

OFFICIAL USE ONLY - PREDECISIONAL ENFORCEMENT INFORMATION

January 16, 2008
EN 08-003

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Florida Power & Light EA-07-110, 113, 116 and 119
Turkey Point Nuclear Plant
Docket Nos. 50-250 and 50-251
and

Company: Wackenhut Nuclear Services, Inc. EA-07-111, 114 and 115
4200 WNS Drive
Palm Beach Gardens, FL 33410
and

Individual: Mr. Oscar Aguilar IA-07-029
Individual: Mr. Juan Blanco IA-07-025
Individual: Mr. Jon Brumer IA-07-027
Individual: Mr. Luis Fernandez IA-07-026
Individual: Mr. William Johns IA-07-028

Subject: CONFIRMATORY ORDERS, IMMEDIATELY EFFECTIVE ORDERS AND A
NOTICE OF VIOLATION PROPOSING A CIVIL PENALTY IN THE AMOUNT OF
\$208,000 TO FLORIDA POWER & LIGHT

This is to inform the Commission that publicly available letters will be sent to Florida Power and Light (FPL), Wackenhut Nuclear Services (WNS), Inc., and each of the individuals named above, on or about Tuesday, January 22, 2008. The notice of violation to FPL is composed of four violations constituting a Severity Level (SL) II problem and includes: two occurrences of willfully failing to properly equip armed responders, specifically, one individual willfully disabled two contingency weapons by removing their firing pins and another individual disabled a contingency weapon by willfully breaking its firing pin; a failure to make a 1 hour report to the NRC as required; and providing the NRC with incomplete and inaccurate information. A base civil penalty of \$104,000 is normally considered for a SL II problem. However, in this case the staff determined that because of the multiple willful violations, the unprecedented circumstances that constitute two of the violations and because the licensee was subject to escalated enforcement action within the past 2 years, the staff concluded that discretion to increase the civil penalty to 2 times the base is warranted.

Confirmatory orders are being issued to WNS, Mr. Fernandez, and Mr. Johns resulting from Alternative Dispute Resolution mediation sessions with each.

Orders prohibiting involvement in licensed activities for 5 years are being issued to Mr. Aguilar and Mr. Brumer. Mr. Aguilar willfully participated in disabling the functionality of two contingency

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weapons and Mr. Brumer participated in disabling a single contingency weapon, Mr. Brumer then filed a false report indicating that he had found the weapon in the disable condition. Mr. Brumer also provided incomplete and inaccurate information to an agent of the Office of Investigations regarding the manner in which the firing pin was broken.

An Order prohibiting involvement in licensed activities for 3 years is being issued to Mr. Blanco. Mr. Blanco admitted during an NRC Office of Investigations (OI) interview that during a previous interview with OI in April 2005, he provided a statement that was not complete and accurate. Specifically, Mr. Blanco stated to OI in April 2005 that he had no knowledge of an incident involving the removal of two firing pins from contingency response weapons. However, in a February 2006 interview with OI, Mr. Blanco admitted that he was shown the firing pins after the pins were removed from the weapon by the security officer who removed the pins. Mr. Blanco also failed to report the broken firing pins as required. Mr. Blanco is being prosecuted by the Department of Justice for making false statements to a federal investigator. Mr Blanco's trial date is scheduled for February 4, 2008 and he is expected to plead guilty. The action to Mr. Blanco will be withheld until he: 1) pleads guilty as expected on February 4, 2008, or 2) concludes his trial.

It should be noted that neither the licensee, Wackenhut Nuclear Services, Inc., nor the individuals have been specifically informed of these actions.

The schedule for the issuance for all actions is:

Mailing of the letters, Notice of Violation to the licensee, Confirmatory Order to Wackenhut and Confirmatory Orders and Orders to the individuals (except Blanco)	January 22, 2008
Telephone notification to all parties (except Blanco)	January 22, 2008
Mailing of the Order to Blanco	on or after February 5, 2008

Contacts: Michael Burrell OE, 415-2740; Nick Hilton OE, 415-3055

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