

June 13, 2003

Mark T. Jones, P. S., Executive Director
Ohio State Board of Registration for Professional
Engineers and Surveyors
77 South High Street, Room 1698
Columbus, OH 43215-6108

Dear Mr. Jones,

In your November 15, 2002, letter to me (copy enclosed), you requested to be appraised of the NRC's investigation into the Davis-Besse event involving the reactor pressure vessel head degradation, and to be notified if it appears that any Ohio Professional Engineers have acted inappropriately. On April 2, 2003, Brent Clayton, NRC Region III Enforcement/Investigations Officer, contacted Mr. John Greenhalge of your staff and discussed our investigation and enforcement processes and the status of the Davis-Besse case with him.

The NRC's Office of Investigations is continuing its investigation to determine if willful violations of NRC requirements occurred at Davis-Besse. The NRC will refer any Office of Investigation findings to the Department of Justice (DOJ) for prosecutive determination if there appear to be criminal violations within the NRC's jurisdiction. If DOJ declines to prosecute, the NRC would expect to take its enforcement action(s), including possible actions against individuals for deliberate violations, within a few months of the completion of the Office of Investigations report. If DOJ pursues the case, we normally would not take enforcement action until the DOJ proceedings are complete. We will provide you with a copy of any enforcement actions that we take against individuals in this case when they are publicly available. Note that the NRC does not normally take enforcement action against individuals for willful (e.g., with careless disregard) but not deliberate violations.

Please contact Mr. Brent Clayton (630-810-4373) with any further questions regarding this matter.

Sincerely,

/RA by D. Passehl acting for/

John A. Grobe, Chairman
Davis-Besse Oversight Panel

Docket No. 50-346
License No. NPF-3

Enclosure: Letter to John A. Grobe from
Mark T. Jones, dated November 15, 2002

cc: John F. Greenhalge

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See Previous Concurrences

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