



Nuclear

Clinton Power Station
8401 Power Road
Clinton, IL 61727-9351

U-603923
October 23, 2009

10 CFR 73.71(b)(2)
SRRS 5A.108

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

Clinton Power Station, Unit 1
Facility Operating License No. NPF-62
NRC Docket No. 50-461

Subject: Licensee Event Report 2009-002-00

Enclosed is Licensee Event Report (LER) No. 2009-002-00: Contractor Falsified Information for Unescorted Access Authorization. This report is being submitted in accordance with the requirements of 10 CFR 73.71(b)(2).

There are no regulatory commitments contained in this letter.

Should you have any questions concerning this report, please contact Ms. M. R. Hiter, at (217)-937-2902.

Respectfully,

F. A. Kearney
Site Vice President
Clinton Power Station

RSF/blf

Enclosures: Licensee Event Report 2009-002-00

cc: Regional Administrator – NRC Region III
NRC Senior Resident Inspector – Clinton Power Station
Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response
Office of Nuclear Facility Safety – IEMA Division of Nuclear Safety

IE74
NRR

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.

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4. TITLE
Contractor Falsified Information for Unescorted Access Authorization

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	18	09	2009	002 - 00		10	23	2009	None	05000
									FACILITY NAME	DOCKET NUMBER
									None	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 97	<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

NAME M. R. Hiter, Security Access Authorization / FFD Lead	TELEPHONE NUMBER <i>(Include Area Code)</i> (217) 937-2902
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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)*

A contractor was given unescorted security access on 9/14/09 as a reinstatement background investigation based on the contractor having previous unescorted access at another nuclear facility greater than 30 days earlier, but less than 365 days. The access was authorized prior to completion of the background investigation as allowed by NRC. On 9/18/09 during conduct of the background investigation of the contractor, an issue was identified with the Personal History Questionnaire (PHQ) completed by the contractor for unescorted security access. The issue was a previous employer identified derogatory information that the contractor did not disclose on the PHQ at the time of processing on 9/14/09. If Exelon had known the derogatory information at the time of initial access processing, unescorted access would have been denied to the contractor. On the basis of this information, the contractor was located and removed from the Protected Area (PA) and unescorted security access was immediately terminated. The contractor had been in the PA for a total of 14 hours and 27 minutes, and in the vital area for a total of 31 minutes during the period of authorized access. Areas in the plant that the contractor accessed were walked down for any indications of degradation of safety systems and none were found. This event is reportable under the provisions of 10 CFR 73.71(b)(2).

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NARRATIVE

PLANT OPERATING CONDITIONS

Unit: 1
 Event Date: 9/14/09 to 9/18/09
 Event Time: Start Time: 9/14/09, 1140 hours Central Daylight Time
 End Time: 9/18/09, 0959 hours Central Daylight Time
 Mode: 1 (Power Operation)
 Reactor Power: 97 percent

DESCRIPTION OF EVENT

A contractor was processed for unescorted security access to Clinton Power Station (CPS) on 9/14/09 as a reinstatement background investigation based on the contractor having previous unescorted access at another nuclear facility greater than 30 days earlier, but less than 365 days. Based on information provided by the contractor, using the process allowed by the NRC, Exelon granted unescorted access to the contractor on 9/14/09 at about 1140 hours, prior to completion of the background investigation. The contractor was a laborer that was onsite to support Division 3 Diesel Generator fuel oil storage tank cleaning and inspection work that was starting on 9/21/09.

On 9/18/09 at 0930 hours, Exelon corporate security notified site Security in-processing that during conduct of the background investigation of the contractor, an issue was identified with the Personal History Questionnaire (PHQ) completed by the contractor for unescorted security access. The issue was a previous employer identified derogatory information that the contractor did not disclose on the PHQ at the time of processing on 9/14/09. On the basis of this information, site Security located and removed the contractor from the Protected Area (PA) by 0942 hours.

Once the contractor was outside the PA, Exelon corporate security requested the contractor to document an explanation of the PHQ discrepancy and directed site Security to terminate the contractor's unescorted access. The contractor's unescorted access was terminated at 0959 hours. Site Security in-processing forwarded the explanation document to corporate security at approximately 1010 hours. At this time, Exelon corporate security communicated to site Security that this event would need to be evaluated for reportability to the NRC and that corporate Security would call back with a determination.

At 1430 hours Exelon corporate security notified site Security that a determination of reportability had not yet been made.

At 1450 hours, Security notified Operations that a contractor's unescorted access had been terminated and the contractor had been removed from the protected area. Additionally, in accordance with Exelon criteria for unescorted access, if Exelon had known the derogatory information at the time of initial access processing, unescorted access would have been denied to the contractor. On the basis of this information, this event was determined to be reportable under the provisions of 10CFR 73.71 as a one-hour notification due to incomplete pre-access screening records (falsification), where the licensee has determined that unescorted access would have been denied based on the developed information. The station initiated Issue Report 967050 to investigate this event.

At 1530 hours, the Exelon corporate senior reviewing official conducted an interview with the contractor via telephone and concluded the contractor deliberately provided false information on the PHQ.

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At 1538 hours Event Notification number 45362 was transmitted to the NRC for the one-hour notification.

At 1600 hours, mechanical maintenance and operations personnel commenced walkdowns of the areas in the plant that the contractor accessed for any indications of degradation of safety systems as requested by the Operations shift manager. By 1700 hours the walkdowns were completed with no indications of degradation of safety systems. A review of keycard transactions identified that the contractor had been in the protected area for a total of 14 hours and 27 minutes, and in the vital area for a total of 31 minutes during the week of 9/14/09.

CAUSE OF EVENT

The cause of this event is a contractor falsified documentation used in the process to authorize security unescorted access to CPS by failing to report a previous violation of non-nuclear employer's fitness for duty program.

The contractor completed a Reinstatement PHQ for access to CPS prior to being granted unescorted access on 9/14/09. A Reinstatement PHQ is completed when unescorted access was previously terminated from a nuclear facility greater than 30 days, but less than 365 days. An individual completing a Reinstatement PHQ may be granted unescorted access for up to 5 business days while the background check is being completed.

The Reinstatement PHQ was forwarded to the background investigation contractor on 9/14/09 for completion. At that time no derogatory information was identified on the PHQ.

On 9/18/09 the background investigator forwarded derogatory information to Exelon Corporate Security. The derogatory information was that the contractor had a positive non-nuclear drug test on 4/19/09. The non-nuclear employer required the contractor to participate in an Employee Assistance Program (EAP). The non-nuclear employer terminated the contractor on 5/4/09.

When the contractor applied for unescorted access to CPS on 9/14/09, he responded to questions on the PHQ that he had not been fired, involuntarily terminated, or forced to leave a job or position since his last access and had not been subjected to a plan for substance abuse treatment since his last unescorted access.

If the contractor had responded that these questions were applicable, a security interview would have been completed and the contractor would have been denied unescorted security access.

The Exelon corporate senior reviewing official conducted a telephone interview with the contractor at 15:30 hours on 9/18/09. The contractor was questioned about his answers to the questions and he replied that he thought he answered "YES" to the fired question and he did not understand the other question. The official concluded that the contractor had falsified the PHQ.

The contractor did not admit a previous violation of the non-nuclear employer's fitness for duty program. This contractor has been previously granted unescorted access at other Exelon Nuclear sites including CPS.

CORRECTIVE ACTIONS

The contractor's access was immediately terminated.

All areas that the contractor accessed were walked down to ensure no threats to nuclear safety were present.

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Two other contractors processed on the same day were reviewed for similar issues and were found to be acceptable as there were no indications or information discrepancies and no derogatory remarks provided by the investigating team.

SIGNIFICANCE OF EVENT

The contractor was in the protected area for a total of 14 hours and 27 minutes and in the vital area for a total of 31 minutes during the week of 9/14/09. The station completed walkdowns of the areas in the plant that the contractor accessed for any indications of degradation of safety systems. The walkdowns identified no indications of degradation of safety systems.

INFORMATION REQUIRED BY REGULATORY GUIDE 5.62

1. Date and time of event (start and end time).

Start Time: 9/14/09, 1140 hours Central Daylight Time
End Time: 9/18/09, 0959 hours Central Daylight Time

2. Location of actual or threatened event in a protected area, material access area, controlled access area, vital area, or other (specify area).

The contractor was in the Protected Area for a total of 14 hours and 27 minutes, and in the Vital Area for a total of 31 minutes during the week of 9/14/09. Station walkdowns of areas in the plant that the contractor accessed identified no indications of degradation of safety systems.

3. For power reactors, the operating phase, e.g., shut-down, operating.

During the period of time this event covered, the reactor was in Mode 1 (Power Operation) operating at about 97 percent power.

4. Safety systems affected or threatened, directly or indirectly.

No safety systems were affected or threatened, directly or indirectly.

5. Type of security force onsite (proprietary or contract).

The Security force is Exelon proprietary.

6. Number and type of personnel involved, e.g., contractors, security, visitors, NRC personnel, other (specify).

One labor-type contractor.

7. Method of discovery of incident, e.g., routine inspection, test, maintenance, alarm, chance, informant, communicated threat, unusual circumstances (give details).

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Discussed in the DESCRIPTION OF EVENT section of this report.

8. Procedural errors involved, if applicable.

No procedure errors were identified during the investigation of this issue.

9. Immediate actions taken in response to event.

Immediate actions taken are discussed in the DESCRIPTION OF EVENT and CAUSE OF EVENT sections of this report.

10. Corrective actions taken or planned.

Corrective actions taken or planned are discussed in the DESCRIPTION OF EVENT and CAUSE OF EVENT sections of this report.

11. Local, State, or Federal law enforcement agencies contacted.

No Local, State, or Federal law enforcement agencies were contacted.

12. Description of media interest and press release.

There was no media interest and no press release.

13. Indication of previous similar events.

No previous similar events have occurred at CPS in recent history.

14. Knowledgeable contact.

M. R. Hiter, Security Access Authorization / FFD Lead
Telephone: (217) 937-2902