



South Carolina
Department of Labor, Licensing and Regulation



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September 25, 2019

Tom Clements
1112 Florence Street
Columbia, South Carolina 29201

**Re: State Board of Registration for Professional Engineers and Surveyors Complaint
against Westinghouse Electric Company, LLC
Credential: ENC.2118
Case No.: 2017-77**

Dear Mr. Clements:

Pursuant to South Carolina law, the South Carolina Department of Labor, Licensing and Regulation ("LLR") investigated the initial complaint you filed with regard to the State Board of Registration for Professional Engineers and Surveyors ("Board"). Your letter asked the agency to investigate:

to determine whether state law and regulations have been complied with concerning preparation of design drawings for the Westinghouse experimental AP1000 nuclear power reactors that until recently have been under construction in South Carolina.... Unqualified individuals rather than licensed professional engineers may have prepared design drawings and such drawings may have altogether lacked a proper stamp or were stamped by those who were not duly licensed professional engineers.

Pursuant to S.C. Code Ann. § 40-22-10 (2000, as amended),

The purpose of the board is to protect the health, safety, and welfare of the public by ensuring that only properly qualified and competent engineers and surveyors are licensed to practice, by promoting technical competency and ethical standards consistent with the Rules of Professional Conduct applicable to engineers and surveyors, and by appropriately disciplining those found in violation of laws governing engineering and surveying.

It is important to note that the Board has jurisdiction over licensing issues. The Board does not have jurisdiction over corporate mismanagement or malfeasance, criminal activities by individuals or corporations, or appropriate restitution to or reaction by taxpayers, if those issues exist (as referenced in your complaint). This case involves the intersection of federal and state law. Pursuant to 42 U.S.C.A. § 2021(c), the federal government, through the Nuclear Regulatory Commission, "shall retain authority and responsibility with respect to regulation of...the construction and operation of any production or utilization facility...". Accordingly, the federal

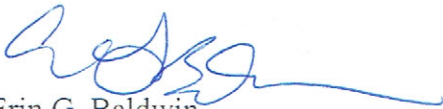
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government has exclusive jurisdiction over the construction of a nuclear plant. Therefore, the very limited question presented for investigation is whether the respondent complied with South Carolina law regarding engineering practice that was not subject to federal jurisdiction. In this case, that would be the buildings that were not directly related to the construction and operation of the nuclear plant, as addressed in the next paragraph.

The investigator assigned to this matter collected relevant evidence, including reviewing every known permit (with supporting documentation) applied for by Westinghouse, both in the Fairfield County Planning, Building and Zoning (Development Services) Office and with the Department of Health and Environmental Control. In both offices, every engineering plan that was not part of the federally pre-empted construction was reviewed by the investigator and found to have been signed or sealed appropriately by an engineer licensee of the Board. The investigator reviewed relevant information from multiple public and private sources, including the publicly-referenced Bechtel and Fluor reports and a letter dated February 15, 2018, from the United States Nuclear Regulatory Commission ("NRC"), stating the NRC's conclusions after investigation of the Federal issues.

Insofar as LLR was able to determine, every engineering plan submitted to Fairfield County or DHEC that was not exempted or excepted pursuant to Federal law was reviewed by an engineer licensee of the Board. On the basis of this conclusion, the matter was determined to have insufficient evidence to proceed to a disciplinary hearing before the Board. Thank you for your patience during the investigative process and for your interest in ensuring that South Carolina's professionals are complying with state laws and regulations.

Sincerely,



Erin G. Baldwin
Assistant Disciplinary Counsel