

March 14, 2003

Mr. Joseph P. Carson
10953 Twin Harbour Drive
Knoxville, TN 37922

Dear Mr. Carson:

I am writing in response to your letter of February 2, 2003, to Mr. John Grobe of the U.S. Nuclear Regulatory Commission (NRC), regarding the licensure of engineers with safety responsibilities at nuclear facilities. In your letter, you expressed concerns about the possible relevancy of professional engineer (PE) licensure to nuclear safety at Davis-Besse Nuclear Power Station, as well as in the nuclear profession in general.

As you noted in your letter, licensing and registration of professional engineers is regulated by state and territorial laws and processes. Individual utilities may require their engineering staff to be licensed to perform their duties, in accordance with state law. The NRC does not specifically require utilities to employ PEs in order to fulfill their responsibilities as licensees under 10 CFR Part 50. However, in accordance with 10 CFR 50.34(a)(9) and (b)(7), applicants for licenses to operate nuclear power reactors are required as part of the licensing process to submit to the NRC for review and approval their technical qualifications to operate the proposed facility. The NRC has provided guidance for licensees regarding acceptable qualifications and training for nuclear power plant personnel. This guidance is currently contained, in part, in NRC Regulatory Guide 1.8, Revision 3, May 2000, "Qualification and Training of Personnel for Nuclear Power Plants," which endorses, with certain exceptions, the industry standard American National Standards Institute/American Nuclear Society 3.1-1993, "Selection, Qualification, and Training of Personnel for Nuclear Power Plants." In addition, individual operators and senior operators of nuclear power reactors are licensed by the NRC in accordance with 10 CFR Part 55.

While many NRC engineers are licensed, the NRC has not found it necessary to impose a requirement that all NRC engineers or candidates for engineering positions be licensed in order for the NRC to perform its regulatory function. Typically, vacancy announcements for NRC engineering positions include a statement such as, "Candidates must also possess knowledge of the theories, principles and practices in a field of engineering or related technical discipline as evidenced by a [Bachelor's, Master's, Doctorate] degree or equivalent combination of education, training and experience." A candidate's qualifications for a particular position are evaluated as part of the application and interview process. Of course, senior technical positions require commensurate levels of education, training and experience. While licensure as a professional engineer is a laudable achievement and indicative of dedication to the engineering profession, the NRC has not found it to be a necessary qualification for obtaining dedicated and highly competent engineering staff.

The NRC regulatory program is based on licensees and their contractors, employees, and agents acting with integrity and communicating with candor. Licensees are required by, in part, 10 CFR 50.9, to be forthright with the NRC. To do otherwise will subject them to enforcement

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action, in accordance with the NRC Enforcement Policy. The NRC Enforcement Policy primarily addresses the activities of NRC licensees and applicants for NRC licenses. However, the policy provides for taking enforcement action against non-licensees and individuals in certain cases. Enforcement action involving an individual may be taken when the NRC is satisfied that the individual fully understood, or should have understood, his or her responsibility; knew, or should have known, the required actions; and knowingly, or with careless disregard (i.e., with more than mere negligence) failed to take required actions which have actual or potential safety significance. The NRC Enforcement Policy is available on the NRC website (www.nrc.gov) for reference. Compliance with NRC regulations is required irrespective of whether or not an individual is licensed as a PE.

Thank you for your interest and concerns in this matter. The NRC takes its responsibility for protecting the public health and safety seriously. The staff continues to vigilantly monitor and regulate Davis-Besse as well as all other nuclear power reactors to ensure they operate in a manner that adequately protects public health and safety and the environment.

Sincerely,

/RA by GDick for/

Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Sincerely,

/RA/

Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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ENGINEERS WITH SAFETY RESPONSIBILITIES AT NUCLEAR FACILITIES

Dated: March 14, 2003

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