

November 4, 2003

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510-1702

Dear Senator McConnell:

On behalf of the U. S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated September 25, 2003, to Mr. Dennis Rathbun requesting the NRC's assistance in addressing a number of points raised by [redacted] one of your constituents. We have reviewed [redacted] letter to you, including his enclosed letter to the NRC Senior Resident Inspector, located at the Paducah Gaseous Diffusion Plant, and would like to provide you with the following information. We have previously provided similar information directly to [redacted] as a result of his raising these issues during discussions with the NRC Senior Resident Inspector. Ex.
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[redacted] in his letter to you, expressed a concern with the work climate at the Paducah Gaseous Diffusion Plant. Specifically, [redacted] stated his perception that the work environment at the plant was not conducive to individuals reporting safety issues, without a fear of retaliation. [redacted] stated his opinion that the work environment had further deteriorated since July 2003, when a work strike by union members ended. Finally, [redacted] expressed his concern, in response to previous communications from the NRC, regarding the need for specific examples of "retaliation" for raising safety issues before the NRC could effectively review [redacted] allegations, that, "if individuals do not feel safe in reporting issues to the regulator, then how will the regulator ever get any issues to evaluate." [redacted] expressed similar concerns in his letter to the NRC Senior Resident Inspector. Ex.
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We have evaluated [redacted] concerns and determined that: 1) he has informed the United States Enrichment Corporation (USEC), the Paducah Plant certificate holder, of his concerns; 2) the concerns were of a very general nature, such that we would need additional information before we could further review the concerns; and 3) the concerns, as communicated to the NRC, do not contain sufficient detail to enable us to determine if any violations of NRC regulations have occurred. Given that [redacted] concern's were general in nature, we have requested that he provide the NRC staff with additional specific information in order to permit the NRC to further evaluate the matter and take appropriate action based upon the results of the NRC's review. Ex.
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Because other individuals have previously provided the NRC with specific concerns regarding the safety conscious work environment at both the Paducah and Portsmouth Gaseous Diffusion Plants, the NRC had previously requested that USEC, the certificate holder for each of these plants, conduct an initial review, and periodic follow up reviews, of the work environment at the two plants. The NRC was briefed by USEC on the results of these reviews during periodic

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public meetings. The most recent of these meetings was held in our Region II Office on October 14, 2003. This meeting was held in the Region II Office as a result of the NRC's recent efforts to consolidate all fuel cycle inspection activities in this Region.

With regard to [] second concern, specifically, that the NRC will not receive any issues to evaluate if individuals do not feel safe in reporting issues, we value and appreciate the issues identified and provided to the NRC by licensee and certificate holder staff. In addition to issues provided to the NRC by concerned individuals, the NRC independently identifies and develops a significant number of issues through its inspection programs. While the NRC will continue to identify issues through the inspection program that need to be evaluated in terms of licensee and certificate holder compliance with NRC regulations, the NRC recognizes that it is important for licensee and certificate holder staff to feel comfortable raising issues to their management and to the NRC so that we can follow up on those issues to identify if any violations occurred. This also includes determining if the licensee or certificate holder has discriminated against any individuals for raising safety issues. Therefore, we will continue to emphasize the need for USEC to ensure a safety conscious work environment, where its employees are encouraged to raise safety issues and the identification of safety issues are valued by all members of the certificate holder's staff. In addition, should we receive specific information regarding [] concerns, we will evaluate that information, initiate appropriate follow up inspection, and take appropriate action based upon the results of the NRC's review.

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I hope that you find this information useful and responsive to your request. Please contact me if you need anything further in regards to this matter.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

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William D. Travers
Executive Director
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*See previous concurrence

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