

## Reply to a Notice of Violation – IA -17-030

To whom it may concern:

This letter is in response to [REDACTED] and Case Number: 2-2016-025.

Following the findings of the investigation, I was granted 30 days to complete an appeal of the findings. After filing a FOIA request for records pertaining to my case, I was notified that the records would not become available until 45 days later. In accordance with the conversation I had with [Mark Kowel] and the subsequent email exchange, of which a copy is provided in this email, I was granted 30 days from the date of receiving the information to complete my appeal. The information requested in the FOIA was finally provided on July 15<sup>th</sup>, 2019. This letter is my appeal to the allegations made against me for cheating.

1342 pages were provided in the FOIA request. Approximately 74% of them are completely redacted and no information is available. My reply is based on the information that was visible on the pages that I was able to see.

Based on the data and evidence provided during this entire period by the NRC regarding the allegations of cheating and the information available in the FOIA request, I have not seen any substantial or material evidence that validated the accusation of cheating that was imposed against me. For this reason, I ask that the violation be rescinded, annulled or cancelled and that any misinformation and misrepresentation of wrong doing that is listed on the NRC website be completely removed.

What follows is my analysis of the evidence and conclusion of the exam cheating allegations.

The exam was altered by [REDACTED]  
[REDACTED] They [REDACTED] make these changes.

They would have also [REDACTED] that I had failed the exam. This would have cause further delays to complete the already delayed examination process. This would have presented the biggest incentive to anyone involved in this process to alter the answers. I provide more supporting evidence below.

During the entire investigation by FPL and the NRC, I was questioned multiple times regarding my knowledge of copies of the exam. My answer was always consistent. I was aware of some exams being copied although I wasn't sure of the specifics. I knew this from my recent NRC license exam where [REDACTED] (Not sure of the spelling) had informed us that we would know our license exam results once [REDACTED] had finish grading, coping, and capturing all the data. In the FOIA request, exhibit 14 mentions my text message questioning [REDACTED] about exam copies. To be very clear, I provided this text as evidence that I in fact suspected of the exam copies. This is by far

the best counter I have regarding the cheating allegation. If I knew there were copies, why cheat?

There is a section in the FOIA called "Details of investigation" where the following statement is made "A licensee investigation revealed that it was not common knowledge among the test takers that copies of the exam answer sheets were made by... prior to the exams being scored by the Scantron grading machine." Not being common knowledge doesn't indicate that no one knew about it. Per [REDACTED] or [REDACTED] own testimony on page 26 line 14 in the transcripts, he admits to having told people before.

Also, on exhibit 14 is the text message from [REDACTED] to me clearly stating that he was aware of them having to change answers to make people pass to cover shifts. Omitted from the FOIA report, but provided to the NRC by me, was the continuation of that text message exchange where [REDACTED] also mentions the fact that the NRC would not be happy with the training department's performance regarding the examination process. During my meeting with the NRC in Atlanta, I provided as evidence, the findings from the NRC's exam validation where the NRC stated the excessive amounts of issues that Turkey point had undergone during exam creation process for my license exam. I also provided documents going back to 2003 to show a declining trend in the training departments exam creation and validation performance. These documents were also excluded from the FOIA request or completely ignored by the NRC but are available on the ADAMS system.

On Exhibit 17 there is a statement which was provided by someone at FPL who claims that I eluded to details during their questioning that were in the anonymous letter sent to FPL. This statement was vague and not supported by any evidence. This is an attempt by FPL to divert attention to myself and away from them but without any substantiated evidence. This is also in clear contradictions with ALL the transcribed notes provided in the FOIA as there isn't a single instance where anyone can tie me to the anonymous letter. The transcripts of the NRC inspector and the inspector who conducted the investigation internally for FPL states the following "I couldn't substantiate anything with his line of questioning regarding the letter." This clearly contradicts FPL's position.

An additional note about this anonymous letter. I offered to comply 100% with the NRC in this investigation and that included providing finger prints, DNA samples, and taking a lie detector test to prove I wasn't the one responsible for that letter. The NRC never took up the offer. The investigator from the NRC who interviewed me on August 23 used an acronym I had never heard before but liked a lot. It was S-O-D-D-I-T, some other dude did it theory. He claimed my reason for sending the letter was for this specific reason. Based on everything I have seen, I am confident the letter was sent by one or both of the training instructors for this very same reason, S-O-D-D-I-T.

Exam security is ensured by those proctoring the exam. No proctor or student witnessed anything that day that seemed to indicate that I would have made changes to the exam. From the agents notes there is this statement "...said he did not see anyone



altering their exam answer sheets during the review, although he recalled CARAZA asked an "odd question" about the Scantron improperly scoring or not working correctly." The question may have in fact seemed odd because at this point, I had noticed a few issues with my the scantrons. First, it was apparent that some scantrons had been ran through the machine twice (which they in fact were) and second, I had 3 answers that had been mis graded. This only shows that I was bringing up the concern continuously and no one stopped to look at my exam documents because they were trying to ensure that no one found out that they had changed the answers to make me pass. This also shows a reach on behalf of the investigator to try to make this statement by [REDACTED] a material statement. By [REDACTED] own testimony on page 29 of their transcripts, he says I asked an odd question but didn't see anything strange.

During this investigation, I have been accused of being both a genius and an idiot at trying to cover my tracks while trying to cheat. A glaring issue that the NRC has not addressed with the exam is question number 12. This is one of the 3 questions that was altered on the exam. The reference written in pen by me clearly points to answer C as being the correct answer. This is also why I picked C. This answer has been erased, slashed through, and changed to A. It would not make any sense for me to go through all the effort of changing an answer that has a reference written on it when there were 10 questions missed on the exam. Additionally, the exam packet was not shown to me until 3 weeks later. I am certain that these changes were made later that evening after I brought up the issue.

At the site there are procedure, procedure on how to write procedure, procedures on how to use procedures, and there are even procedures for what acronyms to use. This is true of the training department as well. In reviewing 10 CFR 55 along all the training procedures at the site, there isn't a single requirement to make copies of exams. Because something feels instinctively correct doesn't make it so. We never executed a task outside of our procedures just because we thought it was a good idea. If QA had been performing an evaluation of the training department that day, they would have written them up for this. It is apparent the [REDACTED] or [REDACTED] have used this technic before to have a cover if something ever happened. Following my event, the policy of making copies of the exam has been standardized and the original copy is not provided back to the students. This shows an admittance of guilt and a deficiency on exam security on the part of the training department at Turkey Point. Just to tack on to this point, I received a license from the FAA to be an aircraft mechanic in 2004 and as an air traffic controller in 2008. Back then we had examinations on computers. Not sure why the nuclear industry hasn't caught up to this technology that would have avoided all of these issues.

Please read these next few paragraphs carefully as they are important. The statements made by either [REDACTED] or [REDACTED] beginning on page 28 and continuing to page 37 do not make any sense from a timing perspective. The investigator seems to elude to this as well with his line of questioning but either doesn't understand the sequence or gets distracted with the additional details in the story.



There is no way for either [REDACTED] or [REDACTED] to validate anything on the exam itself because I still have the exam in my hand. They were not able to validate if any answer is changed until I turn the exam in. In their statements they pretend to slide out of the room covertly and go investigate my claims of a misgrade, but what are they using as a reference!? I have the test in my hand still! What are they claiming in their statement to be looking at to notice that something is off?

In fact, as is usually the case, because I failed along with [REDACTED] we were in the class researching questions and filling out feedback forms to see if we could argue some questions and get some points back. So, we were the last ones to turn in our feedback forms and exams. It was at this point that they went to the exam room to "validate" the exam and conclude that they had changed the answers. Again, I don't see anywhere that the NRC explains away this material fact.

Another misstatement on the part of [REDACTED] or [REDACTED] was the fact that they were coming in and out of the class and taking exams back for grading to the exam room to report to the management team how the exam was going. This is false on every count as this never happens during the exam process. There was only one exception that day. [REDACTED] needed to leave and get 10 hours of rest to take the shift that night. His exam was graded separately so that he would know if he was still qualified and in service. In fact, because they made this exception for [REDACTED], they made a mistake in grading some of the other SRO exams that day and ran them through the Scantron machine twice. This is why the markings on [REDACTED] exam have extra bold spots from the scantron machine. I asked about these markings during the exam review because I thought it had something to do with the reasons why my exam was mis graded. [REDACTED] was the one that explained all of this to me and it's for the reason of avoiding issues like these that the exams are taken together and graded at the end.

The [REDACTED], agrees on page 13, line 5 of his interview that there is weakness to using pencil in the exam process. A weakness that ultimately lead to training having to change their exam process. This weakness benefits the training department but ultimately would hurt me.

As a side note, I probably took over 100 exams while at FPL. The NRC should have gone in and investigated every other exam I had ever taken in my time at FPL to verify if there were any other times where I may have done this. Surely, I wouldn't decide to go rogue on an NRC biannual exam and cheat for the first time, so there must be multiple examples of this in my past exams. This would be the easiest way to prove that this is a trend that I have engaged in for a long time and was finally caught. Neither the NRC nor FPL felt the need to do this (or did it but didn't get the results they wanted) because they knew it would show lack of evidence for wrong doing on my part.

Lastly, I want to talk about the timing of when I brought up the issue of the exam as this seems to be the only real discrepancy in my statements that is being used against me. I



don't make it a habit to track how much time elapses in my life between different events. For me to postulate how much time had passed between getting the exam and bringing up the issue would be a futile exercise as I didn't think at the time that it would ever, in my life, matter. So, any guess that I have ever made regarding this subject, would be exactly that, a guess.

This being said, it needs to be understood that the only other [REDACTED] in the class that day was [REDACTED]. Per his own testimony, he claims that I brought up the issue within the first 10 minutes. I feel in my heart that it was faster than that, but that is irrelevant at this point so let's take his number. I went to [REDACTED] first and only, because [REDACTED].

Also, important to understand is that during my exam review, I am reviewing 30 questions. Not the 10 I missed or the 3 that I perceived to be mis graded. It took the better part of 4 hours to get through 30 questions while taking the actual exam. That is a pace of 7.5 minutes per question. This means that during the exam review, its most likely taking me at least an hour to get through the 10 questions I missed. This was exactly how long it took that day to get through that review.

Now let's tie these 2 paragraphs together. I see the first question with an issue, I review it, and approach [REDACTED] about it since [REDACTED]. I grab a feed back form to capture this and continue the review. This makes sense from a timing point of view of approximately 7.5 minutes per question.

Most of the SRO's that were questioned in the class said I brought up the issue about 20 minutes in. The next question I missed was number 12. If we factor in 1 minute or so to review each question I got right and another 7.5 minutes to review each question I got wrong I am now at approximately 25 minutes into the exam review by the time I get to question 12. Again, the math checks out. The only reason the SROs in class remember me bringing the issue up the second time was because at that point I made a bigger deal about it.

So, to be clear, the timeline checks out from the point of view of everyone's testimony. If [REDACTED] or [REDACTED] were genuinely concerned about the grading, they would have taken my scantron on the first, or at least the second time, I brought it up. However, I clearly remember [REDACTED] dismissing my concern and physically waving me away once I brought it up. This would have been around this 25-minute mark.

There is one statement from someone at FPL who interviewed me on page 17, line 18 of their interview that claims that I said that I brought up the issue about half way through. This is another deliberate misstatement from an FPL official.

This concludes my appeal to the NRC. I believe that the evidence of the allegation of cheating is weak and unsubstantiated. I believe that my testimony to the NRC while in Atlanta coupled with the evidence, I presented that day clears me of wrong doing and

exceeds any evidence that has been provided by the NRC about the alleged allegation. Further, I have reviewed the information from the FOIA and the transcripts provided of the interviews with [REDACTED] and [REDACTED]. I have clearly listed above the reasons why there are material misstatements on their behalf and again why I am innocent. I ask again that the violation be rescinded, annulled or cancelled and that any misinformation and misrepresentation of wrong doing that is listed on the NRC website be completely removed. Please do not hesitate to contact me if there are any questions.

Respectfully,  
-Devin Caraza