



Local Union No. 51

International Brotherhood of Electrical Workers

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April 22, 2016

The Honorable Stephen G. Burns
Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Burns,

IBEW Local 51 represents the hourly workforce at Exelon's Clinton Nuclear Power Station near Clinton Illinois. We are concerned about a recently filed petition from NEI requesting an expedited rulemaking.

The Nuclear Regulatory Commission is currently considering SECY-15-0149 a petition for expedited rulemaking requesting the Commission limit the scope of third party review of employer decisions revoking employee unescorted access. In light of a recent 7th Circuit court ruling, *Exelon v. Local 15*, 676 F.3d 566 (7th Cir. 2012), and for the reasons below, we urge the Commission to deny this petition for rulemaking as an unnecessary curtailment of due process for nuclear workers.

The proposed rule would severely limit the issues that an arbitrator could consider and the remedies that an arbitrator could award. Arbitrators would be precluded from deciding whether unescorted access had been properly denied and prohibited from requiring the restoration of an employee's access authorization.

If adopted, the proposed rule would gut dozens of collective bargaining agreements, making arbitration a useless charade, in which a union could never win and an employee could never obtain the restoration of his or her access.

Sincerely,

A handwritten signature in blue ink that reads "John H. Johnson".

John H. Johnson
Assistant Business Manager, IBEW Local 51

JHJ/nc



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