

Tom Tynan
Vice President - Vogtle

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January 30, 2009



Docket No.: 50-424

NL-09-0021

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555-0001

**Vogtle Electric Generating Plant-Unit 1
Licensee Event Report
Failure to Report Arrest Results in
Inappropriate Unescorted Access**

Ladies and Gentlemen:

In accordance with the requirements of 10CFR73.71 Section (b)(1) and Appendix G(l)(b), Southern Nuclear operating Company is submitting the enclosed report for a condition that was determined to be reportable on December 10, 2008.

This letter contains no NRC commitments. If you have any questions, please advise.

Sincerely,

A handwritten signature in black ink that reads "T. E. Tynan".

T. E. Tynan
Vice President – Vogtle

TET/TMH/daj

Enclosures: LER 1-2008-002

cc: Southern Nuclear Operating Company
Mr. J. T. Gasser, Executive Vice President
Mr. T. E. Tynan, Vice President – Vogtle
Mr. D. H. Jones, Vice President – Engineering
RType: CVC7000

U. S. Nuclear Regulatory Commission
Mr. L. A. Reyes, Regional Administrator
Mr. R. E. Martin, NRR Project Manager – Vogtle
Mr. E. D. Morris, Acting Senior Resident Inspector – Vogtle

LICENSEE EVENT REPORT (LER)

Estimated burden per response to comply with this mandatory collection request: 50 hours. Reported lessons learned are incorporated into the licensing process and fed back to industry. Send comments regarding burden estimate to the Records and FOIA/Privacy Service Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0104), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

1. FACILITY NAME Vogtle Electric Generating Plant – Unit 1	2. DOCKET NUMBER 05000 424	3. PAGE 1 OF 4
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4. TITLE
Supplemental Worker Fails to Report Custodial Arrest Resulting in Inappropriate Unescorted Access

5. EVENT DATE			6. LER NUMBER			7. REPORT DATE			8. OTHER FACILITIES INVOLVED	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REV NO.	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
12	10	2008	2008	- 002 -	0	1	30	2009	FACILITY NAME	DOCKET NUMBER
										05000
										05000

9. OPERATING MODE 1	11. THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR§: (Check all that apply)			
10. POWER LEVEL 100%	<input type="checkbox"/> 20.2201(b)	<input type="checkbox"/> 20.2203(a)(3)(i)	<input type="checkbox"/> 50.73(a)(2)(i)(C)	<input type="checkbox"/> 50.73(a)(2)(vii)
	<input type="checkbox"/> 20.2201(d)	<input type="checkbox"/> 20.2203(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(ii)(A)	<input type="checkbox"/> 50.73(a)(2)(viii)(A)
	<input type="checkbox"/> 20.2203(a)(1)	<input type="checkbox"/> 20.2203(a)(4)	<input type="checkbox"/> 50.73(a)(2)(ii)(B)	<input type="checkbox"/> 50.73(a)(2)(viii)(B)
	<input type="checkbox"/> 20.2203(a)(2)(i)	<input type="checkbox"/> 50.36(c)(1)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(ix)(A)
	<input type="checkbox"/> 20.2203(a)(2)(ii)	<input type="checkbox"/> 50.36(c)(1)(ii)(A)	<input type="checkbox"/> 50.73(a)(2)(iv)(A)	<input type="checkbox"/> 50.73(a)(2)(x)
	<input type="checkbox"/> 20.2203(a)(2)(iii)	<input type="checkbox"/> 50.36(c)(2)	<input type="checkbox"/> 50.73(a)(2)(v)(A)	<input type="checkbox"/> 73.71(a)(4)
	<input type="checkbox"/> 20.2203(a)(2)(iv)	<input type="checkbox"/> 50.46(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(v)(B)	<input type="checkbox"/> 73.71(a)(5)
<input type="checkbox"/> 20.2203(a)(2)(v)	<input type="checkbox"/> 50.73(a)(2)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(v)(C)	<input checked="" type="checkbox"/> OTHER	
<input type="checkbox"/> 20.2203(a)(2)(vi)	<input type="checkbox"/> 50.73(a)(2)(i)(B)	<input type="checkbox"/> 50.73(a)(2)(v)(D)	Specify in Abstract below or in NRC Form 366A	

12. LICENSEE CONTACT FOR THIS LER

FACILITY NAME Vogtle Electric Generating Plant/Mark Hickox, Principal Licensing Engineer	TELEPHONE NUMBER (Include Area Code) (706) 826-4129
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13. COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT

CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX

14. SUPPLEMENTAL REPORT EXPECTED <input type="checkbox"/> YES (If yes, complete 15. EXPECTED SUBMISSION DATE) <input checked="" type="checkbox"/> NO	15. EXPECTED SUBMISSION DATE	MONTH	DAY	YEAR

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

On December 10, 2008 at approximately 13:10 hrs Eastern Standard Time (EST), Southern Nuclear Operating Company (SNC) Nuclear Fleet Security contacted Vogtle Electric Generating Plant (VEGP) site Security, regarding the failure of a supplemental worker to self-disclose a custodial arrest that had occurred on April 23, 2004. The supplemental worker had been granted Unescorted Access to VEGP on four separate occasions. The supplemental worker was first badged at VEGP from April 5, 2004 to April 30, 2004, during which time the custodial arrest occurred. The supplemental worker was again granted Unescorted Access from February 22, 2005 to April 2, 2005, from September 15, 2005 to October 6, 2005, and from September 12, 2006 to October 9, 2006.

An investigation by SNC Nuclear Fleet Security was performed and it was determined that the supplemental worker failed to disclose the custodial arrest, while under the Unescorted Access (UA) program in April 2004, and during the subsequent requests for Unescorted Access Authorization (UAA). The supplemental worker has been denied UA at all SNC facilities and flagged in the Personnel Access Data System (PADS).

**LICENSEE EVENT REPORT (LER)
CONTINUATION SHEET**

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE		
Vogtle Electric Generating Plant-Unit 1	05000424	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	2	OF	4
		2008	- 002	- 0			

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

A. DESCRIPTION OF EVENT

On December 10, 2008, at approximately 13:10 hours Eastern Standard Time (EST), Southern Nuclear Operating Company (SNC) Nuclear Fleet Security contacted VEGP site security personnel to notify them that a supplemental worker, who had previously held Unescorted Access (UA) to the protected area, had failed to report a custodial arrest. A one-hour telephone notification to the NRC was made on December 10, 2008 at approximately 13:49 hours EST. At the time of this event, both Unit 1 and Unit 2 were in Mode 1 at 100% rated thermal power.

SNC Nuclear Fleet Security was contacted by Pacific Gas & Electric Company (PG&E) Diablo Canyon Power Plant personnel on December 10, 2008, to inquire if a Williams Plant Services supplemental worker had reported a custodial arrest that had occurred on April 23, 2004, while he was badged at Vogtle Electric Generating Plant (VEGP) from April 5, 2004 to April 30, 2004. A review of the supplemental worker's Unescorted Access Authorization (UAA) file revealed that the supplemental worker had not reported the custodial arrest. Had the supplemental worker reported the custodial arrest, unescorted access at VEGP would have been revoked. In addition, it was determined that the supplemental worker had requested and was granted UA at VEGP on three subsequent occasions. Specifically, the supplemental worker had been granted UA at VEGP from February 22, 2005 to April 2, 2005, from September 15, 2005 to October 6, 2005 and from September 12, 2006 to October 9, 2006. During each of these subsequent UA periods, the supplemental worker failed to disclose the custodial arrest.

This report is submitted pursuant to 10 CFR 73.71 Section (b)(1) and Appendix G(I)(b).

B. CAUSE OF EVENT

Personnel access authorization activities for VEGP are performed by Nuclear Fleet Security, located in Birmingham, Alabama. SNC's Access Authorization Program is established in accordance with the Nuclear Energy Institute (NEI) 03-01, Revision 1, Nuclear Power Plant Access Authorization Program, which implements the criteria for applicable personnel access authorization requirements of 10 CFR 73.56, criminal history checks of 73.57, and fitness for duty requirements of 10 CFR 26. This program has been designed to establish consistency in access authorization programs throughout the nuclear power industry in the implementation of the NRC-issued Order for Compensatory Measures Related to Access Authorization, EA-02-261, dated January 7, 2003. The subject vendor/contractor likewise has an established access authorization program, which is subject to audit by the licensee.

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The Access Authorization Program consists of the following four elements: 1) background investigation, 2) psychological evaluation, 3) Fitness For Duty (FFD), and 4) continual behavior observation program (BOP). These four program elements are the bases for recommendation of UAA. The granting of UAA, based on the successful completion of all four elements, remains current, as long as the individual is maintained under a licensee-approved BOP. Once authorized UAA and while under an approved BOP, the individual may be maintained in a UAA authorized status, ready to be granted Unescorted Access (UA), absent the development of some derogatory information.

The Access Authorization Program explicitly requires all SNC employees, contract workers and other individuals granted Unescorted Access Authorization/Unescorted Access (UAA/UA) to report any arrests (charge, appearance ticket, summons, etc.), excluding minor traffic offenses, that requires a court appearance. The Notification of Arrests form, which is included in all in-processing packages, clearly declares this requirement, provides a definition of what constitutes "arrest," and requires the applicant to certify their understanding of this requirement by signature. Additionally, this requirement is incorporated into General Employee Training for both initial qualification and re-qualification.

A review of the UAA/UA process concluded that all program requirements and established processes were followed regarding the granting of unescorted access, except that the contract individual failed to self report a custodial arrest as required.

C. SAFETY ASSESSMENT

There was no safety significance associated with this event, as there were no releases of radioactive materials, no personnel injuries, and no reportable equipment or system failures resulting from this event.

D. CORRECTIVE ACTIONS

The individual has been denied access at all SNC facilities.

The individual has been flagged in the Personnel Access Data System (PADS) Network to alert other industry sites.

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E. ADDITIONAL INFORMATION

Since this event involved the action of an individual applicant, previous corrective actions involving individuals would not have prevented this event. This event is not considered reportable under the Equipment Performance and Information (EPIX) program.

Other Systems Affected: No systems were affected by this event.

Failed Component Information: No failed components caused, or resulted from, this event.

Commitment Information: This report does not create any permanent licensing commitments.

Previous Similar Events: There were two previous similar events at Vogtle Electric Generating Plant, in which an individual failed to report an arrest, that occurred within the past 26 months; one of which was reportable and is documented in LER 1-2006-003. Additionally, since the UAA program is administered by SNC Nuclear Fleet Security, it was determined that two previous similar events involving failure of an individual to report an arrest had occurred at Edwin I. Hatch Nuclear Plant within the past 26 months, one of which was reportable (Docket Number 50-321; LER 1-2008-S01). Also, at the Joseph M. Farley Nuclear Plant (Docket Number 50-348), there was one case where an individual failed to report an arrest. In each case, the event involved the failure of an individual applicant to report an arrest.