

McNulty, Richard R

From: ^AFGE LOCAL 788
Sent: Friday, August 05, 2011 12:27 PM
To: Nottingham, Connie G.
Cc: ^AFGE Local 788 - Professional Unit; McNulty, Richard R; Poneman, Daniel B; Lagdon, Richard H; Samuelson, Scott L
Subject: Union Grievance, ORP Violation of 10 CFR 830 and DOE Order 420.1B (Non Newtonian Vessels UFP-VSL-0002A/B, HLP-VSL-00027A/B, and HLP-VSL-00028).

Dear Ms. Nottingham:

10 CFR 830, Subpart B and DOE Order 420.1B, Facility Safety, requires DOE and its contractors to operate within a formal nuclear license generically referred to as the authorization basis. On August 3, 2011, ORP Management authorized Bechtel National Inc, (BNI), ORP's construction contractor to continue fabrication of defective nuclear waste storage vessels in the Vitrification and Immobilization Treatment Plant (WTP) which have been identified by federal staff to be non-compliant with the requirements of the design authorization basis (Non Newtonian Vessels UFP-VSL-0002A/B, HLP-VSL-00027A/B, and HLP-VSL-00028). This construction approval was not supported by an authorized deviation from the design authorization basis and thus is non-compliant with 10 CFR 830 and DOE Order 420.1B. Two of the safety criteria that the vessels are not in compliance with are nuclear criticality (which could cause immediate death) and flammable gas (which could result in personal injury (including death) or catastrophic failure of the facility).

The Bargaining Units rely on DOE Management to provide a safe working for Bargaining Unit Employees which includes rigorous compliance with DOE safety process and procedures. In this case, it appears that DOE Management has struck a deal with BNI Management to manage both the DOE employees who provide federal oversight of the construction project (documentation to follow) and to proceed with defective construction that potential place DOE employee and public safety at risk, and which could result in the failure of a \$12B WTP.

In cutting this deal with BNI, ORP has effectively disenfranchised its own engineering and safety staff destroying the safety culture in the process and the credibility of ORP management with its own staff.

The action of ORP to authorize defective construction outside the design authorization is a violation of Article 33 of the Collective Bargaining Agreement (CBA) and DOE Order 440.IA (Implemented by Article 33)

AFGE Local 788 demands in settlement of this grievance, that ORP immediately withdraw BNI's authorization to continue vessel construction outside the design authorization basis.

Additionally, RL/ORP have failed to adequately implement the DPO process filed by a BU employee on a related issue (one of the DOE employees ORP management committed with BNI to "manage.") The WTP Program Manager has apparently asserted that to DOE HQ that the DPO was successfully resolved without the knowledge of the BU employee. Furthermore, the Employee Concerns Office failed to turn over the major of the technical documentation submitted to the DPO team which was inadvertently discovered by the BU employee as the team was completing its interviews. This suggests that the DPO process is a "management" process and not the "independent" process its is represented to be.

I will forward additional supporting documentation separately.

Rick McNulty, President Local 788