

RulemakingComments Resource

From: busmgr1392 [busmgr1392@aol.com]
Sent: Wednesday, May 29, 2013 1:12 PM
To: RulemakingComments Resource
Cc: 'Matthew Warren'; 'Joe Davis'; David_Mullen@IBEW.org
Subject: RE: Docket ID NRC-2013-0024
Attachments: cfr letter.pdf

Dear Ms. Vietti-Cook

My name is Bill Scally; I am the Business Manager for International Brotherhood of Electrical Workers Local 1392. We represent the staff American Electric Power employees at D.C. Cook Nuclear Plant in Bridgman MI. Attached is a letter outlining our comments to the NEI Petition under Docket ID NRC-2013-0024.

Sincerely,

Billy D. Scally
Business Manager
IBEW Local 1392
1020 W. Jefferson Blvd
Mishawaka IN 46545
office 574-287-0636
cell 574-532-1203
email: ibew1392@aol.com

Over 60 Years Of Service

LOCAL UNION NO. 1392

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

AFL-CIO

TELEPHONE:
(574) 287-0636
FAX:
(574) 204-2314
E-mail Address:
IBEW1392@aol.com



1020 W. JEFFERSON BLVD.
MISHAWAKA, INDIANA 46545-5838

May 29, 2013

Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Ms. Vietti-Cook:

My name is Bill Scally; I am the Business Manager for International Brotherhood of Electrical Workers Local 1392. We represent the staff American Electric Power employees at D.C. Cook Nuclear Plant in Bridgman MI.

I have reviewed the NEI Petition for Rulemaking to Amend 10 CFR 73.56. We have some serious concerns about changing this regulation from its current form that we believe would make it an unwise change and unfair for all involved. The current 10 CFR 73 has been through the courts and the courts have upheld an arbitrator's right to reinstate access. We believe that this is the right thing to do and the right approach to take. By changing 10CFR 73 the rulings from the courts are being ignored and cleverly nullified to one side of the equations benefit. This would not necessarily increase nuclear safety. It may have the opposite effect altogether by creating a chilling effect on the employees. They would fully understand that if they are terminated for ANY reason and their access removed they have NO recourse for reinstatement.

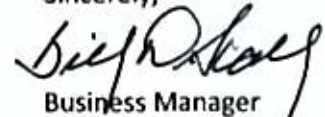
Typically at the plants that I have been involved in, there are numerous in house whistleblower programs, unfortunately they all report to management at the plant and the management teams make the ultimate decision as to the authenticity or merit of each case. The NRC is a third party review for the plants themselves, monitoring the plant nuclear safety by monitoring the physical plant and the procedures used to run it. Also needed and arguably just as important is the ability for a third party to review and monitor the employee- management relationship. Nuclear plant unions and the management teams have worked long and hard at having reliable working relationships. Even with a good working relationship in place, it is necessary to from time to time to include a third party in the mix as a tie breaker. Union members at nuclear plants have just as much at stake as the Management team when it come to nuclear safety. We are acutely aware of how wrong things can go if personnel are not

diligent at following procedures and processes. The IBEW has instituted the Code of Excellence program aimed at our members and their conduct on the job. We require a very high standard of conduct from our members just as the companies do. No one is willing to work with or let slide, someone who does not uphold those values. That being said, we have had several access grievances that went to arbitration. Some were won by the company, some were won by the employee and some were settled or withdrawn before the hearing.

I am presenting this to show that the current process works. There are times when either side may feel that they should have won but did not. That goes with the territory; however, at no time did these decisions result in a compromising situation that could have placed the plant at risk. When an employee is hired, the company has vetted them to their best ability. They do extensive background checks, drug tests and even credit checks to verify their reliability. After that they go through a probationary period where they are carefully watched, during this time they can be terminated for any or no reason. The grievance and arbitration provisions of the contracts have been negotiated and stand the test of time. If a company wants to remove arbitration for access from the contract then they have the right to propose it during negotiations and negotiate the language and how it would be conducted.

For the regulating body to regulate and usurp authority over that time honored and tested process at the industries request, is not warranted and ultimately could be detrimental. This rule change would cement into the minds of ALL nuclear workers both Union and Non-Union that the NRC has allied itself with the employers and fixed the outcome of any issue brought forth. It will harm the view of the NRC with the nuclear workers as the Regulating body for the Nuclear Industry.

Sincerely,



Business Manager

IBEW local 1392