

September 30, 2009

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

Peach Bottom Atomic Power Station (PBAPS) Units 2 and 3
Facility Operating License Nos. DPR-44 and DPR-56
NRC Docket Nos. 50-277 and 50-278

Subject: 60-Day Security Event Report 2-09-S01

Enclosed is a report concerning an event involving an access authorization concern that occurred involving one individual for a short time during September 2008. In accordance with NEI 99-04, the regulatory commitment contained in this correspondence is to restore compliance with the regulations. The specific methods that are planned to restore and maintain compliance are discussed in the LER. If you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,



Garey L. Stathes
Plant Manager
Peach Bottom Atomic Power Station

GLS/djf/IR 956017

Attachment

cc: S. J. Collins, US NRC, Administrator, Region I
F. L. Bower, US NRC, Senior Resident Inspector
Director, Division of Nuclear Security, USNRC NSIR
R. R. Janati, Commonwealth of Pennsylvania
S. Grey, State of Maryland
P. Steinhauer, PSE&G, Financial Controls and Co-owner Affairs
INPO Records Center

CCN: 09-65

IE74
NRR

cc:

Director, Office of Nuclear Reactor Regulation (Eric Leeds – OWFN 16-G4)

Director, Office of Nuclear Material Safety and Safeguards (Michael Weber – EBB-1)

Director, Office of New Reactors (Michael Johnson – TWFN 6-F15)

Director, Division of Nuclear Safety (NSIR)(Roy Zimmerman – TWFN 4-D22A)

LICENSEE EVENT REPORT (LER)

(See reverse for required number of digits/characters for each block)

Estimated burden per response to comply with this mandatory collection request: 80 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 Peach Bottom Atomic Power Station (PBAPS), Unit 2	2. DOCKET NUMBER 05000277	3. PAGE 1 OF 3
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4. TITLE
Unescorted Access Granted to Contract Worker who did not Provide Complete Work History Information

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
09	11	2008	09	S01	00	09	30	2009	PBAPS Unit 3	05000278
									FACILITY NAME	DOCKET NUMBER
										05000

9. OPERATING MODE 1	11. THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §: <i>(Check all that apply)</i>							
10. POWER LEVEL 85 %	<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 checked="" 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 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 PBAPS Units 2 and 3, James Armstrong, Regulatory Assurance Manager	TELEPHONE NUMBER <i>(Include Area Code)</i> 717-456-3351
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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 <input type="checkbox"/> YES <i>(If yes, complete 15. EXPECTED SUBMISSION DATE)</i> <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 8/21/09, Exelon security staff personnel determined that unescorted access was granted to a contract worker who did not provide complete work history information that was relevant to making an access authorization determination made on 9/11/08. It was determined that the individual did not provide complete information to Exelon concerning a previous incident at a non-nuclear work facility where the individual had tested positive in a Fitness-for-Duty test. In accordance with Exelon procedures, this individual would not have been granted unescorted access if this information had been known at the time that unescorted access was granted.

There was no actual adverse security consequences associated with this event. The individual's activities at PBAPS were limited to work on non-safety related equipment.

This individual's access had been previously terminated at PBAPS on 9/28/08 as a result of the completion of the individual's work activities associated with refueling outage P2R17.

There were no previous similar events identified.

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Peach Bottom Atomic Power Station, Unit 2	05000277	YEAR	SEQUENTIAL NUMBER	REV NO.	2	OF 3
		2009	- S01	- 00		

NARRATIVE

Unit Conditions Prior to the Event

The event first occurred on 9/11/08 when unescorted access was granted to the involved individual. The unescorted access was terminated on 9/28/08.

Unit 2 was in Mode 1 and operating at approximately 85% rated thermal power when the event occurred on 9/11/08. The unit was shutdown (0% rated thermal power) on 9/15/08 and remained in a shutdown condition until the event was terminated on 9/28/08.

Unit 3 was in Mode 1 and operating at 100% of rated thermal power during the duration of this event.

Description of the Event

On 8/21/09, Exelon security staff personnel determined that unescorted access was granted to a contract worker who did not provide complete work history information that was relevant to making an access authorization determination made on 9/11/08. The contract individual was granted unescorted access for the time period of 9/11/08 to 9/28/09 to support the 17th Unit 2 Refueling Outage (P2R17) at PBAPS. It was determined that the individual did not provide complete information to Exelon concerning a previous incident at a non-nuclear work facility where the individual had tested positive in a Fitness-for-Duty test. In accordance with Exelon procedures (which have more stringent Fitness-for-Duty requirements than those required by 10 CFR Part 26), this individual would not have been granted unescorted access if this information had been known at the time that unescorted access was granted.

Exelon became aware of this issue as a result of being notified by another utility that the contract worker had failed a Fitness-for-Duty test in June 2007. The utility had discovered this information as a result of a background check that was made since the previous non-nuclear work reference where the individual had failed a Fitness-for-Duty test was provided to this utility. However, this information was omitted from the individual's application for unescorted access made at PBAPS on 9/8/08.

This individual's access had been previously terminated at PBAPS on 9/28/08 as a result of the completion of the individual's work activities associated with P2R17.

A one-hour prompt notification was made to the NRC in accordance with 10CFR 73.71(b)(1) and 10CFR 73 Appendix G.I.b on 8/21/09. This 60-day follow-up report is being submitted pursuant to the requirements of 10CFR 73.71(a)(4) as a result of an actual entry of an individual into a protected area that would not have been granted unescorted access had their background information been fully known.

No other local, state or federal law enforcement agencies were required to be notified.

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NARRATIVE

Analysis of the Event

There were no actual adverse security consequences associated with this event.

An investigation was performed to determine if there were any adverse impacts as a result of the contract worker's activities while granted unescorted access at PBAPS. The individual involved had been granted unescorted access at PBAPS in order to perform scheduled work associated with the Main Condenser. The Main Condenser is non-safety related and is located in a non-vital part of the plant. There were no adverse safety or security impacts associated with this event.

Cause of the Event

When the contract individual applied for unescorted access to PBAPS on 9/8/08, the individual omitted an employment experience on the Personal History Questionnaire (PHQ) that was required to be reported. As a result of investigations recently performed by another utility, it was determined that the contract individual had been terminated for a Fitness-for-Duty violation in June 2007. Because the individual did not identify this employer in the 9/8/08 application to Exelon, the Background Investigation did not reveal any potentially derogatory information that might have been a cause to deny unescorted access at PBAPS. When the individual recently applied for unescorted access to another nuclear utility in August 2009, the individual did identify this same previous employer. The previous employer verified that the individual was terminated for a Fitness-for-Duty violation prior to the date of application at PBAPS on 9/8/08.

Corrective Actions

This individual's access had been previously terminated at PBAPS on 9/28/08 as a result of the completion of the individual's work activities associated with P2R17.

An evaluation was performed concerning Exelon's background access authorization activities in September 2008 concerning the contract worker. No significant investigation weaknesses were identified.

An appropriate entry concerning this occurrence was entered into the Personnel Access Data System (PADS).

Previous Similar Occurrences

There were no previous similar events identified.