

Re: Docket ID NRC-2013-0024 NEI proposed modification

Dear NRC

I oppose NEI's suggested modification to amend NRC personnel access authorization regulations to bar third party review of access authorization denials, specifically independent arbitrator's reversals. I have been in the industry as an unlicensed operator, licensed operator, and currently hold a position as an operation training instructor. In my twenty five years I have had the opportunity to be involved in a number of labor management arbitration cases, many of those dealing with employee termination and denial of access authorizations. The modification proposed by NEI is unnecessary.

Nuclear Operator's like Exelon, and my employer Entergy when they following their procedural process and NRC regulation and then diligently examine the facts in an impartial and evenhanded method produce highly defensible and solid outcomes that neutral arbitrator as a collect group uphold. It is however, NEI's request that the NRC modify the Access Authorization Rule, to guard against the alternative. NEI requests a lowering of standards. NEI asks NRC shield a licensee from independent review when it is unable to adequately justify its actions. The ability for a mutually selected thirty party to peer review licensee action is critical to ensuring a robust and trustworthy process. In fact, it would improve the process and strengthen the regulation if an independent review from outside of the licensee organization was required.

NEI's suggestion that the 7th Circuits of Appeals decision "undermines" NRC's ability to "demonstrate adequate protection" or "impede" licensees ability to comply with NRC regulation is disingenuous. The fact is that if a licensee failed to prevail on independent review that it had implemented its processes in a robust manner, or that its decision was based on diligently derived facts. It is not a failure of the regulatory scheme. INPO and the NRC are constantly making similar determinations on a variety of subjects and regulator change is not the solution. Exelon, and any other similarly situated employer, unhappy with the decision of a neutral arbitrator can appeal the decision to the courts. If in the rare occasion a mutually selected neutral arbitrator oversteps and exceeds her authority, fashions a remedy outside of the collective bargaining agreement, or makes a ruling that violates public policy the courts are empowered to overturn that award. Weakening the regulatory frame and review process is not the answer. NEI's proposed modification should be rejected.



David Leonardi
1 Pine Tree Circle
Sandwich, Ma 02563