
INSPECTION PROCEDURE 92709

LICENSEE STRIKE CONTINGENCY PLANS

PROGRAM APPLICABILITY: 2515, 2545, 2600, 2681

92709-01 INSPECTION OBJECTIVES

To evaluate the adequacy of strike contingency plan content and/or plan implementation to:

- a. Determine if the required minimum number of qualified personnel is available for the proper operation and safety of the facility.
- b. Determine if reactor operation and facility security are maintained as required.
- c. Determine if the plan complies with the requirements in Technical Specifications and the Code of Federal Regulations (CFR).

92709-02 INSPECTION REQUIREMENTS

- 02.01 Determine the adequacy of the licensee's strike contingency plans and that these plans have been reviewed by the facility's safety review committees.
- 02.02 Determine if the licensee is properly implementing the safeguards contingency plan.
- 02.03 Determine the availability and operability of equipment required by the safeguards contingency plan.
- 02.04 Determine if the licensee can meet (is meeting) the requirements for minimum onsite shift staffing of the facility.
- 02.05 Determine if the licensee can meet (is meeting) regulatory requirements in the following areas:
 - a. Plant management.
 - b. Operations.
 - c. Maintenance.
 - d. Security.
 - e. Chemistry and radiation protection.

- f. Surveillance and calibrations.
 - g. Administrative controls.
- 02.06 Determine if licensed personnel who will be performing licensed activities are qualified, per 10 CFR 55.53(e) and (f).
- 02.07 Prior to the strike, perform the following:
- a. Verify that the licensee properly trained non-licensed personnel who will be performing functions to which they are not normally assigned.
 - b. Verify through observation and discussion with one of each of the following plant personnel that they understand their function under the modified staffing plan as follows:
 1. Plant management.
 2. Senior reactor operators and reactor operators (at reactor sites), plant operators (at fuel facilities).
 3. Maintenance.
 4. Health Physics.
 5. Other personnel responsible for operational or safety functions.
 - c. Evaluate the effectiveness of site security.
- 02.08 Verify that support from local agencies is adequate to ensure the following:
- a. Unimpeded access of personnel to the plant.
 - b. Unencumbered delivery of support goods to the site and unencumbered offsite shipment of radioactive materials.
 - c. Mitigation of any possible threat to the site including abusive or violent strikers.
 - d. Unimpeded access of medical care and ambulance services to treat injured or contaminated persons.
 - e. Unimpeded access of the local fire department to supplement the site fire fighting unit.
- 02.09 Confirm that site staffing will be sufficient and qualified to implement the site emergency plan (EPlan).
- 02.10 Verify that the emergency communication equipment and the Emergency Notification System, where applicable, are available and operable.
- 02.11 Establish communications with the regional Public Affairs Officer for press releases or media inquires.

General Guidance. Recent events have shown that once negotiations have gone beyond the end of contract date, bargaining unit personnel can strike with little or no warning (Oyster Creek 2003). This procedure should be completed prior to the end of the current contract, even if negotiations are ongoing and bargaining unit staff are working without a signed agreement. The licensee's strike contingency plan should be available for immediate implementation at any time after the current contract period ends and NRC assessment of that plan should provide confidence of successful implementation.

Regional staff will monitor and update contract dates for at least security personnel, operators, maintenance personnel, and radiation protection staff. Regional management and the resident inspector staff, as appropriate, will determine the need to implement this procedure.

The general requirements of Title 10 of the Code of Federal Regulations dealing with security, emergency situations, and operator training and qualification apply to the strike situation. The primary guidance available should be in the licensee's emergency and contingency plans.

Specific Guidance

03.01 The licensee's approved strike provisions are required to be incorporated into the site emergency and safeguards contingency plans. To evaluate the licensee's strike contingency planning, discuss with licensee's management the overall impact of the strike including the number and job classifications of potential strikers. The inspector should keep abreast of any contingency plan changes or contingency plans that are approved by the licensee prior to or during the strike. The inspector should keep regional management informed of poorly developed or poorly controlled strike contingency plans.

03.02 The inspector should evaluate changes to the licensee's safeguards contingency plan which have not been reviewed by the NRC. Regional security specialists should lead the review of strike contingency plans involving security staffing. If at a power reactor site, resident inspector staff will monitor possible changes to these plans, inform regional management of the change, and assist security specialists in assessing the impact.

Non-power reactors having formula quantities of special nuclear material (SNM) are required to implement 10 CFR Part 73 safeguards contingency strike provisions only when the SNM (i.e. fuel) becomes nonself-protecting.

03.03 If the strike involves security staff at a power reactor site, the resident inspector staff should monitor the need for compensatory measures daily and report adverse conditions to regional management and security specialists for assessment.

03.04 Nuclear power plant licenced operator control room staffing is discussed in 10CFR 50.54(m). When evaluating shift staffing, the inspector should consider the amount of overtime needed to maintain shift coverage and ensure overtime is within the guidelines in the facility's technical specifications. Non-power reactor staffing requirements are contained in the facility's technical specifications. Fuel facility staffing requirements are contained in the approved license application.

03.05 Specific requirements are found in the facility's technical specifications, license, and the Code of Federal Regulations. Licensee commitments may also be found in the final safety analysis report (FSAR).

03.06 The portion of the licensee's strike contingency plans addressing the pre-strike stage should allow sufficient time for licensed and non-licensed personnel to become proficient in the positions they will fill during the strike. The inspector should use caution and limit the length of any discussions held with shift personnel so as not to distract them from their duties.

- a. Licensed operators and senior operators must maintain their license in an active status as specified in 10 CFR 55.53, "Conditions of Licenses." Activities addressed in 10 CFR 50.54, (i) through (m) must be performed by operators licensed under 10 CFR Part 55.
- b. Fuel facility personnel should be proficient in conversion processes, recovery processes, criticality controls, and other operations applicable to the facility.

03.07.a-b No inspection guidance.

03.07.c To evaluate the effectiveness of site security, the inspector should inspect security station manning and proper implementation of any security compensatory measures. The inspector should discuss with plant management any previous and potential safeguards threats and the plans to counter these threats.

03.08 The principal offsite support agencies to be contacted by the licensee should include the following:

- a. State police.
- b. Local law enforcement agency (LLEA).
- c. Local fire department and ambulance service (if separate).
- d. Local hospitals.
- e. State radiological health agency.
- f. Fuel oil suppliers (Inspectors should verify that licensee has confirmed drivers/suppliers will cross picket lines. If drivers/suppliers will not cross picket lines, the inspector should verify that other arrangements for obtaining fuel oil are appropriate).
- g. All other suppliers (Inspectors should verify that licensee has confirmed drivers/suppliers will cross picket lines. If drivers/suppliers will not cross picket lines, the inspector should verify that other arrangements for getting supplies are appropriate).

The local law enforcement agencies should be prepared to deal with adverse conditions created by aggressive strikers. Arrangements should have been made between the licensee and the local law enforcement agencies to resolve predictable legal or jurisdictional problems.

The inspector's vehicles should be identified to the local law enforcement agencies and union pickets to allow for ease of access to the plant. Inspectors should follow regional instructions regarding use of vehicles at a strike location. Such guidance should include use of government vehicles and unique labeling for resident inspector staff privately-owned vehicles to ensure LLEA and pickets recognize NRC employees. Out-of-state license plates have been used to identify temporary replacement staff who have been subjected to harassment by picketers.

The inspector should establish a point-of-contact with site union officials to discuss overall issues and NRC concerns, i.e., unfettered site access. If the inspector has noted any difficulty with site access, regional management should be immediately informed. As determined by NRC management, the inspector, or NRC manager, should contact the site union official and clarify expectations regarding NRC access to the facility, including the use of LLEA escort, if appropriate. The inspector in no way should engage in negotiations between the union and licensee or act as a mediator.

03.09 Any changes to emergency response organization (ERO) compliment, by position number, or response time to staff emergency response facilities, should be considered a change to the EPlan. The changes must be reviewed under 10 CFR 50.54 for a possible decrease in the effectiveness of the plan. Resident inspectors should contact regional EP specialists for guidance in assessing such changes.

03.10 Emergency communication equipment may include telephones, radios, radiotelephones, and walkie-talkies.

03.11 The inspector should directly or through the regional management, establish communications with the regional Public Affairs Officer for press releases and media inquiries. The inspector should refer to MC 0230, "Morning Reports (MR)", and MC 1120, Preliminary Notifications (PN), for guidance on issuing an MR or PN, if necessary.

92709-04 RESOURCE ESTIMATE

This inspection procedure requires approximately 24 hours to complete. If a strike is in progress, an additional 30 hours are required to review the implementation of contingency plans. If required, an additional inspector should assist the resident inspector staff with review of strike preparations and /or baseline inspection activities. Regional specialists should lead (for strikes involving security staff) or assist in the review of contingency plans whenever licensed staff or ERO members are involved to ensure that sufficient staff are available to meet license requirements. If it is anticipated that the strike will be extended, support resources should be identified and, if possible, a site coverage schedule developed in advance of the strike.

92709-05 REFERENCES

10 CFR 40.31

10 CFR 50.34

10 CFR 50.47

10 CFR 50.54

10 CFR 50, Appendix E

10 CFR 55.31

10 CFR 55.53

10 CFR 60.160

10 CFR 70.22

10 CFR 73, Appendix C

Technical Specifications

END