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March 30, 2010

Docket Nos.: 50-424
50-425

NL-10-0577

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

**Vogtle Electric Generating Plant-Units 1 and 2
Licensee Event Report 2010-S01-00
Supplemental Worker's Unescorted Access Not Revoked in a Timely Manner**

Ladies and Gentlemen:

In accordance with the requirements of 10CFR73.71 Section (b)(1) and Appendix G Section I(b), Southern Nuclear Operating Company (SNC) is submitting the enclosed Licensee Event Report.

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

Respectfully submitted,

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

T. E. Tynan
Vice President – Vogtle

TET/TMH/sdc

Enclosures: Units 1 and 2 Licensee Event Report 2010-S01-00

cc: Southern Nuclear Operating Company
Mr. J. T. Gasser, Executive Vice President
Mr. T. E. Tynan, Vice President – Vogtle
Ms. P. M. Marino, 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. M. Cain, Senior Resident Inspector – Vogtle

Vogtle Electric Generating Plant-Units 1 and 2
Licensee Event Report 2010-S01-00
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Enclosure

Units 1 and 2 Licensee Event Report 2010-S01-00

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 infocollect@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's Unescorted Access not Revoked in a Timely Manner

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
02	03	2010	2010	- S01 -	0	03	30	2010	Vogtle Unit 2	05000 425
									FACILITY NAME	DOCKET NUMBER
										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	MANU-FACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANU-FACTURER	REPORTABLE TO EPIX

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

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

On January 25, 2010, a supplemental worker under contract to Southern Nuclear Operating Company (SNC) was served a summons to appear in federal court regarding felony bank fraud charges. Upon returning to work on January 26, 2010, the supplemental worker informed his supervision of the summons. The contractor supervisor then contacted SNC site security. In the discussions between the contractor supervisor and SNC site security, ineffective communications resulted in a failure to recognize that the subject event involved a court summons which constituted a "legal action". Consequently, the supplemental worker's Unescorted Access (UA) was not revoked. Subsequently, on February 3, 2010, the supplemental worker informed the contractor supervisor and SNC site security of his actual court appearance which had occurred the previous day. Pursuant to this new information, the subject's UA was then revoked.

During the review of this event it was determined that the supplemental worker's UA should have been revoked on January 26, 2010, when he first notified supervision of the summons. The supplemental worker entered the Protected Area (PA) on several occasions as part of his normal work assignment between January 26, 2010, and February 2, 2010. These events constituted entries into the PA by an unauthorized person. Therefore, SNC made a one hour notification at approximately 15:56 hours EST on February 3, 2010.

**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
		2010	- S01	- 0			

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

A. DESCRIPTION OF EVENT

On February 3, 2010, a supplemental worker under contract to SNC informed his supervisor (also an individual under contract to SNC) and SNC site security of his appearance in federal court the previous day, February 2, 2010 on bank fraud charges. Upon being notified of the supplemental worker's court appearance, SNC site security reviewed the circumstances surrounding his court case. Based upon the information then available, SNC site security promptly revoked the supplemental worker's Unescorted Access authorization.

Subsequent investigation by SNC Corporate Security into the individual's court appearance determined that on January 25, 2010, the supplemental worker had been served a summons to appear in U.S. federal court by a United States Marshall for indictment on felony bank fraud charges. It was further determined that the individual had returned to work on January 26, 2010, after having been served the summons and had notified his supervision of the summons, as required by policy. The contractor supervisor subsequently contacted SNC site security regarding the summons. However, in the discussions between the contractor supervisor and SNC site security, ineffective communications resulted in a failure to recognize that the subject event involved a court summons which constituted a "legal action". Rather, the discussion between the contractor supervisor and the site security supervisor focused on whether the supplemental worker had been arrested. As a result of this inadequate exchange of information, the individual was allowed to maintain Unescorted Access (UA). The supplemental worker's UA was not revoked until February 3, 2010, when the individual returned to work, reported his court appearance on bank fraud charges, and the implications of the circumstance were understood. Further investigation determined that the supplemental worker had entered the Protected Area (PA) on several occasions between January 26, 2010 and February 2, 2010 as part of his work assignments.

In the ensuing SNC evaluation of the event, it was determined that the supplemental worker's UA should have been revoked upon his return to work on January 26, 2010. Because the supplemental worker's UA was not revoked, he was inappropriately allowed to enter the PA on several occasions between January 26, 2010, and February 2, 2010, in the course of his assigned tasks. In accordance with 10CFR73.71 Section (b)(1) and Appendix G Section I(b), these events constituted entries of an "unauthorized person" into a protected area, and, therefore in accordance with SNC policy, required a one hour report be made to the NRC. SNC made the required one hour notification at approximately 15:56 hours EDT on February 3, 2010.

B. CAUSE OF EVENT

The company Access Authorization Program requires all SNC employees and individuals with Unescorted Access Authorization/Unescorted Access (UAA/UA) to report certain legal actions that may impact his or her trustworthiness or reliability to their supervision as soon as possible but no later than the first day or the first shift after returning to work following the legal action.

**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	3	OF 4
		2010	- S01	- 0		

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

In this event, the supplemental worker complied with access program requirements. However, in the process of reporting the court summons, ineffective communications between the individual in the site security department receiving the report and the contract supervisor making the report resulted in a failure to recognize that a court summons, which was understood to constitute a legal action, had been issued. Rather, the conversation focused on whether the supplemental worker had been arrested. Since the individual had not been specifically arrested, the appropriate process which should have resulted in the supplemental worker's UA being revoked was not followed. Hence, the supplemental worker's UA was not revoked until February 3, 2010, when additional information prompted revocation of the subject's UA.

C. SAFETY ASSESSMENT

Although the individual accessed the PA after his UA should have been revoked pending resolution of the legal action, he was not observed to have behaved in any aberrant manner. Further, there were no releases of radioactive materials, no personnel injuries, and no reportable equipment or system failures which resulted from this event. Therefore, it is judged that there was no safety significance associated with the delay in the revocation of the contract supplemental worker's unescorted access.

D. CORRECTIVE ACTIONS

The following corrections and enhancements have been or will be implemented in response to this event and the insights gained from its investigation.

- The individual has been denied access at all SNC facilities pending resolution of the legal action and has been flagged in the Personnel Access Data System (PADS) Network and the Southern Nuclear internal access program, Employee Plant Access Control System.
- The corporate policy which addresses "Legal Action Reporting" is being revised to incorporate new requirements to comply with NEI 03-01 Revision 3. The revised policy will also include new language that stresses the need for immediacy in the reporting of a legal action. Procedures or guidelines that implement the corporate policy on "Legal Action Reporting" will be revised appropriately.
- Managers and supervisors will receive a company communication advising them of the impending revision of the corporate policy on "Legal Action Reporting", additional information on the 2009 transition in the reporting criterion from "custodial arrests" to "legal action", their actions to be taken upon receipt of a legal action report, and examples of questions that they might be asked by employees. All employees will receive a separate company communication informing them of the revision of the corporate policy on "Legal Action Reporting".

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	4	OF 4
		2010	- S01	- 0		

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

The above enhancing actions will be completed before no later than April 30, 2010. Further,

- SNC's Supply Chain will update their standard contract language relative to unescorted access requirements including information relative to legal action reporting. This enhanced description of the requirements for unescorted access will be provided to applicable contractors through the customary process of revising purchase orders and contracts.
- FFD and site badge training materials will be updated to reflect the new emphasis on immediacy of reporting and the requirement to report serious civil charges.

Any additional corrective actions which are found to be appropriate during the cause investigation will be tracked in the plant's corrective action program.

E. ADDITIONAL INFORMATION

None