



Palisades Nuclear Plant
Operated by Nuclear Management Company, LLC

SAFEGUARDS INFORMATION

April 29, 2004

EA-03-086

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-001

Palisades Nuclear Plant
Docket 50-255
License No. DPR-20

Supplemental Response to the April 29, 2003, Orders to Palisades Nuclear Plant

The NRC issued an Order dated April 29, 2003, requiring compliance with revised design basis threat ("Order EA-03-086" or "Order") and other security related Orders (collectively "Orders") for the Palisades Nuclear Plant (PNP). This supplemental response of Nuclear Management Company, LLC (NMC), to Order EA-03-086, supplements the previous response dated June 3, 2003, that NMC filed pursuant to 10 CFR § 50.4 and Section III, Conditions A.1, B.1 and B.2.

Order EA-03-086 imposes license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order requires licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also requires licensees to revise the security force training and qualification plan to implement the

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revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004. In accordance with the Order and 10 CFR § 50.4, NMC is submitting this supplemental response for the above-mentioned licensed facility. This submittal includes, as Attachment A, revisions to the PNP Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan, as required by Order EA-03-086. These plans contain the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, January 7, 2003, and April 29, 2003. As a result, these plans supersede previous submittals of NMC in these areas, including those related to the February 25, 2002, January 7, 2003, and April 29, 2003, Orders. NMC will continue to implement the provisions of those previous submittals, except to the extent that they are superseded by these plans. All changes that have been or will be made have been evaluated to ensure that they do not compromise plant safety.

NMC has developed these plans to be consistent with NEI-03-01 (Revision 1), *Nuclear Power Plant Access Authorization Program* (April 2004); NEI-03-09 (Revision 2 (draft)), *Security Officer Training Program* (April 2004); and NEI-03-12 (Revision 2 (draft)), *Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Independent Spent Fuel Storage Installation Security Program* (April 2004). The schedule for completing those actions, which includes the identification of major transitional activities, is provided in Attachment B to this submittal. To facilitate the NRC's review, any provisions that are different from NEI-03-12 are identified, and the justification provided in Attachment C, *Deviations from NEI-03-12*, to this submittal. Attachment D, *Previous Exemptions to 10 CFR Part 73*, is a listing of any exemptions to 10 CFR Part 73 previously granted to NMC and an explanation of their status under the plans hereby submitted. Attachment E, *Justification for Alternatives*, includes the justification for any of the alternatives provided in NEI-03-12 or in "NRC Guidance on Implementation of the April 2003 Revised Design Basis Threat," that NMC has adopted. Further, NMC has chosen to implement Option 2 of Section 9.4.1.2 of NEI-03-12 and the justification for that choice is provided in Attachment F, *Justification for Vehicle Search Criteria*, to this submittal.

Because there are still a few open issues to be resolved with the NRC regarding certain provisions of NEI-03-12, NMC will supplement this response, if necessary, upon final resolution of those issues to conform with NEI-03-12, as finally approved by the NRC. However, with the filing of these plans, NMC will be implementing its revised protection strategy and completing plant modifications and security personnel training pursuant to these plans to ensure that implementation will be completed by October 29, 2004, as required by the Orders. Upon completion of the implementation of these plans, NMC will be in compliance with all applicable security requirements. For the purpose of complying with the requirements of 10 CFR Part 73 to conduct an annual audit, the date of the letter that will be submitted to the NRC pursuant to Order EA-03-086 certifying that implementation of the plans is complete, will be the effective date for determining commencement of the annual audit requirement period.

Because of the requirement for these plans to be fully implemented by October 29, 2004; the need to integrate the requirement of the revised DBT Order with the Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; and the Commission's determination that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, NMC requests that enforcement discretion be exercised during the transition period until full implementation of the plans is accomplished and the physical plant modifications and security force training are complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

In accordance with 10 CFR § 2.202(b), the following affirmation is provided:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29, 2004.

A handwritten signature in black ink, appearing to read "Daniel J. Malone", with the word "for" written in smaller script below it.

Daniel J. Malone
Site Vice President, Palisades Nuclear Plant
Nuclear Management Company, LLC

Attachments (6)