



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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August 28, 2009

**PG 0450.7 - CONTINGENCY PLAN FOR STRIKE AT A LICENSED
NUCLEAR POWER PLANT**

EFFECTIVE: Upon issuance
SUPERSEDES: PG 0450.6

CONTACT: Team Leader, TSS
DISTRIBUTION: Standard

APPROVAL: /RA CAC for/
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REVISION: This revision was part of the triennial review and as a conversion from a WordPerfect format to a Word format. A change in bold to evaluate licensee work hours during a strike.

A. Purpose/Discussion

To provide guidelines for Region IV activities prior to the expiration of union contracts and responding to a strike at a licensed nuclear power plant.

Enclosures:

1. Communications Plan
2. Sample NRC Strike Response Plan

cc via E-Mail:

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File located: R:\ROPG\PG 0450.7 Strike at Power Plant.doc

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B. Action

1. One month prior to the expiration of a union contract, the cognizant DRP branch should communicate with the licensee to gain an understanding of their plans to develop or update their strike contingency plan.
2. Absent a provision in the union contract barring a strike that remains effective after the expiration of the contract, or if there is advance warning that a strike or significant labor action is possible or anticipated in the foreseeable future by one or more groups of workers stationed within the owner-controlled or protected area of a licensed facility, the licensee's contingency plan should be critically evaluated.
3. The licensee's contingency plant should be initially acquired and reviewed by DRP, with input from DRS with respect to the possible operational and security consequences from the effects of a strike.
4. The Director, DRP, will brief the Regional Administrator on the results of the review.
5. An NRC response plan will be issued by the Director, DRP, and should consider:
 - a. An evaluation of what additional inspection coverage is required. If the labor action is expected to involve operations personnel or significantly impact site access for personnel not participating in the action, then additional initial inspection coverage should be anticipated, including up to 24-hour control room coverage. **The licensee's efforts to manage work hours for their personnel should be evaluated against 10 CFR Part 26, Subpart I.**
 - b. Augmented inspection coverage should consist of the appropriate disciplines in the areas to be affected by the labor action. This is likely to involve operations and security functions and to include observation of shift turnover activities.
 - c. If advance warning of a strike exists, additional inspectors may be dispatched to the site before the action begins. If no advance warning is available, then inspectors may be dispatched as soon as practical for additional coverage.
 - d. Subsequent and postaction Regional response will be based on the length and impact of the strike.
 - e. Refer to Inspection Procedures 92709, 92711, and 92712 for additional guidance.
 - f. Implement the Communications Plan in the enclosure.

6. The Director, DRP, is responsible for implementing the NRC response plan.
7. Labor actions at licensed facilities that are not power plants are not specifically covered by this guide; however, this information should be used as guidance by the Division with oversight of the facility taking the lead responsibility for developing the Regional response.

COMMUNICATIONS PLAN

- A. Internal Communications - Establish effective internal NRC communications between the site, Region IV, and NRR.

It is expected that the SRI will communicate routinely with the appropriate branch chief to keep the Region and the Director, DRP, apprised of union contract negotiations and strike-related activities. The Director, DRP, is the responsible manager for oversight of strike activities.

The SRI should provide a brief status update of activities at the site during the morning conference call between NRR and Region IV. The cognizant NRR Project Managers should coordinate with interested NRC headquarters staff (OEDO regional coordinator, etc.) who have interest in attending this briefing for information purposes. If appropriate, a separate daily conference call between the branch chief, onsite inspectors, and designated individuals will occur following the morning status call.

Prior to the strike deadline, the cognizant branch chief should discuss the content of the NRC response plan with their designated site response personnel to ensure a clear understanding of inspection and communication expectations.

If a strike appears imminent, provide a briefing to the Commissioners' Assistants on the Region IV Response Plan within 1 or 2 days of the anticipated strike date.

DRS should consider rescheduling any inspections scheduled to occur during the strike.

- B. External Communications - Provide for external communications on strike-related issues and the NRC's oversight function. The need for external communications with federal agencies, state and local government organizations, congressional offices, the media, and the public is anticipated before, during, and after the strike.

One month prior to the expiration of a union contract, the DRP branch chief should schedule a call with the licensee to discuss their plans for developing or updating their strike contingency plan.

Absent a provision in the union contract barring a strike that remains effective after the expiration of the contract, or if there is advance warning that a strike or significant labor action is possible or anticipated in the foreseeable future by one or more groups of workers stationed within the owner-controlled or protected area of a licensed facility, the DRP branch chief should request that the licensee provide a copy of their strike contingency plan.

Subsequent to initial NRC review of the licensee's strike contingency plan, consider having a meeting between the NRC staff and the licensee staff to formally discuss licensee preparations for the strike, including their assessment of whether other unions or some management personnel would honor the picket lines.

Following a positive strike vote, schedule a telephone call to brief the appropriate state liaison officer(s), radiological health, and emergency management agencies as appropriate. The call should be coordinated by the State Liaison Officer and attended by the Director, DRP; cognizant DRP branch chief; NRC Regional State Liaison Officer; and others as deemed appropriate.

If a strike is authorized by a union vote, conduct an initial telephone briefing with the regional FEMA office. The State Liaison Officer should initiate this contact as soon as possible after the strike vote.

Consider an initial briefing to the state congressional delegation. The State Liaison Officer should coordinate with the NRC Office of Congressional Affairs for the timing and content of this briefing. This should need to be conducted only if it is likely to be a protracted strike and/or hostile actions are expected.

It is expected that periodic update briefings from the NRC on strike-related activities will be requested by the organizations that receive initial briefings. The State Liaison Officer will coordinate with respective organizational contacts to arrange a mutually agreeable update schedule.

For about one week prior to the expiration of a union contract or strike, and during the beginning of the strike, the branch chief will communicate with the Plant Manager to keep apprised of the status of the site's contingency plan and any relevant issues.

- C. Public Affairs - Region IV public affairs staff should coordinate responses to inquiries from the media/public. In addition, preliminary notifications (PNs) and morning reports should be issued as appropriate.

Issue a PN promptly after the beginning of a strike to apprise the Commission and senior NRC management on actual strike conditions. Also consider issuing a press release to describe NRC actions to verify public health and safety. Update the PN, as necessary, during and at the termination of the strike.

Sample NRC Strike Response Plan

CONTINGENCY PLAN FOR POSSIBLE STRIKE AT THE ANY STATION NUCLEAR POWER PLANT

Region IV - Division of Reactor Projects - Branch X

Region IV was informed by the Any Station licensee that a possible union labor strike may take place at the site on January 24, 2006. Pursuant to the guidance established in the ROPG 0450.7, "Contingency Plan for Strike at a Licensed Nuclear Power Plant," this contingency plan has been developed for possible inspection augmentation if a labor strike does occur at the facility.

BACKGROUND:

Any Station Operations, Radiation/Chemistry, and Maintenance personnel are currently working under an International Brotherhood of Electrical Workers contract, which is due to expire at 12 midnight on January 24, 2006. The licensee and union have been in negotiations since November of 2005; however, a new contract has not been ratified. An arbitrator is onsite and currently participating in the negotiations. In the past, the union has agreed to contract extensions to avoid a strike. The licensee has formulated a Strike Plan and committed to notify the NRC as soon as they become aware of any indications of a strike or work action by union personnel. The licensee does not anticipate a strike by Any Station union personnel.

CURRENT ACTIVITIES:

The licensee has developed a "Contingency Plan for Labor Action," in which they outline short-term and long-range plans for the operation and protection of the Any Station plant during a period when regular operating personnel would not be available to perform normal tasks. In accordance with ROPG 0450.7, DRP has reviewed the licensee's contingency plan and has provided DRS a copy for their review and comments.

On January 22, 2006, Region IV DRP and DRS conducted a conference call with the licensee to discuss their strike contingency plan. Based on a review of the licensee's contingency plan by DRP and DRS, and our discussion with the licensee, DRP has concluded that the licensee's plan is adequate.

OPERATIONS:

The following is a summary of our present understanding of the Licensed Operator condition as discussed during several conference calls on January 23 with the Any Station staff.

At present, the facility staff declared that there are 22 licensed individuals (SROs) that have maintained active licenses.

There are several outstanding questions which the licensee will answer at the 3 p.m. conference call.

SECURITY:

Security personnel are under contract with a clause which prohibits them from going on strike or participating in any support type activities of the strike. Local law enforcement has been notified of the potential for a strike.

EMERGENCY PREPAREDNESS:

- The licensee's contingency plan identifies management personnel to assume emergency preparedness duties. Region IV Emergency Preparedness inspectors are currently reviewing the licensee's plan.

During the initial review by DRP/DRS, the plan appears adequate.

INITIAL AUGMENTED SITE COVERAGE:

Inspector Coverage of Any Station Site During Labor Strike

Date	Tuesday 01/24/06	Wednesday 01/25/06	Thursday 01/26/06	Friday 01/27/06	Saturday 01/28/06	Sunday 01/29/06	Monday 01/30/06
1 st shift 0000-0800							
2 nd shift 0800-1600							
3 rd shift 1600-24-							

NOTE: There will be a call with the licensee to provide updated status on the union negotiations at 0900 on January 24, 2006. Participants will call into the headquarters operations officer for the call. If necessary, there also will be an update call at 1700, January 24, with the licensee.