

December 23, 2016

MEMORANDUM TO: Meena K. Khanna, Chief  
Rulemaking Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

FROM: Daniel I. Doyle, Project Manager **/RA/**  
Rulemaking Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF DECEMBER 12, 2016, CLOSED MEETING WITH  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
REGARDING ACCESS AUTHORIZATION AND FITNESS-FOR-DUTY  
DETERMINATIONS

On December 12, 2016, U.S. Nuclear Regulatory Commission (NRC) staff met with representatives from the International Brotherhood of Electrical Workers (IBEW). The purpose of the meeting was to discuss access authorization and fitness-for-duty determinations. Information related to the meeting including handouts and the list of attendees is provided in the enclosure.

During the meeting, the attendees discussed specific access authorization or fitness-for-duty cases referenced in SECY-15-0149, "Role of Third-Party Arbitrators in Licensee Access Authorization and Fitness-for-Duty Determinations at Nuclear Power Plants" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15068A348) and other cases that may be relevant to the rulemaking activity on this topic.

Enclosure:  
As stated

December 23, 2016

MEMORANDUM TO: Meena K. Khanna, Chief  
Rulemaking Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

FROM: Daniel I. Doyle, Project Manager /RA/  
Rulemaking Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF DECEMBER 12, 2016, CLOSED MEETING WITH  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
REGARDING ACCESS AUTHORIZATION AND FITNESS-FOR-DUTY  
DETERMINATIONS

On December 12, 2016, U.S. Nuclear Regulatory Commission (NRC) staff met with representatives from the International Brotherhood of Electrical Workers (IBEW). The purpose of the meeting was to discuss access authorization and fitness-for-duty determinations. Information related to the meeting including handouts and the list of attendees is provided in the enclosure.

During the meeting, the attendees discussed specific access authorization or fitness-for-duty cases referenced in SECY-15-0149, "Role of Third-Party Arbitrators in Licensee Access Authorization and Fitness-for-Duty Determinations at Nuclear Power Plants" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15068A348) and other cases that may be relevant to the rulemaking activity on this topic.

Enclosure:  
As stated

DISTRIBUTION:

PUBLIC	RidsNmssOd	DDoyle
OgcMailCenter	RidsNsirOd	NJordan
RidsOpaMail	RidsNrrDpr	LWilkins
RidsNrrOd	GLappert	

**ADAMS Accession No.: ML16355A092**

\*concurrence via e-mail

OFFICE	NRR/DPR/PM	NRR/DPR/RS	NRR/DPR/BC	NRR/DPR/PM
NAME	DDoyle	GLappert	MKhanna	DDoyle
DATE	12/15/2016	12/20/2016	12/21/2016	12/23/2016

**OFFICIAL RECORD COPY**

## **Meeting Summary**

### **December 12, 2016, Meeting between the U.S. Nuclear Regulatory Commission Staff and Representatives from the International Brotherhood of Electrical Workers regarding Access Authorization and Fitness-for-Duty Determinations**

#### **Meeting Type:**

Closed meeting due to discussion of privacy information

#### **Location:**

U.S. Nuclear Regulatory Commission (NRC)  
Three White Flint North  
11601 Landsdown St, Room 1C03  
North Bethesda, Maryland 20852

#### **Time:**

1:00 p.m. – 4:00 p.m.

#### **Purpose:**

The purpose of the meeting was to discuss access authorization and fitness-for-duty determinations.

#### **Handouts:**

1. Meeting notice and agenda (ADAMS Accession No. ML16336A026)
2. SECY-15-0149, "Role of Third-Party Arbitrators in Licensee Access Authorization and Fitness-for-Duty Determinations at Nuclear Power Plants" (ADAMS Accession No. ML16063A268)
3. SRM-SECY-15-0149, "Staff Requirements – SECY-15-0149 – Role of Third-Party Arbitrators in Licensee Access Authorization and Fitness-for-Duty Determinations at Nuclear Power Plants" (ADAMS Accession No. ML16158A286)

#### **Summary:**

The attendees discussed several specific cases referenced in SECY-15-0149 and other cases that may be relevant to this rulemaking activity.

In addition, IBEW representatives presented the following views and information:

- The status quo does not represent a safety concern or a security vulnerability because this is an extremely rare occurrence and, if it does occur, there are several steps that must be completed before the employee receives access. The union does not pursue

Enclosure

arbitration in all cases. The cases that go to arbitration are usually egregious examples where the licensee allegedly is acting unfairly or does not have evidence to support the decision. If a case does go to arbitration, the licensee and the union must both agree to the selection of the arbitrator. Arbitrators have experience with complicated cases and are capable of making reasonable decisions based on the evidence. If an arbitrator directs that a licensee's decision be overturned but the licensee still believes that the employee is not trustworthy and reliable, there is another remedy available. The licensee can go to Federal court to vacate the arbitrator's decision.

- IBEW plans to provide data on this topic to the NRC including the number of arbitration cases and the outcome of these cases.
- IBEW requested that the NRC host an additional public meeting before publication of the draft regulatory basis.

The NRC staff made the following points during the meeting:

- The NRC is in the early stages of this rulemaking activity and has not made a final decision. One possible outcome is that the agency not take any action on this issue. Other possible outcomes, as discussed at the November 16, 2016, public meeting, include revising existing guidance, issuing new guidance, or revising the regulations.
- The NRC does not typically review a licensee's access authorization/fitness-for-duty determinations for establishing trustworthiness and reliability of personnel to be granted or maintain unescorted access to a nuclear power reactor unless issues arise in a licensee's process. Moreover, through planned baseline security inspections, the NRC periodically verifies that the licensee's implementation of its Access Authorization and Fitness-for-Duty program is in accordance with the NRC-approved security plans and that overall program effectiveness complies with regulations.
- The NRC staff will respond to the Freedom of Information Act request submitted by Ms. Teitelbaum on November 30, 2016.
- The NRC staff plans to publish a draft regulatory basis for public comment in early 2017, and the NRC will host a public meeting during the comment period.
- The NRC staff will follow up with Ms. Jerry regarding IBEW's request for an additional public meeting.

#### **List of Attendees:**

<b>Name</b>	<b>Affiliation</b>	<b>Name</b>	<b>Affiliation</b>
Brad Baxter	NRC	Gary J. Aleknavich	IBEW System Council U-4
Howard Benowitz	NRC	Victoria Bor	IBEW
Daniel Doyle	NRC	Anna Jerry	IBEW
Meena Khanna	NRC	Robert D. Kurnick	IBEW
Jody Martin	NRC	Billy Phillips	IBEW Local 15
Mark Resner	NRC	Marilyn Teitelbaum	IBEW Local 15
Alison Rivera	NRC	Noah Warman	IBEW System Council U-4
Aaron Sanders	NRC		
Norman St. Amour	NRC		