



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

June 25, 2012

EA-12-074

Mr. Vito Kaminskis  
Site Vice President, Nuclear  
FirstEnergy Nuclear Operating Company  
Perry Nuclear Power Plant  
P. O. Box 97, 10 Center Road, A-PY-A290  
Perry, OH 44081-0097

**SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF A SECURITY-RELATED  
GREATER THAN GREEN FINDING WITH ASSESSMENT FOLLOWUP  
AND NOTICE OF VIOLATION; NRC INSPECTION REPORT  
NO. 05000440/2012406(DRS); PERRY NUCLEAR POWER PLANT**

Dear Mr. Kaminskis:

This letter provides you the final significance determination of the preliminary Greater than Green finding discussed in our previous communication dated May 7, 2012, which included U.S. Nuclear Regulatory Commission (NRC) Inspection Report No. 05000440/2012405(DRS). The Greater than Green finding was discussed in detail in Section 4OA5 of the subject inspection report.

In a telephone conversation with Mr. Richard Skokowski of NRC, Region III, on May 18, 2012, Mr. Lloyd Zerr of your staff indicated that FirstEnergy Nuclear Operating Company did not contest the characterization of this finding, and that you declined your opportunity to discuss this issue in a Regulatory Conference or to provide a written response. FirstEnergy later followed this verbal notification with a letter dated June 1, 2012.

After considering the information developed during the inspection, the NRC has concluded that the inspection finding is of at least low to moderate security significance, is appropriately characterized as Greater than Green, and will require a supplemental NRC inspection. According to NRC Inspection Manual Chapter (IMC) 0609, appeal rights only apply to those licensees that have either attended a Regulatory Conference or have submitted a written response to the preliminary determination letter which submits additional information not previously considered by the NRC staff. In its June 1, 2012, letter, FirstEnergy noted that it did not contest the facts or assumptions used by the NRC to arrive at the finding and its significance. By this statement, FirstEnergy gave up its right to appeal the finding.

The enclosures contain Sensitive  
Unclassified Non-Safeguards Information.  
Upon separation, this cover letter is  
decontrolled.

V. Kaminskis

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Further details regarding the NRC's determination of the final significance and assessment of the appropriate security action matrix column can be found in Enclosure 1.

The NRC has also determined that a violation was associated with the finding, as cited in the Notice of Violation (Notice) provided in Enclosure 2. The circumstances surrounding the violation were described in detail in NRC Inspection Report No. 05000440/2012405(DRS). In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a Greater than Green finding.

The NRC has concluded that information regarding the reasons for the violation, the corrective actions taken and planned to be taken to correct the violation, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report No. 05000440/2012405(DRS). Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because the material in the enclosures is considered security-related information, as defined in 10 CFR 2.390(d)(1), its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in these enclosures will not be made available electronically for public inspection. Additionally, if you choose to respond and security-related information is necessary to provide an acceptable response, please follow the instructions for withholding in 10 CFR 2.390(b)(1).

In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response, if any.

Sincerely,

***/RA by C. Pederson for/***

Charles A. Casto  
Regional Administrator

Docket Nos. 50-440  
License Nos. NPF-58

Enclosures:

1. Final Significance Determination (non-public)
2. Notice of Violation (non-public)

cc w/o encls: Distribution via ListServ