

February 21, 2008

The Honorable Ed Whitfield
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Whitfield:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of January 9, 2008, regarding security measures at the Paducah Gaseous Diffusion Plant (PGDP). In that letter you encourage the Commission staff to reach out to representatives of the security force at PGDP so that they better understand changes to security measures which may be under consideration. I understand your concern is that some PGDP security staff feel that changes to security measures presently being considered by PGDP are not being adequately vetted with representatives of the security force. You also mention that, in the past, PGDP security staff representatives have been consulted on possible changes and that they are now concerned that the process currently being considered may exclude their input. The NRC staff will be holding an outreach meeting with the PGDP security staff on February 25, 2008, to explain the NRC's security requirements and licensing practices and to hear any concerns.

While I agree that the PGDP security staff may have valuable input, the NRC does not, as a matter of policy, require any licensee or certificate holder to consult with its employees or labor organizations while determining how to meet NRC requirements. In fact, NRC regulations do not require a licensee or certificate holder to consult with any particular individual(s) in determining how to comply with NRC requirements. Such matters may be governed by employment contracts or collective bargaining agreements between the licensee or certificate holder and its employees or unions, but that is a matter left to the licensee or certificate holder.

If a licensee's employee or contractor feels that the licensee is not complying with NRC requirements, there are a number of means by which individuals can raise concerns with the NRC. For example, the NRC has resident inspectors permanently assigned to this facility who are available to talk directly to licensee staff. In addition, the NRC's allegation program also handles concerns associated with NRC requirements and wrongdoing by individuals or organizations that are licensed by the NRC and licensee contractors, vendors, or employees. An individual can file a petition with the NRC under Title 10 of the *Code of Federal Regulations*, Section 2.206, requesting the NRC take action against a particular licensee or certificate holder. Details of both the NRC's allegation process and the 2.206 petition process can be found on NRC's website at <http://www.nrc.gov/>.

Although the NRC has not received a formal submittal from PGDP requesting any new changes to the PGDP Security Plan, NRC staff is currently engaged in a dialogue with PGDP regarding some potential enhancements in the security plan as a result of NRC's observation of recent security demonstrations. If the NRC receives a request for change, the staff will vet those changes through the agency's standard process, which includes review of the revised security plan and on-site inspections of the implemented changes.

I want to assure you that the NRC is committed to ensuring the continued safe and secure operation of PGDP. If you need additional information, please do not hesitate to contact me.

Sincerely,

/RA/

Dale E. Klein