



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200
ATLANTA, GEORGIA 30303-1200

November 13, 2019

IA-17-030

Devin Caraza
[Note: HOME ADDRESS
DELETED UNTER 10 CFR
2.390]

SUBJECT: RESPONSE TO DISPUTED NOTICE OF VIOLATION, U.S. NUCLEAR
REGULATORY COMMISSION OFFICE OF INVESTIGATION (OI),
REPORT NO. 2-2016-025

Dear Mr. Caraza:

This refers to your letter dated August 4, 2019, which was sent in response to the U.S. Nuclear Regulatory Commission (NRC) letter dated November 8, 2017 (ML17313A242), that described the results of an investigation concerning your activities at Turkey Point Nuclear Plant. The NRC's letter documented an Agency conclusion that you engaged in deliberate misconduct, in violation of the requirements of 10 CFR 50.5, when you compromised the integrity of a Biennial Requalification Exam (BRE).

In your August 4, 2019, response you disputed the NRC's conclusion that a violation occurred. The NRC reviewed the information in your letter, which describes your experiences with regards to the exam and your views on who may have altered your exam. After considering the information contained in your letter, the NRC has concluded that the violation occurred as stated. A summary of the violation, your points, and the NRC's response are provided below.

Violation summary: 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, you 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, you 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, you deliberately altered answers to examination questions on a score sheet after the score sheet had been graded and returned to you by the licensee training staff. You subsequently requested that the score sheet be regraded. Your actions would have compromised the integrity of the examination, if not detected by FP&L.

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Summary of your August 4, 2019, response: Your response requested that the violation be rescinded, annulled or cancelled and that any misinformation and misrepresentation of wrongdoing that is listed on the NRC website be completely removed. You contended that the exam was altered by one or both exam proctors to ensure that you passed so they would stay on pace with their plan to complete the BRE process by the end of the year. Further, you stressed that you were aware of the possibility that the exam proctors had made copies of the answer sheets. You also asserted there had been a declining trend within the Turkey Point training organization exam creation and validation performance. You stated that the investigators could not tie you to the anonymous letter, which suggested that a classmate had something to do with the changes to your answer sheet, and you noted that you offered to comply with the use of forensic methods to rule out your involvement in the anonymous letter. You claimed that one of the exam proctors must have sent the anonymous letter. You stated that no witnesses saw anything strange or gave any indications that you were changing your answers during the exam review. You reiterated that you brought up your concern with the answer sheet continuously throughout the exam review and no one stopped to look at it. You stated that your answer to question #12 in the exam booklet had been changed to the correct answer even though the reference written by you in pen supports the incorrect answer, which had been marked through. Your written response also brought up information which you had not included in previous testimony regarding the timing of the exam proctor involvement, suggesting that the apparent changes in the exam booklet must have been made by the exam proctors later that evening to match the changes you insisted they had made to your answer sheet prior to the exam review. You also noted that copies of the exam answer sheets were made by one of the proctors even though there was no procedural requirement to do so, and you described your concern about the vulnerability of the exam process because the company uses pencils and paper rather than ink or computers. Finally, you highlighted what you view as inconsistencies and perceived falsehoods with the statements made by the exam proctors to the investigators and clarified that you promptly pointed out that your answer sheet appeared to have problems in the beginning of the exam review, despite what others recalled.

NRC Conclusion: We appreciate your clarification on these points. However, we did not identify any new information in your response which would alter our determinations regarding this violation. We performed an independent review of the documents related to your case including the NRC Office of Investigations' Report of Investigation and associated transcripts. We also reviewed the information you brought to the pre-decisional enforcement conference in Atlanta on September 19, 2017, and the transcribed record of that meeting. The points made in your written response are consistent with some of the claims you presented at that meeting. The information you've provided in this letter does 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. Accordingly, the NRC concluded that the violation occurred as described.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and your response, (if any), will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access Management System (ADAMS), accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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 our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, 245 Peachtree Center Avenue, NE, Suite 1200, Atlanta, GA 30303-1257, within 30 days of the date of this letter. Please feel free to contact Mark Franke, Director, Division of Reactor Safety, or my staff at 404-997-4600 if you have any questions.

Sincerely,

/RA/

Laura A. Dudes
Regional Administrator

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