



**FPL**

OCT 15 2003

L-2003-270  
10 CFR § 73.71(d)

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  
Notice of Cancellation  
Reportable Event: 2003-001-00  
Date of Event: December 18, 2002  
Contractor with Expired Badge Access Entered the Protected Area At Turkey Point Nuclear Site

The subject Licensee Event Report (LER) 250/2003-001-00, submitted January 27, 2003 under Florida Power & Light's (FPL) letter L-2003-010, is being cancelled pursuant to the requirements of 10 CFR § 50.73(d).

The basis for the cancellation is provided in the attached Justification for Cancellation, LER 2003-001-00. It has been determined that the previously reported unauthorized entry into the plant Protected Area was not unauthorized; the event is therefore not reportable under 10 CFR 73.71 (b) 1, and Appendix G to Part 73 I. (b).

It is requested that LER 2003-001-00 be removed from the LER data base.

Very truly yours,

Terry O. Jones  
Vice President  
Turkey Point Nuclear Plant

OIH  
Attachment

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

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### **Justification for Cancellation, LER 2003-001-00**

Licensee Event Report 250/2003-001-00, submitted to the Nuclear Regulatory Commission (NRC) on January 27, 2003, under FPL letter L-2003-010, reported that a contractor had entered the Protected Area (PA) unauthorized. The basis for the reportability determination was "unauthorized access to the Protected Area", under 10 CFR 73.71 (b) 1, and Appendix G to Part 73 I (b).

The contractor had gained entry into the PA on December 18, 2002. However, in accordance with plant procedures, the contractor's security badge had been administratively deleted from the security computer system database on December 13, 2002, due to non-use within the previous 30-day period. LER 2003-001-00 reported that the root cause for the "unauthorized access" was determined to be a manual activation of turnstile #801 by the Final Access Control Security Officer, which allowed PA access for the contractor, whose badge had been administratively deactivated. Since the contractor's badge had been deactivated, it was believed that the contractor no longer met all of the PA access requirements, particularly, the Continuous Behavior Observation Program (CBOP) requirements.

Based on the information at the time, a one-hour notification was made to the NRC under 10 CFR 73.71 (b) 1, and Appendix G to Part 73 I (b), Reportable Safeguards Events. The written LER was submitted in accordance with 10 CFR 73.71(d).

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During a recent NRC Region II security inspection, it was determined, upon further evaluation, that the contractor had, in fact, met all of the PA access requirements at the time of the event. By regulation and plant procedures, all personnel must be searched, identified, and authorized prior to entering the PA. At Turkey Point, an individual is searched prior to reaching the entry turnstiles. Individuals are identified through the hand geometry system. Authorization is determined by the security computer system, when the hand geometry matches the security badge being used. For an individual to have an active badge in the security computer system, all training must be current, FFD and background checks must be current, and the individual must be under CBOP. At the time of the event, security management did not realize that the individual was still within the allowed manager/supervisor review period for CBOP.

It has been confirmed that, at the time of the event, the contract employee did meet all of the above requirements to have an active badge; the badge had simply been administratively deactivated, due to non-use within the previous 30 day period. Although the event does constitute a plant procedural violation and appropriate corrective action has been completed as described in the LER, based upon this evaluation, the event does not constitute "unauthorized access". The event is therefore not reportable under 10 CFR 73.71 (b) 1 and Appendix G to Part 73 I (b).

LER 2003-001-00, Contractor with Expired Badge Access Entered the Protected Area At Turkey Point Nuclear Site, is cancelled.