

December 7, 2005

MEMORANDUM TO:

Region I Staff

FROM:

Samuel J. Collins /RA by Marc L. Dapas, Acting for/
Regional Administrator

SUBJECT:

REGION I INSTRUCTION 1080.2, REVISION 6
"NRC PREPARATIONS FOR PENDING LICENSEE STRIKE"

Region I Instruction 1080.2/5, "NRC Preparations for Pending Licensee Strike," has been revised to reflect the March 30, 2005, revisions to Inspection Manual Procedures 92709 - Licensee Strike Contingency Plans, and 92711 - Continued Implementation of Strike Plans During an Extended Strike.

The Region I Instruction is located in the ADAMS Main Library, Region I Folder, Regional Instructions folder. All staff should be familiar with the guidance contained in this Region I Instruction.

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DATE	08/03/05	08/12/05	08/16/05	08/11/05	09/06/05
OFFICE	RI/ORA	RI/DRA	RI/RA		
NAME	KFarrar	MDapas/MLD	SCollins/MLD for		
DATE	11/16/05	12/07/05	12/07/05		

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REGION I INSTRUCTION 1080.2, REVISION 6

NRC PREPARATIONS FOR PENDING LICENSEE STRIKE

A. Purpose

This instruction provides specific guidance regarding preparations and actions to be taken by NRC personnel upon notification of an impending strike that may affect staffing at any of the Region I nuclear power facilities.

B. Reference

NRC Inspection Manual Procedures 92709 - "Licensee Strike Contingency Plans"
NRC Inspection Manual Procedures 92711 - "Continued Implementation of Strike Plans During an Extended Strike", and NRC Inspection Manual Procedures 92712 - "Resumption of Normal Operations After a Strike".

C. Discussion

Strikes by union personnel at nuclear power facilities may affect plant status by removing or redirecting resources (i.e., licensed operators, engineers and technicians, security guards, or maintenance personnel) from key operational and support positions. The licensee evaluates alternate staffing resources for the facility and makes the determination whether to continue power operations or to shut down the plant. Absence of union personnel and other strike-related activities at a nuclear facility pose an additional challenge to licensee management.

The NRC evaluates the licensee's plan of intended operation to ensure that licensed activities are conducted safely and that public safety will be maintained during the strike period. NRC personnel will monitor plant operations as necessary to ensure that licensee actions are safe and consistent with all appropriate regulations.

NOTE: Resident Inspectors must be knowledgeable of expiration dates for all major labor contracts that may impact licensee activities at their assigned reactor facility, and should remind Division of Reactor Projects (DRP) supervision of any approaching contract expiration. Significant developments during the contract negotiation process must be monitored. Often work will continue without interruption after a contract expires when contract negotiations are progressing satisfactorily. Periodic contact with licensee management should be maintained to determine appropriate timing of the NRC activities. These activities will assist the NRC in being fully prepared to respond to a labor strike.

CONTACT: Chief, Branch 7, DRP
Revision Responsibility: DRP

CAUTION: Do not solicit information in any manner that would give the appearance of interfering or diagnosing the issues under negotiation. Do not question or enter into discussion with the union rank and file regarding mood or sense for acceptability of the contract.

D. Implementation

The DRP Division Director will specify, based on DRP Branch Chief (BC) recommendations, the portions of this procedure that are to be implemented. This procedure is intended to specify coordination activities between stakeholders and direct the assignment of inspection resources in support of the NRC strike-related, inspection procedures. A phased approach commencing several weeks before contract expiration and including a status assessment each week before a strike date, as time permits, should be used. The DRP BC for the affected site will recommend, to the DRP Division Director, the NRC resources (i.e., DRP, Division of Reactor Safety (DRS), Division of Nuclear Materials Safety (DNMS), Public Affairs Office (PAO), Nuclear Reactor Regulation (NRR), etc.) to be committed to implement the procedure described in the paragraphs that follow. Enclosure (1), "Preparations for Licensee Strike - Checklist" is provided for the DRP BC (or assigned team leader) to track implementation status. Significant actions from this checklist are as follows:

1. The DRP BC or the Senior Resident Inspector (SRI) should contact licensee management and determine if the union has communicated its "intention to strike." This should include the projected commencement date/time of the strike.
2. The DRP BC or SRI should obtain assurance from the Collective Bargaining Agent that, if a strike is to occur, NRC personnel will be permitted to freely cross the picket line so that they may perform their statutory responsibilities, uninhibited and without risk to their personal safety or property. This should be the only time the union is contacted.
3. Ensure appropriate NRC staff officials are informed of the NRC preparations for an impending strike. The DRP BC should provide an updated status periodically using EDO highlights.
4. The DRP BC or Division Director, with appropriate DRS BC involvement, should contact licensee management to specifically discuss:
 - Licensed operator watchbill, including individual names.
 - Team training on a simulator for newly constituted shifts.
 - Any proficiency training for previously inactive license holders.
 - Efforts by the security, emergency planning, and radiation protection departments to cope with the strike, including the logistics of getting required personnel (NRC and licensee) through picket lines.

- Impact of the strike on security organization staffing and required security coverage.
- Contingencies made to staff those emergency organization positions normally filled by striking employees.

5. The DRP BC and/or SRI should prepare an NRC watchbill for on-site and off-site observation of licensee strike activities during the strike period. The following guidelines are based on the assumption that the reactor plant is either operating, or has recently shutdown with a significant decay heat load:

Initial Coverage Period:

- 24 hour/day coverage.
- Begin observation at least one shift prior to commencement of the strike.
- Rotate NRC personnel as necessary to maintain continuous coverage and to ensure shift turnovers are monitored closely.
- Consider supplementing the watchbill with additional personnel as plant evolutions/performance dictate.
- The duration of the "Initial Coverage Period" will be commensurate with the results of NRC observations of licensee operating crew performance, the effectiveness of licensee management oversight of plant operations, and the potential interference on plant operations from striking personnel.
- Consider sending a Region I supervisor (BC or higher) to assist the SRI during the initial few days of the strike.

Extended Coverage Period:

- Include observation of each shift turnover, major surveillance tests, and other significant evolutions.
- Begin immediately following termination of the initial coverage period.
- Continue until termination of the strike and until satisfactory turnover of control room shifts to the normal operating personnel has been accomplished.

6. At least one day prior to the anticipated commencement of the strike, the DRP BC should conduct a conference call with licensee management to discuss at least the following:

- Current outlook for the strike.

- Changes to the licensee plan for coping with the strike.
 - Region I plan for providing strike coverage during the strike.
7. Establish contact with site union officials to discuss any NRC concerns, including unfettered site access for NRC staff.
 8. If the strike appears imminent, DRP supervision/management should consider having a government vehicle delivered to the site so that it would be available to NRC personnel on-site in case of threats of vandalism or problems crossing the picket line. DRP supervision/management should establish, as appropriate, contact with the local law enforcement agency for assistance in site access, and consider providing specific car information (make of vehicle) to assist in site access. Also, Division of Resource Management (DRM) staff should pre-position extra NRC hard hats to facilitate identification of NRC personnel.
 9. NRC personnel specified on the "strike contingency watchbill" (refer to Item No. 5) should depart for the site in sufficient time to get badged for unescorted access prior to their watch. Upon arrival onsite, NRC personnel should commence strike observation in accordance with the established watchbill and requirements of Inspection Procedure 92711, "Continued Implementation of Strike Plans During an Extended Strike".
 10. The on-site observation team will maintain contact at least twice daily with the responsible DRP BC regarding plant operations during the strike.
 11. The DRP BC and/or SRI should maintain contact with licensee management and State/local officials, as appropriate, throughout the strike period.
 12. The observation watchbill will shift to "extended coverage" as directed by the DRP BC.
 13. The DRP BC should direct implementation of Inspection Procedure 92712, "Resumption of Normal Operations After a Strike", as appropriate once the strike has ended.
 14. Documentation of strike-related inspection activities will be included in a routine resident inspection report. If the strike is of unusual significance, a special report covering initial strike observations may be directed.

E. Periodic Audits or Reports

None

F. Effective Date

This Regional Instruction is effective upon issuance and will remain in effect until superseded.

Approved: /RA by Marc L. Dapas Acting for/
Samuel J. Collins
Regional Administrator

Date: 12/07/2005

Enclosure: Preparations for Licensee Strike - Checklist

ENCLOSURE

PREPARATIONS FOR LICENSEE STRIKE - CHECKLIST

Site: _____

Strike Commencement Date: _____

<u>Action Item</u>	<u>Date</u>	<u>Initial</u>
1. Contact licensee management to verify strike intentions. (DRP BC, SRI)	_____	_____
2. Contact Collective Bargaining Agent to ensure striking personnel will not interfere with NRC representatives (DRP BC, SRI).	_____	_____
3. Inform NRC staff officials. Use Executive Director for Operations (EDO) highlights (DRP BC).	_____	_____
4. Conference call with licensee management to discuss licensee preparations (DRP BC).	_____	_____
5. Prepare NRC on-site watchbill (DRP BC, SRI).	_____	_____
6. Conference call one day prior to strike with licensee senior management.	_____	_____
7. Deliver government vehicle and NRC hardhats to site (DRM).	_____	_____
8. NRC personnel (inspectors) travel to site and implement watchbill.	_____	_____
9. Maintain contact (at least twice daily) between on-site observation team and Regional Office (SRI).	_____	_____
10. Maintain contact with licensee management and State/local officials (SRI, DRP BC).	_____	_____
11. Shift watchbill to extended coverage period, as required (DRP BC).	_____	_____

NRC Preparations for Pending Licensee Strike

RI 1080.2/6
Enclosure

- 12. Schedule and conduct required supplemental inspections upon licensee resumption of normal operations. _____

- 13. Provide input to routine resident inspection report to document NRC strike-related inspection activities (Observation Team Leader, SRI). _____