



MAR 26 2003

L-2003-076
10 CFR § 50.73

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Reportable Event: 2003-003-00
Date of Event: March 11, 2003
Unescorted Access Inappropriately Approved
Due to Falsified Pre-access Information

The attached Licensee Event Report is being submitted pursuant to the requirements of 10 CFR § 73.71 to provide notification of the subject event.

This letter and the attachment do not contain safeguards information as defined by 10 CFR 73.21, or personal and confidential information as defined by 10 CFR 2.790 (a)(6) and (a)(7).

If there are any questions, please call Walter Parker at (305) 246-6632.

Very truly yours,

A handwritten signature in black ink, appearing to read "WJ", is written over the closing "Very truly yours,".

William Jefferson, Jr.
Vice President
Turkey Point Nuclear Plant

OH

Attachment

cc: Regional Administrator, USNRC, Region II
Senior Resident Inspector, USNRC, Turkey Point Nuclear Plant

JE74

1. FACILITY NAME Turkey Point Unit 3	2. DOCKET NUMBER 05000 250	3. PAGE 1 OF 4
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4 TITLE
Unescorted Access Inappropriately Approved Due to Falsified Pre-Access Information

5. EVENT DATE			6 LER NUMBER			7. REPORT DATE			8. OTHER FACILITIES INVOLVED	
MO	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REV NO	MO	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
03	11	2003	2003 - 03 - 00			03	26	03	Turkey Point Unit 4	05000 251
									FACILITY NAME	DOCKET NUMBER

9. OPERATING MODE 6	11. THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR § (Check all that apply)				
	20.2201(b)	20 2203(a)(3)(ii)	50 73(a)(2)(ii)(B)	50.73(a)(2)(ix)(A)	
10. POWER LEVEL 0	20 2201(d)	20 2203(a)(4)	50 73(a)(2)(iii)	50.73(a)(2)(x)	
	20 2203(a)(1)	50 36(c)(1)(i)(A)	50 73(a)(2)(iv)(A)	X 73.71(a)(4)	
	20 2203(a)(2)(i)	50 36(c)(1)(ii)(A)	50 73(a)(2)(v)(A)	73.71(a)(5)	
	20 2203(a)(2)(ii)	50.36(c)(2)	50 73(a)(2)(v)(B)	OTHER Specify in Abstract below or in NRC Form 366A	
	20 2203(a)(2)(iii)	50.46(a)(3)(ii)	50.73(a)(2)(v)(C)		
	20 2203(a)(2)(iv)	50.73(a)(2)(i)(A)	50 73(a)(2)(v)(D)		
	20 2203(a)(2)(v)	50.73(a)(2)(i)(B)	50 73(a)(2)(vii)		
	20 2203(a)(2)(vi)	50.73(a)(2)(i)(C)	50 73(a)(2)(viii)(A)		
	20 2203(a)(3)(i)	50.73(a)(2)(ii)(A)	50 73(a)(2)(viii)(B)		

12. LICENSEE CONTACT FOR THIS LER

NAME Olga Hanek – Licensing Engineer	TELEPHONE NUMBER (Include Area Code) (305) 246-6607
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13. COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT

CAUSE	SYSTEM	COMPONENT	MANU-FACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANU-FACTURER	REPORTABLE TO EPIX

14. SUPPLEMENTAL REPORT EXPECTED				15. EXPECTED SUBMISSION DATE	MONTH	DAY	YEAR
YES (If yes, complete EXPECTED SUBMISSION DATE).	X	NO					

16. ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines)

On March 11, 2003, at 2115 hours, Florida Power and Light's Turkey Point Unit 3 was defueled, and Unit 4 was in Mode 1 (Power Operation) operating at 100 percent power. At this time, FPL access authorization and Fitness for Duty personnel determined that a contractor employee had provided false information during pre-employment screening to gain unescorted access to the protected area. Access authorization and Fitness for Duty personnel concluded that the individual would not have been granted unescorted access had the information been disclosed.

On March 11, 2003, at 2148 hours, FPL completed a one-hour notification to the NRC, in accordance with 10 CFR 73.71(d) and with the safeguards reporting guidelines contained in Generic Letter 91-03, Reporting of Safeguards Events.

The individual's access was denied. FPL judged that the individual falsified the background information to obtain employment and not to perform acts to impact plant safety, i.e., there was no malevolent intent.

This event report is being submitted pursuant to 10 CFR 73.71(d).

LICENSEE EVENT REPORT (LER)

FACILITY NAME (1)	DOCKET (2)	LER NUMBER (6)			PAGE (3)
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	
Turkey Point Unit 3	05000250	2003	- 003	- 00	Page 2 of 4

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

I. Description of Event

On March 11, 2003, at 2115 hours, Florida Power and Light's (FPL) Turkey Point Unit 3 was defueled, and Unit 4 was in Mode 1 (Power Operation) operating at 100 percent power. At this time, FPL access authorization and Fitness for Duty personnel determined that a contractor employee had falsified information to gain unescorted access to the protected area. Access authorization and Fitness for Duty personnel concluded that the individual would not have been granted unescorted access had the information been disclosed.

On March 11, 2003, at 2148 hours, FPL completed a one-hour notification to the NRC, in accordance with 10 CFR 73.71 and with the safeguards reporting guidelines contained in Generic Letter 91-03, Reporting of Safeguards Events.

II. Analysis of Event

On February 28, 2003, FPL granted temporary unescorted access privileges, in accordance with FPL procedures, to a contractor employee with the responsibility of instrument and control valve technician while the individual's background information was being verified. No unusual conditions existed at the time of in processing regarding Fitness-For-Duty (FFD) or training. The access authorization program requires background checks for all individuals requesting unescorted access, including fingerprint history, and is based, in part, on verification of information provided by the applicant. This individual did not have a personal history record in the Personnel Access Data System (PADS).

On March 11, 2003 as part of the background check of the individual, the Federal Bureau of Investigations (FBI) returned the individual's FBI fingerprint file to FPL Juno Beach (JB) Access Control. The fingerprint file contained information that the individual had previous arrests and convictions. Two convictions were identified. Two arrests were identified as resulting in a condition of "nolle prosequi", which is defined as a declaration that the prosecutor in a criminal case will drop prosecution of all or part of a suit or indictment; i.e., unwilling to pursue. There was no information that would indicate any reference to terrorism.

The FPL JB Access Program Supervisor reviewed the individual's file and determined that the individual had not entered any information pertinent to the above mentioned arrests/convictions on the "Personal History Questionnaire." The FPL JB Access Program Supervisor notified the Turkey Point Security Operations Supervisor regarding the arrests/convictions not listed in the contract employee's personal history questionnaire. The Turkey Point Security Operations Supervisor ensured that the individual was not currently on-site and directed that the individual's site access be suspended pending completion of an investigation and interview of the individual.

The Turkey Point Fitness-for-Duty coordinator interviewed the individual at 2115 hours on March 11, 2003. The individual acknowledged that the arrest and conviction information supplied by the FBI was correct. The individual also acknowledged that the information was not entered on the form since the charges and convictions would have prevented the individual from being able to work the Turkey Point Unit 3 refueling outage. It was determined that the contractor employee falsified background information to obtain employment. JB and Turkey Point security and FFD personnel reviewed this information and concluded, in accordance with NBS-NPS-AI-002 (Guidelines for Determining Suitability for Unescorted Access), that unescorted access would not have been authorized if the information had been provided initially. On March 11, 2003, the individual's access was denied and the individual was notified of the appeal rights under 10 CFR 73.56(e).

LICENSEE EVENT REPORT (LER)

FACILITY NAME (1)	DOCKET (2)	LER NUMBER (6)			PAGE (3)
Turkey Point Unit 3	05000250	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	Page 3 of 4
		2003	- 003	- 00	

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

III. Cause of Event

An individual who falsified background information provided for authorization of unescorted access caused the event. The individual knowingly provided false information during pre-employment screening in order to obtain unescorted access. The access authorization program requires background checks for all individuals requesting unescorted access, including fingerprint history, and is based in part on verification of information provided by the applicant.

IV. Safety Significance of Event

This event was reported pursuant to 10 CFR 73.71(d). A one hour notification was made in accordance with 10 CFR 73.71(b)(1) for an event type described in 10 CFR 73, Appendix G, paragraph I. (b), using the guidance contained in Generic Letter 91-03. Falsification of background information for unescorted access is required to be reported by Generic Letter 91-03 if the licensee determines that unescorted access would have been denied after discovery of new information.

This event had no effect on the health and safety of the public. The contractor employee was not licensed under 10 CFR 55 to operate a power reactor. The individuals pre-employment FFD testing was negative, and no aberrant behavior was observed. The individual falsified the background information to obtain employment and not to perform acts to impact plant safety, i.e.; there was no malevolent intent. There was no evidence to suggest that the individual committed, or attempted to cause, or made a credible threat to cause, physical damage to the reactor or its equipment, or nuclear fuel. A review of the individuals work activity was conducted. Work performed by the individual was assessed, and a determination was made that no safety systems were affected or threatened during the unescorted access period. The individual did not enter any vital areas.

The individual's access to Turkey Point's protected area did not constitute an unreasonable risk to the health and safety of the public.

V. Corrective Actions

1. The contractor individual's access was denied on March 11, 2003.
2. The maintenance contractor that employed the individual was notified of the denial of access through a Turkey Point site representative.
3. FPL evaluated a report of work performed by the individual on valves and determined that no safety systems were affected or threatened during the unescorted access period. The equipment that the individual worked on is part of systems that are tested in accordance with site startup procedures.
4. The contractor individual's personal history information was entered into the Personnel Access Data System (PADS) to alert other nuclear stations that additional information exists.

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		2003	- 003	- 00	

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

VI. Additional Information

A similar event regarding falsification of pre-access information was reported in October 27, 1998, for Turkey Point Units 3 and 4, Docket Nos. 50-250/251, LER number 1998-006-00.