

NOTICE OF VIOLATION

Detroit Edison Company
Fermi 2

Docket No. 50-341
License No. NPF-43
EA 99-263

During an NRC inspection conducted from September 27 to October 5, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Section 2E of Fermi Facility Operating License No. NPF-43, issued March 20, 1985, amended on August 5, 1988, requires, in part, that the licensee implement and maintain in effect all provisions of the Commission-approved physical security plan.

Section 3.3.2 of the Fermi 2 Commission-approved physical security plan requires, in part, that the cab, engine compartment, undercarriage, and cargo areas of a vehicle be searched prior to allowing it to enter the protected area. The security plan also requires that searches be directed towards detecting weapons, explosives, incendiary devices, and personnel other than the vehicle operator.

Contrary to the above, on September 21 and 22, 1999, the cargo area of a truck entering the protected area of the Fermi 2 facility was not searched to detect weapons, explosives, incendiary devices, or personnel other than the vehicle operator. Specifically, the failure to search the cargo area of that truck permitted a loaded weapon to be introduced into the protected area of the plant without detection on September 22, 1999. (01013)

This is a Severity Level III violation (Supplement III).

The NRC has concluded that information regarding the reasons for the violation, and the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in a letter from the Detroit Edison Company dated November 22, 1999. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201, if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation (EA 99-263)," and send it to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351, and the NRC Resident Inspector at the Clinton Power Station within 30 days of the date of the letter transmitting this Notice of Violation.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond your response will be placed in the NRC Public Document Room (PDR). Therefore, to the extent possible, it should not include any personal, privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. Under the authority of Section 182 of Act 42 U.S.C. 2232, any response shall be submitted under oath or affirmation.

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 15th day of December 1999