



# NRC NEWS

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## **NRC PROPOSES \$208,000 FINE AGAINST FLORIDA POWER & LIGHT FOR SECURITY VIOLATIONS AT TURKEY POINT NUCLEAR POWER PLANT**

The Nuclear Regulatory Commission staff Tuesday proposed a \$208,000 fine against Florida Power & Light Co., for security violations at the Turkey Point nuclear power plant.

The fine is for four violations that include two occurrences of willfully failing to properly equip armed responders—two individuals willfully disabled weapons by removing or breaking firing pins; a failure to make a 1-hour report to the NRC as required; and providing the NRC with incomplete and inaccurate information.

NRC officials said the agency identified violations of NRC security requirements during an inspection in February and a separate investigation in August, both in 2006. The NRC said that in April 2004, FP&L failed to ensure that two armed responders had operable weapons to meet their job of protecting the plant. Specifically, an FP&L contract security officer willfully removed the firing pins from two weapons, rendering them non-functional.

The NRC also said in August 2005, FP&L again failed to ensure that armed responders were equipped with functional weapons in accordance with the plant security plan. Specifically, a contract security lieutenant willfully removed and broke a firing pin from a weapon. The armed responder would, again, not have been able to fulfill assigned duties.

“The NRC will not tolerate actions of this nature,” said Acting NRC Region II Administrator, Victor McCree. “Fortunately, we require multiple layers of defense for nuclear power plants. After extensive review of both cases the NRC has concluded that despite the conditions of the weapons, FP&L retained the ability to successfully implement the plant’s protective strategy. The plant was not at risk because of the security redundancy we require.”

NRC regulations also require that information provided to the Commission by a licensee shall be complete and accurate in all material respects. The NRC said FP&L, through the action of its on-site security contractor, documented information in a report provided to the NRC during a February 2006 onsite inspection which inaccurately or incompletely characterized a re-creation of events involving the damaged firing pin. The company also failed to make a required report to the NRC, within one hour of discovery, followed by a written report within 60 days, of a tampering event involving the willful breaking of a firing pin which rendered a response weapon non functional.

The NRC said that, collectively, the violations constitute a Severity Level II problem, the agency's second most serious, with a civil penalty of \$208,000.

Wackenhut Corporation, the security contractor at Turkey Point, former Wackenhut employee Luis Fernandez and former FP&L employee William Johns, were offered and accepted an opportunity to participate in an alternative dispute resolution process (ADR) which exists for some organizations and individuals facing potential agency enforcement actions.

The NRC issued Wackenhut a Confirmatory Order which confirmed corrective actions the contractor agreed to take as a part of an ADR settlement agreement. The agency informed Wackenhut that it was satisfied that its concerns will be addressed through the legally binding Confirmatory Order and agreed not to pursue further enforcement action in connection with issues which were a part of the ADR process.

Johns was issued a Confirmatory Order as a result of the ADR process regarding his role in the licensee's failure to make a one-hour report to the agency of an event involving tampering with security weapons. Johns agreed not to seek employment in NRC-regulated activities before July 15, 2008 and agreed that, prior to seeking re-employment in any such activities, he will provide the NRC with a letter discussing the steps he has taken to ensure that he understands the NRC's security reporting requirements.

Fernandez was issued a Confirmatory Order through ADR regarding his role in documenting incomplete or inaccurate information related to damaged response weapons in a Condition Report. The report, which is required to be maintained by FP&L, was provided to the NRC during an ongoing inspection and investigation process, causing FP&L to be in violation of federal regulations. Fernandez agreed not to seek employment in NRC-regulated activities before June 30, 2008, and to participate in training to discuss lessons learned from this mater and the importance of preparing complete and accurate condition reports and other internal documents, should he resume future employment in NRC-regulated activities.

Two other former contract security employees, Jon Brumer and Oscar Aguilar, were not offered alternate dispute resolution and each has been issued an immediately effective Order prohibiting involvement in NRC-regulated activities for a period of five years.

The NRC said Brumer was issued an Order because he engaged in "deliberate misconduct" in violation of federal regulations by "deliberately causing an NRC licensee" to be in violation of NRC security requirements. Specifically, the NRC said that in August 2005, he deliberately removed and broke a firing pin from a response weapon, rendering the weapon non-functional. Additionally, in February 2006, he again violated federal regulations by providing a transcribed statement to an NRC Office of Investigations agent regarding his involvement in the breaking of a firing pin that was later determined he knew at the time to be incomplete and inaccurate.

Aguilar also received an Order prohibiting involvement in NRC-licensed activities for a five-year period because the agency said he deliberately and knowingly engaged in misconduct that caused an NRC licensee to be in violation of regulatory requirements. The NRC said that his actions in this case resulted in the loss of reasonable assurance that he can be

relied upon to comply with NRC requirements with honesty and integrity. Specifically, the NRC said that in April 2004 he deliberately removed the firing pins from two response weapons, rendering them non-functional.

The company has 30 days from receipt of the letter of notification of the proposed civil penalty to pay the fine or to protest its imposition, in whole or in part.

Interested parties may obtain electronic copies of the letter to the company, the Notice of Violation and letters and Orders issued to Wackenhut and the four individuals, along with the company's response when available, from the NRC public document room web site at [www.nrc.gov/reading-rm/pdr.html](http://www.nrc.gov/reading-rm/pdr.html) and from the NRC's public document system (ADAMS) at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html) .

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