CHAIRMAN Resource

From: busmgr1392 <busmgr1392@aol.com>
Sent: Wednesday, April 20, 2016 1:39 PM
To: CHAIRMAN Resource
Cc: Anna_Jerry@IBEW.org; Joe Davis; Matt Warren
Subject: [External_Sender] Re: SECY-15-0149, ML16063A268

Dear Chairman Burns

Re: SECY-15-0149, ML16063A268
Role of Third Party Arbitrators in Access Authorization & Fitness-for-Duty Determination Reviews at Nuclear Power Plants

My name is Bill Scally, Business Manager of International Brotherhood of Electrical Workers Local 1392. We represent the workers at the Donald C. Cook Nuclear Plant, Bridgman MI, in the Maintenance, Radiation Protection, Chemistry, Material Management and Work Control Departments.

I have reviewed the SECY 15-0149 and would like to explain why I firmly believe that adopting this proposal would be unwise and unfair for the plant employees. These changes would give unfair advantage to the employers and would circumvent the "just cause "provisions of the mutually agreed to contract.

The company has procedures in place that do not give equal weight for consideration of access denial to both the company and the employee. The appeal process is governed by management personnel and rarely do we get complete understanding of why someone has been denied access, denied appeal of access or even what the complete procedures are for to find out. These are closely guarded secrets. We understand the need for confidentiality and security secrets. We even understand why the company feels that that have to deny access to individuals even though they may not want to or feel that it is right due to the regulations.

Third party arbitration without limitations or restrictions is the only avenue that employees have to address or defend themselves against actions that lead to access denial. The companies have taken a path in recent years that everything, even minor infractions, leads to access denial. Some actions are shorter term and some are permanent. The permanent actions affect the employee's opportunities to work at any nuclear facilities across the country. These actions could have been warranted or unwarranted, but without an arbitrators ability to overturn an action taken by the company whether the action was warranted will never be known and corrective action cannot be taken. Employees morale will be adversely affected as will the trust in management and the NRC.

It is well understood the NRC does not get involved in labor issues. The NRC is there to see to regulatory compliance and issues that would impact regulatory compliance. The arbitrators are there to see to that piece that does not involve the NRC. To remove that piece would handicap an entire working process that has worked for years. We have been able to work through issues with AEP concerning access using the arbitration process, some in the company's favor and some in the employees but always with plant security and public safety at the forefront.

This arbitration concept for access has been adjudicated to the highest levels of the country's court systems and held to have value. To overturn that by way of regulation is unconscionable. The companies have the opportunity to negotiate a change to the arbitration clause if they desire. Instead a regulatory answer has been sought to a non issue. Our members will not allow us to adjudicate on behalf of someone who posed a genuine threat to the public or their plant. That is their house; they and their families are the public. The changes proposed by NRC staff in SECY-15-0149 will make working at a nuclear facility more unfair and onerous, without making the public any safer.

Please consider what I have tried to express to you and do not send the above to expedited rule making.

Sincerely,

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