



Duke Energy Corporation

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H. B. Barron
Vice President

DATE: December 1, 1999

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555

Subject: McGuire Nuclear Station, Unit 1 and Unit 2
Docket No. 50-369 and 50-370
Special Report 369/99-02(S), Revision 0
Problem Investigation Process No. M-99-5040

Special Report 369/98-02(S), Revision 0 is attached. The report describes an incident involving submittal of false information resulting in unescorted access by a contractor's employee. This report is being submitted pursuant to 10 CFR 73.71 Sections (b) (1) and (d) in accordance with 10 CFR 73 appendix G (I) (b). This event is considered to be of no significance with respect to the health and safety of the public.

Duke Energy's staff review of the unescorted access authorization process associated with this incident concluded that Duke Energy followed established process steps. There are no licensee planned corrective actions or other regulatory commitments identified as a result of this incident.

Very truly yours,

H. B. Barron, Jr.

Attachment

cc: L. A. Reyes
U.S. Nuclear Regulatory Commission
Region II
Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, GA 30323

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700 Galleria Parkway
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F. Rinaldi
U.S. Nuclear Regulatory Commission
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Washington, D.C. 20555

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NRC Resident Inspector
McGuire Nuclear Station

IE74

PDL ADDU 05000369

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INPO

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LICENSEE EVENT REPORT (LER)

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS MANDATORY INFORMATION COLLECTION REQUEST: 50.0 HRS. REPORTED LESSONS LEARNED ARE INCORPORATED INTO THE LICENSING PROCESS AND FED BACK TO INDUSTRY. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (T-6 F33), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

FACILITY NAME (1)

McGuire Nuclear Station, Unit 1

DOCKET NUMBER (2)

05000369

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TITLE (4)

Employee's Submittal of False Information Resulting in Unescorted Access

EVENT DATE (5)			LER NUMBER (6)			REPORT DATE (7)			OTHER FACILITIES INVOLVED (8)	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER(S)
11	01	99	99	- 02(S)	- 0	12	01	99	McGuire Unit 2	05000370

OPERATING MODE (9) 5

POWER LEVEL (10) 000

THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR (Check one or more of the following) (11)

20.402(b)	20.405(c)	50.73(a)(2)(iv)	X	73.71(b)
20.405(a)(1)(i)	50.36(c)(1)	50.73(a)(2)(v)		73.71(c)
20.405(a)(1)(ii)	50.36(c)(2)	50.73(a)(2)(vii)		OTHER (Specify in Abstract below and in Text, NRC Form 366A)
20.405(a)(1)(iii)	50.73(a)(2)(i)	50.73(a)(2)(viii)(A)		
20.405(a)(1)(iv)	50.73(a)(2)(ii)	50.73(a)(2)(viii)(B)		
20.405(a)(1)(v)	50.73(a)(2)(iii)	50.73(a)(2)(x)		

LICENSEE CONTACT FOR THIS LER (12)

NAME	TELEPHONE NUMBER	
	AREA CODE	
M. R. Wilder	(704)	875-5362

COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT (13)

CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS
A3b8	NA	NA	NA	No					

SUPPLEMENTAL REPORT EXPECTED (14)

YES (if yes, complete EXPECTED SUBMISSION DATE)	X	NO	EXPECTED SUBMISSION DATE (15)	MONTH	DAY	YEAR
	X	NO				

ABSTRACT (Limit to 1400 spaces, i.e. approximately fifteen single-space typewritten lines) (16)

Unit Status: Unit 1 was in Mode 5 (cold shutdown) and Unit 2 was in Mode 1 (power operations) at 100%.

Event Description: On November 1, 1999 it was discovered that an employee (i.e., Employee A) of a roofing contractor with unescorted access authorization had submitted false background information and accessed the protected area. The submitted background information was false, because it did not identify a past positive drug screen at a non-nuclear employer. Employee A did enter the McGuire Nuclear Station protected area to perform assigned roofing work. Employee A was motivated by a need for employment and not by malicious intent with respect to plant equipment.

Event Cause: The cause of this event is inappropriate action through willful falsification of information. Appropriate processes were followed regarding the authorization of unescorted access.

Corrective Action: Employee A's unescorted access was terminated upon discovery on November 1, 1999.

LICENSEE EVENT REPORT (LER) TEXT CONTINUATION

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BACKGROUND: Access authorization activities for the three Duke Energy nuclear power stations are performed by Duke Energy's staff in the Access Services organization. Unescorted access authorization reviews are performed through a series of steps in accordance with regulatory requirements. These steps include processing or verifying satisfactory background investigation, psychological testing, search for criminal history, inquiry regarding prior substance abuse, and testing for drugs and alcohol.

Granting unescorted access authorization (UAA) requires verification of the above elements and initiation of a suitable inquiry as outlined in 10 CFR 26.27(a)(2). Reinstatement of UAA is allowed when (a) the employee returns to the same nuclear power utility that granted access, (b) such access has not been interrupted for a continuous period of more than 365 days, and (c) the previous access was terminated under favorable conditions (reference: 10 CFR 73.57). The process of reinstatement of UAA includes performance of a suitable inquiry by having a background investigation agency verify employment history using references provided by the individual. These references are provided when the individual completes a background investigation questionnaire (BIQ).

The individual is required to answer each question on the BIQ, including the following;

- 1) Have you EVER been granted unescorted access to a U.S. Licensed Facility?
- 2) Have you EVER been denied unescorted access or has unescorted access authorization granted to you EVER been suspended, revoked, withdrawn, or terminated for cause?
- 3) Have you EVER tested positive for drugs or use of alcohol at a nuclear utility or other employer?
- 4) Have you EVER been referred to a program for treatment of substance abuse (other than self-referral)?
- 5) Have you EVER been removed from activities or denied unescorted access at any nuclear power plant or their employment based on a fitness for duty policy or within the scope of the NRC Fitness for Duty Regulation?
- 6) Do you have a history of mental or nervous illness?
- 7) Have you EVER been fingerprinted for any reason (identification, application, or arrest)?
- 8) Have you EVER (since your 18th birthday) been arrested, charged, or convicted of a criminal offense?

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EVALUATION:

Description of Event

The following sequence of events was developed by reviewing Access Authorization documents, and by interviewing Access Authorization personnel:

- 3/24/99 Access authorization for contract Employee A was terminated favorably after performing work as an employee of a roofing contractor.
- 9/21/99 Contract Employee A returned to McGuire Nuclear Station to perform roofing work as an employee of a roofing contractor. Employee A completed a background investigation questionnaire (BIQ) for unescorted access authorization (UAA) reinstatement for non-vital areas only. Employee A answers "no" on the BIQ to the question "Have you EVER tested positive for drugs or use of alcohol at a nuclear utility or other employer."
- 10/4/99 Duke Energy Access Services staff granted temporary clearance for Employee A. Access was granted based on validation of successful completion of the temporary UAA elements per the guidelines of NUMARC 89-01, Section 6.4, and a review of the Personnel Access Data System (PADS).
- 10/4/99 McGuire Nuclear Station medical staff administered a pre-access screen of Employee A for drugs and alcohol.
- 10/6/99 12:21 McGuire Nuclear In-processing staff received and recorded Employee A's satisfactory results of the pre-access drug screen.
- 10/6/99 16:43 McGuire Nuclear Station Security staff processed and presented Employee A with unescorted access to McGuire Nuclear Station. This process included verification of satisfactory results from a pre-access drug screen.
- 10/11/99 8:12 Employee A entered the McGuire Nuclear Station protected area for the first time since 3/24/99. Employee A continued to enter the protected area routinely through 11/1/99 to perform assigned work. Employee A did not have vital area access authorization and did not enter any vital area of the plant.

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- 11/1/99 15:15 Duke Energy Access Services staff notified McGuire Nuclear Station Security staff to place the unescorted access of Employee A on administrative hold due to questionable information discovered in performing the suitable inquiry. Security staff determined that Employee A was in the protected area.
- 11/1/99 15:25 McGuire Nuclear Station Security staff located Employee A, and proceeded to escort Employee A to the exit of the protected area.
- 11/1/99 15:36 Employee A exited the protected area. McGuire Nuclear Station Security staff remained with Employee A to prevent reentry to the protected area.
- 11/1/99 15:41 Duke Energy Access Services staff interviewed Employee A via telephone. Employee A confirmed the discovery of the full background investigation. Employee A provided verbal statements that admit to a positive drug and alcohol test in June of 1999 at a non-nuclear facility, and the falsification of the BIQ relating to this history.
- 11/1/99 15:49 McGuire Nuclear Station Security staff completed the termination of unescorted access authorization for Employee A.
- 11/1/99 16:12 McGuire Nuclear Station staff reported the incident to the NRC Operations Center as required by 10 CFR 73.71 (b)(1), and 10 CFR 73 Appendix G (I)(b). This was recorded as event # 36382.

Conclusion

This event did not result in any uncontrolled releases of radioactive material, personnel injuries, or radiation overexposures.

Employee A falsified information on his background information questionnaire (BIQ) in order to gain unescorted access. Employee A was assigned unescorted access as an employee of a roofing contractor. Employee A did access the protected area of the plant while performing his work assignment. However, Employee A's work assignment did not

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involve access to vital areas of the plant, nor was there any vital access granted or obtained.

Duke Energy followed established process steps regarding the authorization of unescorted access. Also, Duke Energy was prompt in completion of the full background investigation and termination of access upon identification of unfavorable information.

The cause of this event is Employee A's inappropriate action through willful falsification of information. This was a reinstatement of unescorted access authorization within 365 days of a past favorable term of employment. Employee A falsified his BIQ by denying a positive test result for drugs or use of alcohol at a non-nuclear employer. Employee A had a past positive test result for drugs at a non-nuclear facility that occurred in June 1999. Since this history involved a non-nuclear employer and Employee A had not gained unescorted access at a nuclear facility since 3/24/99, discovery of the falsified information was not available through nuclear utility information sharing networks. The falsified information was discovered during completion of the full background investigation of past employment references.

Duke Energy staff's review of this incident has concluded that Employee A's apparent motivation was a desire to obtain employment and not from any malicious intent. This is based on observation of work habits, and information gathered during an interview of Employee A by Duke Energy Access Services staff following the discovery of the unfavorable information.

Two similar incidents were identified to have occurred in the past two years. McGuire Nuclear Station Special Report 369/98-01(S) and 369/99-01(S) document these similar incidents.

Special Report 369/98-01(S) documents a similar incident involving reinstatement of unescorted access authorization to an individual who falsified the BIQ indicating (a) that his last unescorted access was at a Duke Energy nuclear facility, and (b) he had no history of a positive drug or alcohol test. Between the individual's last unescorted access at a Duke Energy nuclear facility and the granting of unescorted access authorization noted above, the individual had a positive pre-access drug test and was denied unescorted access at another utility. The corrective actions for Special Report 369/98-01(S) implemented an additional step beyond the requirements of granting temporary access authorization. The additional step was for Duke Energy Access Services staff to check information on the nuclear utility information sharing service (i.e., Personnel Access Data System) prior to authorizing

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unescorted access to an individual (including employees claiming their last access request was for a Duke Energy facility).

Special Report 369/99-01(S) documents a similar incident regarding an individual with past positive drug and alcohol tests at a non-nuclear facility. When the falsified information involves a positive drug or alcohol test at a non-nuclear employer, it is not practical to discover the information within the period prior to granting temporary unescorted access. The process of completing the full background investigation was successful in discovery of the unfavorable information relating to previous employment at a non-nuclear employer.

The cause of this event, as well as the previous two similar events discussed above, is inappropriate action through willful falsification of information. Appropriate processes were followed regarding the authorization of unescorted access. Therefore, Duke Energy is not taking planned corrective actions as a result of this additional occurrence.

CORRECTIVE ACTION:

Immediate

1. Escorted Employee A from the protected area and maintained control of access by Security staff remaining with Employee A.
2. Terminated Employee A's unescorted access (badge) after falsification of documentation was confirmed by admission during an interview.

Subsequent

Indicated unfavorable termination on Employee A's record on the Personnel Access Data System (PADS) network.

Planned

No additional corrective action is necessary.

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SAFETY ANALYSIS:

Based on this analysis, this event is not considered to be significant. At no time were the safety or health of the public or plant personnel affected as a result of the event.

The incident occurred following granting temporary unescorted access to McGuire Nuclear Station. The investigation of previous employment discovered a positive drug and alcohol test at a non-nuclear employer. Employee A completed a satisfactory pre-access drug and alcohol test prior to being authorized for reinstated unescorted access to McGuire. Observations of Employee A's work habits during the period of October 11, 1999 to November 1, 1999 give no reason to suspect impaired or malevolent behavior.

There are no concerns of compromise to quality of work as a result of this incident. Employee A's job function was a skilled worker, as an employee of a contractor performing roofing work. Employee A's work assignment did not involve work tasks associated with nuclear safety related equipment. It was noted that Employee A's on the job performance was satisfactory. Observation of work habits, and information gathered during an interview with Employee A by Duke Energy Access Services staff following the discovery of the unfavorable information, provides the basis for the conclusion that the apparent motivation was a desire to obtain employment and not from any malicious intent.