

## RulemakingComments Resource

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**From:** Deb York <dyork@uwua.net>  
**Sent:** Thursday, June 06, 2013 1:35 PM  
**To:** RulemakingComments Resource  
**Cc:** UWUA Pres D Michael Langford  
**Subject:** NRC-2013-0024 (FOR UWUA NTL PRES MIKE LANGFORD)  
**Attachments:** NEI Petition Comments UWUA Ntl Union.pdf

Please see attached comments submitted by Utility Workers Union of America, AFL-CIO National President re NRC-2013-0024.

Thank you.

*Deb York*

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# UTILITY WORKERS UNION OF AMERICA

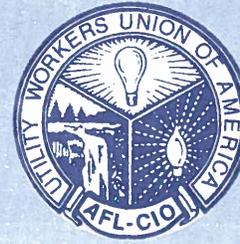
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June 6, 2013

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

**Re: Docket ID NRC-2013-0024**

Dear Secretary Vietti-Cook:

I am the President of the Utility Workers Union of America, AFL-CIO. I am writing to urge that the Commission reject the petition for rule making by the Nuclear Energy Institute (NEI) which would undercut collectively bargained grievance and arbitration procedures and grant licensees/employers virtually unfettered discretion to discharge workers by denying them unescorted access to nuclear facilities.

The UWUA and its Local Affiliates represent over 2,200 employees at several nuclear facilities - Indian Point 2 and 3, Palisades, Fermi 2, San Onofre, Perry, Pilgrim and Seabrook. Each of these facilities is covered by a labor contract with a grievance and arbitration procedure for the resolution of disputes. The design of the respective grievance and arbitration procedures varies depending on factors unique to the particular facility and its workforce. But in every case, where the Union believes discipline is not justified, the grievance/arbitration procedure authorizes the arbitrator to determine whether or not the employer's denial of access (i.e., discharge) is justified based on the facts. The NEI's petition for rule-making would preclude arbitrators from restoring unescorted access and effectively eliminate the agreed-upon provisions for arbitration of discipline contained in UWUA labor contracts with nuclear employers.

The NEI's petition is without merit. **First**, due process in the workplace *improves* (not injures) the safety and security of nuclear facilities. **Second**, arbitrators have been deciding discipline/access cases at nuclear facilities for decades. The NEI *does not* (and cannot) cite a single incident where compliance with a collective bargaining agreement resulting in the reinstatement of a worker which injured the security and safety of a facility. **Third**, the authority of impartial arbitrators to decide discipline/access issues exists only because the Union and the

Annette L. Vietti-Cook  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
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employer have voluntarily agreed to arbitration as a method for resolving disciplinary/access issues.

The basic premise of the NEI's petition is that licensees/employers have greater moral authority to speak for the security and safety of the public than Unions and workers in the nuclear industry. *That is a false premise.* The UWUA and its members are deeply committed to the safety and security of the public.

The NEI's petition is simply a power grab by employers. The NEI's petition is *not* in the interest of safety or security or the public. The NEI's petition serves only the self-interest of some licensees/owners who do not like the inconvenience of honoring their collectively bargained agreements which provide for due process in the workplace.

The UWUA and its members speak for the interests of the public we serve when we oppose this request for rulemaking. The NEI's petition will not, in any respect, advance the safety and security of nuclear facilities. The NEI's petition is unnecessary, unfair and unwise. It should be denied.

Sincerely,



D. Michael Langford  
National President

DML/kap

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