

Oil, Chemical and Atomic Workers  
International Union

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September 2, 1982

DOCKET NUMBER  
PROPOSED RULE PR-50  
(47 FR 33980)  
(17)

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Proposed Rule 10 CFR 50.22  
Nuclear Power Plant Licensees

Attention: Docketing and Service Branch

Gentlemen:

Pursuant to Notice of Proposed Rules, Federal Register, Vol. 47, No. 151, August 5, 1982, at pages 33980-1, the following comments and suggestions are submitted on behalf of the Oil, Chemical and Atomic Workers International Union (OCAWIU).

OCAWIU is a Labor Organization representing approximately 140,000 employees in the atomic, petroleum, gas, coke, chemical and allied, related and similar industries in the United States, for the purpose of collective bargaining with respect to wages, hours, and other terms and conditions of employment, including approximately 10,000 employees in the Atomic Energy Industry.

The proposed rule would require the development and implementation, by licensees under 10 CFR 50.22, of fitness for duty programs designed to provide greater assurance of safe and more reliable operation of nuclear facilities.

OCAW favors the establishment of specific fitness criteria and methods of implementation thereof for nuclear plant personnel, rather than leaving to licensees the responsibility to establish criteria used to determine fitness for duty and specific methods of implementation.

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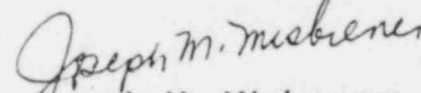
Fundamental to any such criteria and methods, however, are the essential ingredients of objectivity, fairness and due process for the employees that may be affected.

Any specific fitness for duty criteria established must take into account and provide safeguards for the collective bargaining rights of, and the obligations imposed by the duty of fair representation on, labor unions that have a collective bargaining relationship with licensee operators of the nuclear facilities affected.

We suggest, essentially, that any specific fitness for duty criteria established be subject to the collective bargaining process between licensee operators and the bargaining agent of their employees, particularly where such criteria may be in conflict with, or require amendment, clarification or modification of, an existing collective bargaining contract.

Further, we suggest that it is essential to provide meaningful recognition of collective bargaining unit employees' well-established right to representation by their collective bargaining agent throughout the implementation process. This, in turn, would allow collective bargaining agents to fulfill their duty of fair representation.

Sincerely yours,

  
Joseph M. Misbrener,  
Vice President

JMM:dc  
cc: International Officers  
D. Edwards