



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
245 PEACHTREE CENTER AVENUE NE, SUITE 1200  
ATLANTA, GEORGIA 30303-1257**

July 6, 2017

IA-2017-061

Mr. Devon Caraza

**NOTE: HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]**

**SUBJECT: NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS (OI),  
REPORT NO. 2-2016-025**

Dear Mr. Caraza:

This refers to the investigation completed on February 27, 2017, by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) concerning your activities at the Florida Power and Light's (FP&L) Turkey Point Nuclear (TPN) Plant. The purpose of the investigation was to determine whether you, as a former Licensed Reactor Operator (RO), deliberately cheated on a biennial written requalification examination (BRE). A Factual Summary of the OI investigation is provided as Enclosure 1.

Based on our review of the investigation report, your actions have resulted in an apparent violation (AV) of 10 CFR 55.49, which states that applicants, licensees, and facility licensees shall not engage in any activity that compromises the integrity of any application, test, or examination required by this part. The integrity of a test or examination is considered compromised if any activity, regardless of intent, affected, or, but for detection, would have affected the equitable and consistent administration of the test or examination. This includes activities related to the preparation and certification of license applications and all activities related to the preparation, administration, and grading of the tests and examinations required by this part.

Your actions also resulted in the identification of an AV of the NRC's rule prohibiting deliberate misconduct, 10 CFR 50.5(a)(1). This rule prohibits an employee of an NRC licensee (FP&L) from engaging in deliberate misconduct that causes, or would have caused if not detected, an NRC licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of a license issued by the Commission. Based on the evidence developed during the investigation, the NRC has preliminarily concluded that while you were employed as a RO at TPN, you engaged in deliberate misconduct that would have caused an NRC licensee (FP&L), if not detected, to be in violation of regulatory requirements.

In this case, on December 30, 2015, after you sat for and completed a written BRE at the Turkey Point facility, you compromised the integrity of the BRE by deliberately altering the answers to three questions on your Scantron answer sheet from incorrect to correct, in an attempt to pass the BRE. The apparent violation is cited in Enclosure 2.

Based on the results of our review of this matter, the AV is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

Before the NRC makes its enforcement decision, we are providing you an opportunity to (1) respond in writing to the AVs, summarized in this letter as Enclosure 2, within 45 days of the date of this letter, or (2) request a Pre-decisional Enforcement Conference (PEC). If a PEC is held, the NRC will conduct this conference as a closed meeting because it is associated with an OI report, the results of which have not been publicly released. If you decide to participate in a PEC, please contact Mr. Gerald McCoy at 404-997-4551 within 10 days of the date of this letter. A PEC should be held within 45 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violations, IA-17-061" and should include the reason for the AVs or, if contested, the basis for disputing the apparent violation. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. The purpose of the conference is to discuss the apparent violation and the circumstances surrounding it, and to give you an opportunity to provide your perspective on this issue and any other information that you believe is relevant to the NRC's enforcement determination. You are specifically invited to address the factors that the NRC would consider in determining whether enforcement action should be taken against you. In addition, you may have an attorney or personal representative attend the conference, but it should be understood that the NRC will address its questions to you. These factors are described in the NRC Enforcement Policy in the section titled, Enforcement Actions Involving Individuals.

Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued at this time. If the NRC concludes that you caused or committed a violation of NRC requirements, the possible sanctions include a Notice of Violation, a civil penalty, [NOTE: Civil penalties are not normally imposed on individuals] or an order. An order may prohibit your involvement in NRC-licensed activities, require notice to the NRC before resuming involvement in NRC-licensed activities, or require other action. Accordingly, you should be prepared to address why the NRC should not issue you an order prohibiting you from involvement in NRC licensed activities.

Because this letter references and encloses information addressing NRC's review of an apparent enforcement action against an individual, this letter and its enclosures will be maintained by the 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>, then select [Republication of Systems of Records Notices, November 17, 2016 \(81 FR 81320\)](#).

In addition, please be advised that the number and characterization of apparent violations described in Enclosure 2 may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," after completion of enforcement related activities and should the NRC conclude that escalated enforcement action is warranted against you, a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>. 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 you have any questions concerning this matter, please contact Mr. Gerald J. McCoy of my staff at 404-997-4551.

Sincerely,

**/RA: Mark S. Miller for/**

Anthony T. Gody, Director  
Division of Reactor Safety

Enclosures:

1. Factual Summary
2. Apparent Violation

SUBJECT: NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS (OI),  
REPORT NO. 2-2016-025 – DATED July 6, 2017

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FACTUAL SUMMARY  
OFFICE OF INVESTIGATIONS REPORT NO. 2-2016-025

On February 27, 2017, the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) completed an investigation regarding a matter at Florida Power and Light (FP&L) Company's Turkey Point Nuclear Plant. The purpose of the investigation was to determine whether a former Licensed Reactor Operator (RO) at Turkey Point cheated on a written biennial requalification examination (BRE) on or about December 30, 2015.

On December 30, 2015, a written BRE was administered to ten licensed operations personnel. The BRE was administered by an FP&L training supervisor and two FP&L training instructors, who served as proctors. At all times during the BRE, one of these three FP&L officials was in the testing room. As each examinee completed the exam, the training supervisor or a proctor took each examinee's testing booklet and Scantron form to a secure grading room. Before running each examination form through the Scantron grading machine, the training supervisor made a copy of the original form.

When one RO's form was run through the machine, it indicated he had answered 10 of 35 questions incorrectly, which was a failing grade (71%), and was 3 correct answers short of the score required to pass the examination (80%).

After the last examinee completed the test, the examinees reassembled in the testing room for an exam review session. For that session, the original testing materials were returned to the examinees, including their testing booklets and Scantron forms. At some point during the exam review, an RO asserted to the training supervisor and proctors that there had been errors in the grading of his Scantron form.

Following the exam review, the training supervisor and proctor re-collected the examinees' original testing booklets and Scantron forms. In response to the RO's statements that there had been errors in the Scantron grading of his exam, the training supervisor compared the RO's original form with the copy he had made prior to the initial grading on the Scantron machine. The training supervisor identified discrepancies between the original and the copy, namely that three answers that were incorrect on the copy made prior to grading on the original Scantron form appeared to have been subsequently changed to the correct answers.

The RO was aware of security requirements for the examination. The RO signed a security agreement as part of taking the BRE, that attested that he had been "briefed on the security requirements" for the examination and that he would "not knowingly participate in any activity that results in a compromise of exam security or even present the appearance of possible compromise." Additionally, the RO also signed an Examination Integrity Statement specifying his understanding that "Cheating or compromising the exam will result in disciplinary actions up to and including termination."

The preponderance of evidence indicates that the RO deliberately altered answers on a score sheet of a BRE after the score sheet had been graded and returned to him by the licensee training staff. This activity would have compromised the integrity of the BRE, if not detected by FP&L.

## APPARENT VIOLATION

10 CFR 50.5(a)(1) states, in part, that any employee of a licensee may not engage in deliberate misconduct that causes, or would have caused, if not detected, a licensee to be in violation of any regulation issued by the Commission.

10 CFR 55.49 states, applicants, licensees, and facility licensees shall not engage in any activity that compromises the integrity of any application, test, or examination required by this part. The integrity of a test or examination is considered compromised if any activity, regardless of intent, affected, or, but for detection, would have affected the equitable and consistent administration of the test or examination. This includes activities related to the preparation and certification of license applications and all activities related to the preparation, administration, and grading of the tests and examinations required by this part.

Contrary to the above, on December 30, 2015, while employed as a licensed reactor operator by Florida Power & Light's (FP&L) Turkey Point Nuclear Plant, Mr. Caraza engaged in deliberate misconduct that would have caused FP&L, if not detected by FP&L, to be in violation of 10 CFR 55.49. Specifically, Mr. Caraza engaged in an activity that compromised the integrity of a biennial written requalification examination, an examination that is required to be administered by 10 CFR 55.53, Conditions of licenses. In this case, Mr. Caraza deliberately altered answers to examination questions on a score sheet after the score sheet had been graded and returned to him by the licensee training staff. Mr. Caraza subsequently requested that the score sheet be re-graded. His actions would have compromised the integrity of the examination, if not detected by FP&L.