

U.S. Nuclear Regulatory Commission Public Meeting Summary

Title: Category 3 Public Meeting on the Status of Third-Party Review of Nuclear Power Reactor Licensee Access Authorization and Fitness-For-Duty Determinations Rulemaking

Meeting Identifier: 20181044

Date of Meeting: November 1, 2018

Location: NRC One White Flint North, Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, MD 20852

Type of Meeting: Category 3

Purpose of the Meeting: To present the status of the "Access Authorization and Fitness-For-Duty Determinations" rulemaking, as well as the NRC staff's planned next steps, and to offer an opportunity for the public to express views on this rulemaking activity.

General Details: The meeting was attended by 16 NRC staff and 21 members of the public. A list of attendees is provided as an enclosure to this meeting summary.

Summary of NRC Presentation: The NRC staff presented a summary of its technical and cost assessment associated with the "Access Authorization and Fitness-For-Duty Determinations" rulemaking effort, based on information that had been submitted by the International Brotherhood of Electrical Workers as well as the results from the regulatory analysis review. The staff stated that, of the arbitration cases and practices reviewed, none have resulted in a significant safety or security concern that warrants engagement in rulemaking to address the role of arbitrators in licensee access authorization (AA) or fitness-for-duty (FFD) determinations. As discussed more fully below, the NRC solicited input from external stakeholders on the need for the staff to pursue guidance updates regarding robust appeals processes. The staff stated its intention to recommend to the Commission that this rulemaking be discontinued.

Summary of Public Feedback: Union representatives stated that arbitration of AA and FFD determinations occurs very infrequently and does not pose a safety or security risk. These union representatives were not entirely aligned on whether NRC-issued guidance on a robust appeals process would benefit the conduct of future arbitration of AA and FFD determinations. One representative of a nuclear power reactor licensee provided anecdotal information on the changes to that licensee's arbitration process over the years and questioned whether guidance on the elements of a robust appeals process would be beneficial. Based on this input, staff does not intend to pursue guidance updates to address robust appeals processes.

Action Items/Next Steps:

- The NRC will inform the Commission of its assessment and preliminary finding, and recommend that this rulemaking be terminated.

Additional Information:

- Meeting notice and agenda: ADAMS Accession No. [ML18275A034](#)

- Enclosure to meeting notice: ADAMS Accession No. [ML18274A010](#)
- NRC staff presentation: ADAMS Accession No. [ML18304A234](#)
- Transcript: ADAMS Accession No. [ML18323A161](#)

SUMMARY OF CATEGORY 3 PUBLIC MEETING ON "ACCESS AUTHORIZATION AND FITNESS-FOR-DUTY DETERMINATIONS" RULEMAKING DATED:

DISTRIBUTION:

PUBLIC
RidsOgcMailCenter
RidsOpaMail

RidsNrrOd
RidsNmssOd
RidsNsirOd

RidsNrrDpcp
GLappert

ADAMS Accession No.: ML17067A171

*concurrence via e-mail

OFFICE	NRR/DPR/PM	NRR/DPR/RS*	NRR/DPR/BC
NAME	IBerrios	GLappert	MKhanna
DATE	11/28/2018	11/28/2018	11/28/2018

OFFICIAL RECORD COPY

LIST OF ATTENDEES FOR 11/1/2018 CATEGORY 3 PUBLIC MEETING	
Name	Affiliation
Brad Baxter	NRC
Howard Benowitz	NRC
Ilka Berrios	NRC
David Curtis	NRC
Paul Harris	NRC
Shana Helton	NRC
Silas Kennedy	NRC
Meena Khanna	NRC
Glenna Lappert	NRC
Doris Lewis	NRC
John Lubinski	NRC
Mark Resner	NRC
Alison Rivera	NRC
Aaron Sanders	NRC
Stewart Schneider	NRC
Fred Schofer	NRC
Dean Apple	IBEW Local 15
Bruce Behilyon	IBEW
Jana Bergan	Curtis Wright
Victoria Bor	IBEW
David Codevilla	TVA
Donnie Colston	IBEW
Nick DiPietro	First Energy
Steven Hamrick	NextEra
M.S.J.	IBEW Local 15
Robert Kurnick	IBEW
Mark MacNichol	IBEW
Rich Magavero	NEI
Jerry Mayo	IBEW
Bill O'Brien	Moj Law
Sue Perkins-Grey	NEI
Bill Phillips	IBEW Local 15
Joe Pollox	NEI
Darani Reddick	Exelon
Bart Shears	IBEW
Scott Wicand	IBEW Local 2150
Andrew Zommers	IBEW Local 2150