

RulemakingComments Resource

From: Matt Fischer <MFischer@ibew204.org>
Sent: Wednesday, June 05, 2013 1:47 PM
To: RulemakingComments Resource
Subject: Comments regarding NEI petition
Attachments: Signed letter to the NRC.pdf

Please find attached IBEW Local 204's comments concerning the unescorted access petition submitted by the NEI. Thank you for your attention on the matter.

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June 4, 2013

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

Re: Docket ID NRC-2013-0024

Dear Ms. Vietti-Cook:

My name is David George and I am the Business Manager/Financial Secretary of Local Union 204 of the International Brotherhood of Electrical Workers, AFL-CIO in Cedar Rapids, Iowa.

Local 204 represents over 1400 employees working for electric transmission, distribution and generation; natural gas; ethanol production; and telephone utilities. Of these, 162 work at the NextEra Duane Arnold Energy Center in Palo, Iowa, just outside of Cedar Rapids, Iowa. This facility is the only nuclear power plant in the state of Iowa, which has been safely operated and maintained by Local 204 members since the plant came online in 1975.

After reviewing the petition submitted by NEI to the NRC for rulemaking, it would appear that Corporate America is again attempting to use fear to circumvent the legal system in this great country of ours. The 7th Circuit Court did here and ruled that a disinterested third party could and should hear the cases in question between Exelon and IBEW Local 15.

The NLRA was created and became law in 1935; it was modified to include the LMRA in 1947 affording certain rights to both labor and management. This process has worked very well for over 75 years with arbitration being the main stay of differences of opinion between labor and management. In the NEI's petition they state *although the arbitrators assigned to review the grievances at issue in Exelon's lawsuit ultimately upheld the employment terminations of the two former employees, thereby rendering the access issue moot*, this statement proves that the system works and again we believe that fear not facts is the basis of this petition.

In the grievance case our local is involved with, Nextera Energy has denied our grievance and refused to arbitrate stating that unescorted access is the sole right of management to decide, even though we have language in our collective bargaining agreement to address all disputes between the parties. In our case the employee received a OWI on his own time, was arrested, notified management, participated in the required substance abuse evaluation and was



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subsequently required by management to sign an abstinence from alcohol and drugs (even though drugs were not part of his arrest record) for three years in order to maintain his unescorted access and as such his job. It is our opinion that this document now became a mandatory subject of bargaining because the company required the employee to sign or would not have a job, all covered under the NLRA. We do not believe that the experts the company has paid to make these unescorted access decisions always get it right and should have the option of arbitration for determination.

IBEW Local 204 respectfully request's that the NRC denies the NEI petition as the court system has already ruled on this matter.

David J. George

David J. George
Business Manager/Financial Secretary
IBEW Local 204