids.

The mechanical maintenance worker denied to the NRC investigator that he had ever used unprescribed steroids. The licensee’s attorney, however, confirmed in an email to the licensee’s Site Vice President that the mechanical maintenance worker had admitted to the licensee’s attorney that he had taken unprescribed steroids while working at PNPP. There is no information about what substance the maintenance worker took or specificity as to when he took it. Therefore, it cannot be substantiated whether the maintenance worker used steroids in violation of the licensee’s FFD program. The investigation found no evidence to substantiate that the maintenance worker was involved in the sale of illegal steroids.

The PNPP employee testified that the security officer informed the employee that he used steroids and offered to obtain steroids, specifically “Anavar” or Oxandrolone, for the employee. In his interview with OI, however, the security officer denied ever using or selling illegal steroids. The security officer left employment at PNPP on December 1, 2021. The NRC determined that there was insufficient evidence to substantiate that the security officer used or sold illegal steroids during his employment at PNPP.

The RS notified the PNPP Plant Manager immediately of the concern and set up a meeting between himself and the PNPP Plant Manager, Security Manager, and HR Manager. Because the RS reported information concerning suspected illegal drug use to appropriate officials promptly after receiving it, the concern that the licensee failed to follow FFD protocols is not substantiated.

EA-22-025; Perry Letter to Lic + (2) Individual Actions DATE September 2, 2022

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