

April 23, 2010

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter of March 12, 2010, forwarding correspondence from your constituent, (b)(6) who expresses concerns regarding the security program at the Paducah Gaseous Diffusion Plant (PGDP).

I know this issue has been the topic of previous correspondence between (b)(6) you, and the U.S. Nuclear Regulatory Commission (NRC), and I want to continue to emphasize that the NRC takes security at facilities under NRC authority very seriously. In our November 27, 2007, letter to you, we provided our interpretation of section 3107(h)(1) of the Atomic Energy Act of 1954 (AEA). As we indicated in that letter, our Office of the General Counsel concluded that there was a history of armed and unarmed guards at the Paducah site, and that while the language of current section 3107(h)(1) mandates that armed security personnel be present at the plant, the section does not prohibit the use of unarmed security personnel in addition to the armed security personnel. Since the time of that letter, this provision of the AEA and our interpretation of it remain unchanged.

Your constituent also expressed concerns that "significant activities" are being conducted at PGDP without armed or unarmed forces. Let me assure you that the NRC is committed to ensuring protection of public health and safety and security for those activities under NRC authority at the Paducah site. As an NRC certificate holder, PGDP is subject to ongoing inspection of facility security measures in accordance with an established inspection program. The program is designed to verify that the certificate holder operates the facility in compliance with current regulations and security-related orders. The NRC maintains two resident inspectors at PGDP and performs regular security inspections with regional and headquarters staff. Neither previous inspections nor daily oversight activities by resident inspectors has identified any instance of the security program at PGDP not being implemented in accordance with the NRC-approved security plan and other statutory and regulatory requirements.

If you require additional information, please do not hesitate to contact me.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

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FOIA- 2012-0114

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