

# OCAW



Oil, Chemical & Atomic Workers  
International Union, AFL-CIO

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DOCKET NUMBER  
PROPOSED RULE PR 19, 20, 21 d.d.  
(59FR 6792)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Mr. Samuel J. Chilk  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

ATTEN: Docketing and Service Branch  
11555 Rockville Pike  
Rockville, Maryland 20852

RE: Proposed Rule 10CFR76, "Certification of Gaseous Diffusion  
Plants".

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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Dear Mr. Chilk:

The following are comments on the proposed rule for certification of the Gaseous Diffusion Plants (GDP's). The OCAWIU is the authorized bargaining agent for production workers at the Paducah, Kentucky (Local 3-550) and Portsmouth, Ohio (Local 3-689) facilities under the operation of the United States Enrichment Corporation.

Before commenting specially on the proposed 10CFR76, it is important to state our concern that the "Energy Policy Act of 1992" while mentioning consultation between the Nuclear Regulatory Commission and the Environmental Protection Agency did not incorporate the Occupational Safety and Health Administration into the certification of the GDP's. We feel that while the NRC has considerable expertise in the area of nuclear safety, it is necessary that OSHA be included in certification of the GDP's. OSHA participation is very important as it has the expertise in general industry occupational health and safety; in particular the Process Safety Management Standard (29CFR1910.119). The GDP's are also complex chemical plants and the expertise that OSHA has developed in this area needs to be incorporated into the regulatory oversight of the GDP's. It will take the coordination of the NRC, EPA and OSHA with active labor and community participation to insure that the gaseous diffusion plants are operated in a safe and healthy manner.

Proposed Rule 10CFR76

In order for the certification process outlined in Part 76 to be effective, it is essential that there be certification that there ~~has been full participation by the OCAWIU in matters concerning~~ the safe and healthy running of the GDP's. Worker participation is important not only for the health and safety of the workforce,

OCAWIU

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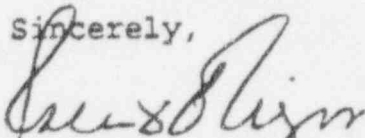
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but also for the safety of the community. Workers are the front line not only in the production process but also in making sure that the production process is safe.

Unfortunately, the OCAWIU has not been fully involved in the discussions, to date, that are leading to the transfer of authority from the DOE to the NRC. At Paducah, the OCAWIU Health and Safety representatives have been told (see attached letter) by NRC personnel that the NRC does not solicit or accept input or response from the union and its representatives. At Portsmouth, the primary contractor has not been "proactive" in soliciting input from the OCAWIU leadership. The local leadership often finds out about meetings between the NRC and Martin Marietta after the meetings have been held. The OCAWIU, which has a long and proud history of fighting for environmental and occupational health and safety legislation, is very willing to cooperate with all parties in making the GDP's safe and healthy operations.

The certification process can be a very powerful instrument. In order for it to be fully effective, true worker participation, must be guaranteed. In 10CFR76, there must be certification that the rights set out in 10CFR19 have been complied with at the facilities.

Sincerely,



Robert E. Wages  
President, OCAWIU

Encl

cc: Dean Alexander, Assistant to the President  
Roger Bradley, Atlantic Region Director  
Gylvia-Kioding, Director of Health and Safety  
Nolan Hancock, Legislative Director  
Pete BROWN, INTERNATIONAL representative  
Art Maxwell, International Representative  
David Fuller, President, Local 3-550  
John Knauff, President, Local 3-689

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MAR 25 1994

PADUCAH LOCAL NO. 3-860  
2525 CAIRO ROAD - P.O. BOX 494



REFERENCED  
PADUCAH LOCAL NO. 42001-0043  
PHONE: 423-9225

March 18, 1994

Mr. Nolan Hancock - Director  
OCAW Citizenship - Legislative Department  
2722 Merrilee Drive, Suite 250  
Fairfax, Va. 22031

Subject: NRC Proposed Rulemaking 10 CFR 76

Dear Nolan,

Attached you will find the proposed Nuclear Regulatory Commission (NRC) rulemaking concerning their regulatory authority over the Gaseous Diffusion plants, at both the Paducah and Portsmouth location. This is the same issue questioned to you during a phone call from Mr. David Fuller, President of OCAW Local 3 550, on the evening of March 17, 1994

The major issue which concerns us are the jurisdictional lines drawn between the NRC and the Department of Labor, Occupational Safety & Health Administration agencies. It has been our experience since July 1, 1993, that OSHA is more concerned with the safety and health of our workers than the NRC. Federal OSHA from Washington, Atlanta Regional Office, and their Frankfort Office, have ensured our participation in any investigations, meetings, and correspondence between them and Martin Marietta Utility Services, our contractor. It has been quite the opposite when the NRC has visited our plant facility. We were invited to the first initial meeting, by the contractor, and informed by the NRC personnel that they did not solicit, or accept input, or response from a Union, or their representatives. It is therefore our opinion, that the NRC could care less what we the Union Representatives have to say, or comment concerning their regulatory oversight of our facility, or issues which impact our brothers and sisters of the workforce. An example of our concern is further explained in the attached document letter dated June 10, 1993 from the NRC to Mr. James C. Hall, on the NRC requesting to have jurisdictional oversight on mechanistic accidents and events, which we are in favor of OSHA regulating.

Please review the attached document and provide us with your interpretation or direction on any issue which you feel impacts us, and action which we might take.

Sincerely,

Jim H. Key  
OCAW Local 3-550  
ES&H Union Representative

JHK/file