

March 21, 2007

IA-07-008

Mr. James Francis Mattocks
[Home Address Deleted
Under 10 CFR 2.390(a)]

SUBJECT: ORDER (EFFECTIVE IMMEDIATELY) PROHIBITING INVOLVEMENT IN NRC-
LICENSED ACTIVITIES

Dear Mr. Mattocks:

The enclosed Order prohibiting your involvement in U.S. Nuclear Regulatory Commission (NRC) licensed activities (Order) is being issued because you engaged in deliberate misconduct as defined in Section 50.5, "Deliberate misconduct," of Title 10 of the *Code of Federal Regulations* (10 CFR) by deliberately causing an NRC licensee, Florida Power and Light Company's St. Lucie Nuclear Plant (St. Lucie), to be in violation of regulatory requirements and its Physical Security Plan. Specifically, in December 2005, while employed as a contract security officer at St. Lucie, you deliberately removed a Bushmaster .223 Caliber M4/A3 assault rifle and thermal imaging scope from the facility without authorization.

During a related criminal investigation into this matter by Florida law enforcement officials, you confessed to the theft of the weapon and scope and described in detail how the items were removed from the facility without being detected. On December 20, 2006, you entered a plea of guilty to the charge of Grand Theft - Firearm, in the Circuit Court for St. Lucie County, Florida, and were adjudged guilty of this charge upon the Court's acceptance of your plea.

You knowingly and deliberately engaged in misconduct which caused an NRC licensee to be in violation of its Physical Security Plan. Your actions in this regard constitute a violation of 10 CFR 50.5.

Your deliberate actions in this case have resulted in the loss of reasonable assurance that you may be relied upon to comply with NRC requirements with honesty and integrity. Consequently, it has been determined that an Order prohibiting your involvement in NRC-licensed activities for a period of five years is appropriate.

The enclosed Order is effective immediately. In accordance with 10 CFR 2.202, "Orders," you must file a written answer to this Order within 20 days of its date. In your answer, you may request a hearing.

The Order requires you to immediately cease your involvement in NRC-licensed activities. If you are performing licensed activities on behalf of an NRC licensee on the date you receive the Order, you must, in addition to ceasing activities on behalf of the licensee, provide a copy of the Order to that NRC licensee and inform the NRC of the name, address, and telephone number of the licensee. Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this Order may also subject the person to a civil monetary penalty.

A copy of this letter and its enclosure are being sent to Florida Power and Light Company's St. Lucie Nuclear Plant.

Questions concerning this Order should be addressed to the Director of the Office of Enforcement, who can be reached at 301-415-2741.

This letter will be maintained by the NRC Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>. In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," a copy of this letter, its enclosure, and your response will be made available for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System accessible from the NRC Web site at www.nrc.gov; select **About NRC**, then **Docs & Pubs**. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21, "Requirements for the protection of safeguards information."

The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **Public Involvement, Enforcement**, then **Current Issues**.

Sincerely,

/RA/

Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Enclosure: As stated

cc w/enclosure: See Page 3

cc w/ enclosure:

Mr. J. A. Stall
Senior Vice President Nuclear and Chief Nuclear Officer
Florida Power and Light Company
P. O. Box 14000
Juno Beach, FL 33408-0420

William E. Webster
Vice President, Nuclear Operations
Florida Power & Light Company
Electronic Mail Distribution

Gordon L. Johnston
Site Vice President
St. Lucie Nuclear Plant
Florida Power & Light Company
Electronic Mail Distribution

Terry L. Patterson
Licensing Manager
St. Lucie Nuclear Plant
Electronic Mail Distribution

M. S. Ross, Managing Attorney
Florida Power & Light Company
Electronic Mail Distribution

A copy of this letter and its enclosure are being sent to Florida Power and Light Company's St. Lucie Nuclear Plant.

Questions concerning this Order should be addressed to the Director of the Office of Enforcement, who can be reached at 301-415-2741.

This letter will be maintained by the NRC Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>. In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," a copy of this letter, its enclosure, and your response will be made available for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System accessible from the NRC Web site at www.nrc.gov; select **About NRC**, then **Docs & Pubs**. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21, "Requirements for the protection of safeguards information."

The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **Public Involvement, Enforcement**, then **Current Issues**.

Sincerely,

/RA/

Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Enclosure: As stated
cc w/enclosure: See Page 3

Distribution w/encl:

L. Reyes, EDO	J. Dyer, NRR	L. Chandler, OGC	J. Moore, OGC
B. Jones, OGC	E. Julian, SECY	D. Decker, OCA	E. Hayden, OPA
G. Caputo, OI	H. Bell, OIG	R. Pascarelli, NRR	C. Carpenter, OE
M. Burrell, OE	W. Travers, RII	C. Casto, RII	J. Shea, RII
J. Munday, RII	S. Sparks, RII	T. Hoeg, SRI, RII	L. Slack, RII
C. Evans, RII	R. Hannah, RII	K. Clark, RII	R. Zimmerman, NSIR
B. Westrich, NSIR	PUBLIC	OEMAIL	
Enforcement Coordinators RI, RIII, RIV		OEWEB	

☐ PUBLICLY AVAILABLE

☐ NON-PUBLICLY AVAILABLE

☐ SENSITIVE

☒ NON-SENSITIVE

ML070640070

OFFICE	RII:EICS	RII:DRS	ORA	OE	NSIR	OGC	DEDMRT
NAME	CEVANS	JSHEA	VMCREE for WT	CCARPENTER	BWESTRICH	BJONES	MVIRGILIO
DATE	2/16/07	2/16/07	2/20/07	3/1/07	3/2/07	3/2/07	3/21/07

OFFICIAL RECORD COPY