

3/31/81

UNITED STATES OF AMERICA
NUC EAR REGULATORY COMMISSION

In the Matter of

CONSUMERS POWER COMPANY
(Palisades Nuclear Power Facility)

)
) Docket No. 50-255
) License No. DPR-20
) EA 81-18

PETITION OF UTILITY WORKERS UNION OF AMERICA, AFL-CIO
AND ITS MICHIGAN STATE UTILITY WORKERS COUNCIL
FOR HEARING ON ORDER CONFIRMING LICENSEE ACTIONS TO
UPGRADE FACILITY PERFORMANCE

The Utility Workers Union of America, AFL-CIO, and its Michigan State Utility Workers Council (hereafter, "the Union") hereby request a hearing on the Order of this Commission dated March 9, 1981, captioned "Order Confirming Licensee Actions to Upgrade Facility Performance," for the following reasons and grounds:

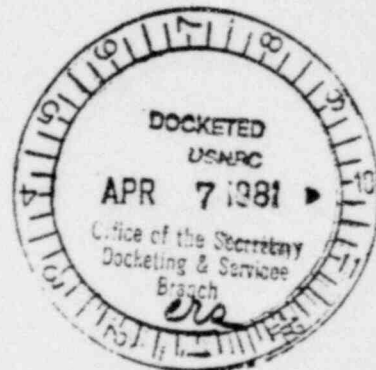
I. On March 9, 1981, the Commission issued an Order Confirming Licensee Actions to Upgrade Facility Performance. Part V, Sec. B thereof, provided that:

"Extended overtime on the part of licensed operators shall be avoided by restricting the overtime for licensed operators as follows:

- (1) No more than 4 overtime hours in any 24-hour period;
- (2) No more than 24 overtime hours in any 7-day period;
- (3) No more than 64 overtime hours in any 28-day period;

The Director of Region III may relax or terminate any of the preceding conditions in writing for good cause."

II. Said provisions restricting overtime were evidently proposed by the licensee, not this Commission, and



810 4090 657

without notice or consultation with the Union, which is the collective bargaining agent for operating, maintenance and construction employees of the licensee at the Palisades Facility and elsewhere in Michigan.

III. The overtime restriction contained in said Order is more restrictive than this Commission's standards otherwise applicable, as set forth in the interim criteria for shift staffing, issued July 31, 1980, by the Commission, by Darrell G. Eisenhut, Director, Division of Licensing, as follows:

- "(1) An individual shall not be permitted to work more than 12 hours straight (not including shift turnover time).
- (2) An individual shall not be permitted to work more than 24 hours in any 48 hour period.
- (3) An individual shall not work more than 72 hours in any 7 day period.
- (4) An individual shall not work more than 14 consecutive days without having two consecutive days off.

However, recognizing that circumstances may arise requiring deviation from the above restrictions, such deviation may be authorized by the plant manager or higher levels of management in accordance with published procedures and with appropriate documentation of the cause."

IV. On information and belief, no reason was demonstrated or existed or was pertinent to this Commission's March 9, 1981 Order to occasion greater restriction on overtime that is otherwise required by the Commission's general standards, or is permitted to the licensee under its collective bargaining obligations to the Union under the National Labor Relations Act.

V. Pursuant to 10 CFR 2, 714(a)(2) and said March 9, 1981 Order, the Union represents that, as aforesaid, it is the exclusive collective bargaining agent by law for affected employees; and that the employment opportunities or its members are, or may be adversely affected by said Order.

VI. For the foregoing reasons, the Order should not be sustained insofar as it contains the aforesaid restrictions on overtime hours.

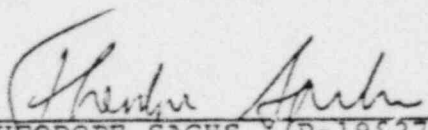
WHEREFORE, Petitioners pray that a hearing be held for reconsideration of such Order in the foregoing respects, and that such Order be vacated in the foregoing respects.

Respectfully submitted,

UTILITY WORKERS UNION OF AMERICA,
AFL-CIO, AND ITS MICHIGAN STATE
UTILITY WORKERS COUNCIL,
by their Attorneys,

MARSTON, SACHS, NUNN, KATES,
KADUSHIN & O'HARE, P.C.

BY:


THEODORE SACHS (P-19527)
1000 Farmer Street
Detroit, Michigan 48226
(313) 965-3464