UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

CHAIRMAN

July 23, 2012

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of June 8, 2012, in which you express concern about the safe operation of the Pilgrim Nuclear Power Station during the strike which ended on July 8, 2012. Responses to your specific questions are enclosed with this letter.

Please be assured that we share your interest in ensuring that the plant operated safely during the strike. If you have any questions, please contact me or Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

Allison M. Macfarlane

Enclosure:
As stated

Identical letter sent to:

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

The Honorable William Keating
United States House of Representatives
Washington, D.C. 20515

Responses to Requests for Information from Representatives Edward J. Markey and William Keating
Letter Dated June 8, 2012

1. Can you quantify the extent to which the individuals from Entergy management teams and the managers from other plants in Entergy's nuclear fleet possess the same set of skills and training in emergency response as the displaced union workers? For example, for each such management worker, please indicate a) the number of hours the individual spent operating a nuclear power plant in the past year, b) the number of hours the individual has spent operating the Pilgrim plant in the past five years, c) the number of hours the individual has spent operating a nuclear power plant of the same design as the Pilgrim plant in the past five years, and d) the number of hours the individual spent being trained in emergency response and mitigation processes and procedures in both the year preceding and the time following the Fukushima meltdowns.

NRC regulations require that, to maintain active status, operators and senior operators must actively perform the functions of an operator or senior operator for a minimum of 56 hours each calendar quarter at the licensed site. In addition, all licensees are required to establish, implement, and maintain training programs for operators (and a number of other specified positions) that provide qualified personnel to operate and maintain a facility in a safe manner. The NRC does not collect nor maintain the specific information requested.

During a strike, utility plant staffing of certain positions may differ from that prior to the strike. Accordingly, the NRC has specific inspection procedures in place to ensure that nuclear power plants are operated safely during a strike. Inspection procedure 92709, "Licensee Strike Contingency Plans," is implemented by NRC regional staff prior to a potential strike or lockout to ensure the licensee's strike contingency plan is adequate. In the event that there is a strike or lockout, such as the recent situation at Pilgrim, the NRC Region implements inspection procedure 92711, "Continued Implementation of Strike Plans During an Extended Strike."

During the lockout at Pilgrim, all reactor and senior reactor operator positions in the control room were staffed by licensed senior reactor operators at the plant who are licensed by the NRC to operate the reactor and supervise operations in the control room. This includes being trained and qualified to perform all of the functions that a bargaining unit reactor operator performs. In other words, the training and qualifications of these individuals is the same as that of bargaining unit reactor operators. These licensed senior reactor operators safely performed all plant operations.

With respect to other craft disciplines (e.g., maintenance, radiation protection, chemistry), workers from other Entergy sites and its corporate office, who are trained and qualified on similar equipment and functions, were on site and performing these duties. Managers from other Entergy sites also provided peer observation of control room and other plant activities.

Entergy implemented a contingency emergency response organization at Pilgrim that consisted of a four team shift rotation. The NRC resident inspection staff, as well as NRC emergency preparedness specialists, reviewed this plan and concluded that the roster was comprised of trained and qualified individuals capable of adequately implementing the Pilgrim Emergency Plan.

Enclosure

NRC Region I staff observed activities in the control room during the lockout and did not identify any issues with operator performance. NRC inspectors accompanied and observed non-licensed staff as well, and confirmed their ability to adequately perform their duties. During the lockout, Region I had 13 additional inspectors of various disciplines, as well as three managers onsite continuously, in addition to the resident inspector staff. NRC observations were that the plant was and continues to be operated safely.

Region I continued to augment site coverage for the duration of the lockout. For the first 48 hours of the lockout, the NRC provided 24 hour per day coverage in the control room. NRC then provided 24 hour per day *site* coverage. Based on regional management consideration of licensee performance, the NRC subsequently adjusted site coverage to provide overlapping shifts and a daily presence onsite and in the control room, but not 24 hours a day. This enabled continuing observation of shift turnovers, and was supplemented, as necessary, to observe significant plant evolutions. Additional inspections are being conducted for the reintegration of the union workers now that the lockout has ended.

2. Please also provide this information for each of the workers that are currently "locked out" of the facility as a consequence of the labor strike.

The NRC does not collect the specific information requested. As noted above, our regulations do require operators and senior operators to maintain active status. Bargaining unit reactor operators and non-bargaining unit senior reactor operators alike must actively perform the functions of an operator or senior operator for a minimum of 56 hours each calendar quarter to maintain active status. In addition, all licensees are required to establish, implement, and maintain training programs for operators (and a number of other specified positions) that provide qualified personnel to operate and maintain a facility in a safe manner in all modes of operation. The NRC oversees safe operation of a nuclear power plant during a strike using the processes and information outlined in response to the first request for information above. We believe this represents an appropriately rigorous approach to ensuring safety.

3. A May 12, 2012, notice issued by the NRC states: "The NRC provided 24-hour onsite coverage since the expiration of the contract. Additionally, the NRC will continue to inspect Entergy's strike contingency plans per established inspection procedures (Inspection Procedure 92709, "Licensee Strike Contingency Plans"). NRC enhanced oversight of 24-hour onsite coverage will resume on May 25, 2012, should an extension or new contract agreement not be reached to ensure the plant continues to be operated in a safe manner." Does the enhanced NRC oversight and inspection of Pilgrim during the strike include any testing of the knowledge and capacity of the replacement employees to respond to various emergency scenarios? If not, why not? If so, what have you found?

NRC's activities during the lockout did not include testing of replacement workers regarding their ability to respond to emergency scenarios. However, with respect to the licensed operators at Pilgrim, in late 2011, the NRC implemented an inspection procedure during which the NRC observed and inspected the conduct of the licensee's annual operating simulator and plant walkthrough examinations for Pilgrim licensed operators. These NRC licensed operators are the same operators who operated the Pilgrim control room during the recent lockout. No issues related to operator performance were observed at the time.

As noted above, the Pilgrim contingency emergency response organization was staffed with trained, qualified, and experienced individuals. The NRC maintained a high level of vigilance to

identify potential low-level human performance errors, which may have indicated that there were some knowledge gaps that had not been filled, and may have challenged Entergy on corrective actions for these situations. If there had been an emergency condition at Pilgrim, based on inspection of the licensed operator requalification training program and annual examinations of operators and observation of operators, the NRC had confidence that Pilgrim licensed operators would have adequately responded to the situation in accordance with approved procedures and the station's operating license.

4. Can the NRC truly ensure that the residents of Massachusetts living near the plant are as safe in the event of an emergency today as they were when the union workers were operating the plant earlier in the week? Please fully explain your response.

We believe that public health and safety would have been adequately protected if a radiological emergency had occurred at the Pilgrim Nuclear Power Station during the recent strike. Our inspectors' review and assessment activities provided us with reasonable assurance that the operational and emergency response duties at Pilgrim were being conducted by adequately trained personnel who would have responded to any situation in accordance with approved procedures and the station's operating license.