



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

November 8, 2017

IA-17-030

Mr. Devin Caraza

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

SUBJECT: NOTICE OF VIOLATION, 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 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).

By NRC letter dated July 6, 2017, you were informed of the identification of an apparent violation (AV) of 10 CFR 55.49, Integrity of Examinations and Tests, involving your compromise of the integrity of a BRE. Additionally, the NRC's letter also informed you that your actions were in apparent violation of 10 CFR 50.5(a)(1), Deliberate Misconduct. A factual summary of the investigation, and the AV, were included as enclosures to our letter of July 6, 2017.

On September 19, 2017, a predecisional enforcement conference was conducted with you in the NRC's Region II office, to discuss the apparent violation and your actions. During the conference, you expressed your strong disagreement that you were involved in any way with the compromise of the BRE. In particular, you claimed that some other person must have changed the answers on the BRE forms after you completed and submitted the test. You also relayed reasons why it could not have been you that changed the answers on the BRE forms, your understanding of the chronology of the test on that day, the post-exam review process, and your recollection of the ensuing discussions after you called attention to the possibility that there had been errors in the Scantron grading of your exam.

Based on the information developed during the investigation and the information that you provided during the conference, the NRC has concluded that one violation occurred, involving the requirements of 10 CFR 55.49 and 10 CFR 50.5(a)(1). The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1).

Specifically, on December 30, 2015, a written BRE was administered to you and other licensed operations personnel at the TPN plant. The BRE was administered by an FP&L training supervisor and two FP&L training instructors, who served as proctors. After the last examinee completed the test, the tests were graded in accordance with existing FP&L processes, and you

and other examinees reassembled in the testing room for a routine exam review session. During that session, the original testing materials were returned to you and the other examinees, including testing booklets and Scantron forms used to grade the exams. Your exam score indicated that you 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%).

Following the exam review, the training supervisor and proctor re-collected the examinees' original testing booklets and answer (Scantron) forms. In response to your statements that there had been errors in the Scantron grading of your exam, the training supervisor compared your 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 3 answers, which were incorrect on the copy that was made prior to the grading of your original Scantron form, had been subsequently changed to the correct answers.

Based on a preponderance of the evidence, the NRC concluded that after receiving the testing materials during the exam review session, you attempted to compromise the integrity of your BRE by changing 3 incorrect answers to the correct answers, after which you claimed that there had been errors in the Scantron grading of your exam.

In reaching a final conclusion, the NRC relied heavily on the credibility and integrity of the test proctors, that there were discrepancies between your original Scantron form and the copy made by the test proctors prior to grading, that you were likely unaware that a copy had been made, and that there appeared to be no reasonable explanation to refute your direct involvement in the compromise of the BRE.

The information you provided at the enforcement conference of September 19, 2017, did not change the NRC's conclusion that it was more likely than not that you engaged in deliberate misconduct by attempting to compromise the BRE.

This final enforcement action is officially recorded as IA-17-030. Previous correspondence associated with this matter was tracked as IA-17-061.

Your actions were in violation 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 constituted a violation of 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 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.

The integrity of the BRE process is of high importance to the NRC. Successful completion of required testing provides the NRC with evidence and a level of confidence that a licensed reactor operator possesses the requisite knowledge to safely fulfill licensed duties. Furthermore, the deliberate circumvention of the BRE process is a significant regulatory and safety concern, and cannot be tolerated by the NRC, its licensed facilities, or the various stakeholders who have an interest in the safe operation of nuclear power reactors.

Given the significance of the underlying issue and the deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

In determining the appropriate sanction to be issued in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities as a result of your actions. However, after consultation with the Director, Office of Enforcement, and after considering the circumstances of this case, including (1) the actual safety significance was low, in part because you were not allowed on shift after taking the BRE, and (2) FP&L took action regarding your wrongdoing, including removing your access to the facility, and (3) your NRC reactor operator license was terminated at FP&L's request, effective February 9, 2016, I have decided to issue the enclosed Notice of Violation.

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action.

The NRC has concluded that the information regarding the circumstances of this matter was adequately addressed at the enforcement conference and in our letter dated July 6, 2017. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your position.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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 <http://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. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>). In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

D. Caraza

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Please feel free to contact Mark S. Miller, Deputy Director, Division of Reactor Safety, of my staff at 404-997-4601 if you have any questions.

Sincerely,

*/RA: Laura A. Dudes for Catherine Haney/*

Catherine Haney  
Regional Administrator

Enclosure  
Notice of Violation

**CERTIFIED MAIL NO. 7007 2680 0001 1175 5611**  
**RETURN RECEIPT REQUESTED**

SUBJECT: NOTICE OF VIOLATION, NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS (OI), REPORT NO. 2-2016-025 dated November 8, 2017.

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DATE	10/24 /2017	10/24 /2017	10/ /2017	10/25/2017	10/26/2017	11/6 /2017	11/6 /2017
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO
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DATE	11/6 /2017	11/8/2017	11/ 8 /2017				
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## NOTICE OF VIOLATION

Devin Caraza

IA-17-030

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

During an NRC investigation completed on February 27, 2017, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

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 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.

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. Devin 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.

This is a Severity Level III violation (Enforcement Policy Section 6.4).

The NRC has determined that the circumstances of this violation were adequately addressed during a predecisional enforcement conference held on September 19, 2017, in the NRC's letter to you dated July 6, 2017, and in the cover letter transmitting this Notice, such that a response to this Notice is not required. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation – IA-17-030," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region II.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

Should you choose to respond to this Notice, your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://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 personal privacy or proprietary information is necessary to provide an acceptable response, then please 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. This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html> .

Dated this 8<sup>TH</sup> day of November 2017.