

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Consumers Power Company
Palisades Nuclear Plant

Docket No. 50-255
License No. DPR-20
EA 83-71

A special inspection conducted at the Palisades Nuclear Plant on May 26, 1983, disclosed that on May 23, 1983, a licensee employee gained unauthorized access to the protected area by entering through an unmonitored vehicle gate. This individual was not detected, searched, badged, escorted, or properly identified prior to entering the protected area. The individual had been trained in the proper use of access control systems.

To emphasize the need to ensure that the approved security plan and implementing procedures are followed and to be cognizant of the potentially serious consequences of an unauthorized entry, we propose to impose a civil penalty in the amount of Twenty Thousand Dollars. Normally, the civil penalty for this type of violation is \$40,000; however, the amount has been reduced by 50% in consideration of your prompt and extensive corrective action. In accordance with the General Policy and Procedure for NRC Enforcement Actions (10 CFR Part 2, Appendix C) 47 FR 9987 (March 9, 1982) 42 U.S.C 2282, PL 96-295, and 10 CFR 2.205, the particular violation and the associated civil penalty are set forth below.

Section 3.F of the Provisional Operating License (DPR-20) of the Palisades Nuclear Power Facility states, in part, "The licensee shall maintain in effect and fully implement all provisions of the Commission-approved physical security plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p)."

Section 3.2.1.5.7 of the approved Palisades Security Plan (PSP) states, "The access authorization of personnel entering at protected area portals shall be verified before access is permitted through any protected area perimeter portals."

Section 3.2.1.6.1 of the approved PSP states, in part, "A picture identification system shall be used for individuals who are authorized access to the protected area without escort...."

Section 3.2.1.5.5 of the approved PSP states, in part, "Personnel granted unescorted access...will be searched upon entering the protected area."

Section 4.5.2 of the approved PSP states, in part: "All personnel authorized protected...area access with escort shall be escorted."

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Contrary to the above, on May 23, 1983, at approximately 10:14 a.m, a licensee employee gained access to the protected area by entering through the main vehicle gate. This individual was not detected, searched, badged, escorted, or properly identified prior to entering the protected area. The individual was within the protected area for approximately 15-20 minutes before being detected by another employee.

This is a Severity Level III violation (Supplement III).
(Civil Penalty - \$20,000)

Pursuant to the provisions of 10 CFR 2.201, Consumers Power Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, IL 60137, within 30 days of the date of this Notice a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Consumers Power Company may pay the civil penalty in the amount of \$20,000 or may protest imposition of the civil penalty, in whole or in part, by a written answer. Should Consumers Power Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty proposed above. Should Consumers Power Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty such answer may: (1) deny the violations listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, in whole or in part, such answer may request remission or mitigation of the penalties. In requesting mitigation of the proposed penalties, the five factors contained in Section IV(B) of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate statements or explanations by specific reference (e.g., giving page and paragraph numbers) to avoid repetition. Consumers Power Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedures for imposing a civil penalty.

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Upon failure to pay any civil penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234C of the Act, 42 U.S.C 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

James G. Keppler
Regional Administrator

Dated at Glen Ellyn, Illinois
this day of August 1983