

U.S. Nuclear Regulatory Commission Public Meeting Summary

December 5, 2019

Title: Public Meeting to Discuss the Proposed Rule Associated with the Fitness for Duty Drug Testing Requirements Rulemaking

Meeting Identifier: 20191073

Date of Meeting: November 7, 2019

Location: NRC Two White Flint North, 11545 Rockville Pike, Rockville, MD 20852 (Room TWFN-8D02)

Type of Meeting: Category 3

Purpose of the Meeting:

To provide an opportunity for the Nuclear Regulatory Commission (NRC) and external stakeholders to exchange information on the proposed rule to update the fitness for duty drug testing requirements in 10 CFR Part 26 (Docket No. NRC-2009-0225). The NRC will also discuss and solicit feedback on the draft regulatory analysis, draft regulatory guidance, and specific requests for comments included in the proposed rule. This feedback will support the NRC's development of the final rule and aforementioned supporting documents.

General Details:

The NRC conducted a public meeting scheduled from 9:00 a.m. – 4:00 p.m. eastern standard time (EST) that ran approximately 5 hours. The meeting was attended by 61 individuals, including 12 NRC staff and 49 members of the public. Approximately one-third attended in person and the two-thirds participated via WebEx and teleconference. Meeting participants included representatives from the nuclear industry (e.g., Nuclear Energy Institute), nuclear power reactor licensees (e.g., Exelon, Duke Energy, First Energy, Luminant), federal agencies (e.g., Health and Human Services), and several private citizens. The meeting was transcribed, and the transcript is available in the NRC's Agencywide Document Access and Management System (ADAMS) under Accession No. ML19336A004, and at Regulations.gov under Docket No. NRC-2009-0225. A list of attendees is provided as an enclosure to this meeting summary.

Summary of NRC Presentation:

The meeting began with an NRC presentation on the rulemaking process, schedule, and rulemaking background. Subsequently, the NRC presentation was organized into four main topics: proposed rule changes, specific requests for comments in the *Federal Register* notice for the proposed rule, draft regulatory guide, and draft regulatory analysis. The NRC addressed questions from the public during the presentation of each topic, and at the discussion and questions segment at the end of the meeting. The NRC explained that public feedback from this meeting would be considered during the development of the final rule. Also, the NRC noted that the public could still provide comments on the proposed rule because the comment period

did not close until December 2, 2019. The NRC stated that another public meeting would be held during the final rule stage to solicit feedback on the cumulative effects of regulation and the effective date of the revised requirements. The meeting concluded with a description of how to find information for this rulemaking at [regulations.gov](https://www.regulations.gov) and use of the NRC public meeting feedback form.

The meeting transcript which provides the complete NRC presentation is available in ADAMS under Accession No. ML19336A004. Also, the NRC's presentation slides are available in ADAMS under Accession No. ML19297D509.

Public Participation Themes:

A number of participants asked questions or provided feedback on the proposed rule, the specific questions in the *Federal Register* notice, the proposed draft regulatory guide and regulatory analysis. This and the NRC responses are captured in the public meeting transcript.

Action Items/Next Steps:

- There were no action items as a result of the public meeting.
- The NRC will hold another public meeting on the cumulative effects of regulation and the effective date of this rule during the final rule stage.
- Final rule will be provided to the Commission by February 26, 2021 (subject to change).
- Final rule will be published by May 26, 2021 (subject to change).

Additional Information:

- Meeting notice and agenda: ADAMS Accession No. ML19283A042
- NRC staff presentation: ADAMS Accession No. ML19297D509
- Transcript: ADAMS Accession No. ML19336A004
- Meeting Summary: ADAMS Accession No. ML19336A003

SUBJECT: PUBLIC MEETING TO DISCUSS THE PROPOSED RULE ASSOCIATED WITH
THE FITNESS FOR DUTY DRUG TESTING REQUIREMENTS RULEMAKING

DATE: December 5, 2019

ADAMS Accession No.: ML19336A003

*via email

OFFICE	NMSS/REFS/RRPB/PM	NMSS/REFS/RRPB/RS*	NMSS/REFS/RRPB/ABC*
NAME	SSchneider	GLappert	IBerrios
DATE	12/4/2019	12/4/2019	12/4/2019

OFFICIAL RECORD COPY

LIST OF ATTENDEES FOR 11/07/2019 CATEGORY 3 PUBLIC MEETING

	First Name	Last Name	Affiliation
1	Howard	Benowitz	NRC
2	Anthony	Bowers	NRC
3	Theresa	Clark	NRC
4	Nicole	Fields	NRC
5	Paul	Harris	NRC
6	Glenna	Lappert	NRC
7	Mark	Lintz	NRC
8	Lisa	London	NRC
9	Stewart	Schneider	NRC
10	Fred	Schofer	NRC
11	Soly	Soto Lugo	NRC
12	Brian	Zaleski	NRC
13	Jason	Presley	BWXT
14	Steve	Puckett	BWXT
15	Andrew	Rander	BWXT
16	Amy	Findley	Callaway Energy Center
17	Lindsey	Gepler	Callaway Energy Center
18	Mike	Haglund	Callaway Energy Center
19	Ozzie	Vidal	Certrec Corporation
20	Jeff	Schwarting	Cooper
21	Misty	Thomas	Court Excellence
22	Tammy	Bond	D.C. Cook
23	Robert	Haemer	D.C. Cook
24	Charlene	Miller	Diablo Canyon
25	Don	Townsend	Diablo Canyon
26	Cynthia	Bomyea	DTE
27	Teddy	Reed	Duke Energy
28	Jerry	Woods	Entergy-Arkansas Nuclear One
29	Scott	Summers	Entergy-Palisades
30	Mattew	Deignan	Entergy-River Bend
31	Kelsie	Chenier	Entergy-Waterford 3
32	Mary Fran	Yerkes	Exelon
33	Nick	DiPietro	First Energy
34	Brenda	Thorbahn	First Energy-Davis Besse
35	Ron	Flegal	HHS/SAMHSA
36	Hyden	Shen	HHS/SAMHSA
37	Tim	Chapin	INPO

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	First Name	Last Name	Affiliation
38	John	Nielsen	INPO
39	Mike	McNally	Luminant
40	Joao-Paulo	Azevedo	Member of the public
41	Albert	Shwartz	Member of the Public
42	Nouza		Member of the Public
43	Scott	Clausen	Morgan Lewis
44	James	Cordes	Neal R Gross (Court Reporter)
45	Lisa	Hogg	NEI
46	Rich	Mogavera	NEI
47	David	Bonthron	Nextera/FPL
48	Dawn	Odom	Nextera/FPL
49	Dr. Gary	Schecodnic	Nextera/FPL
50	Don	Popp	Nextera/FPL-Point Beach
51	Stella	Dumais	Nextera/FPL-Seabrook
52	Jim	Denton	Nextera/FPL-Turkey Point
53	Ken	Greer	NFS/BWXT
54	G.L.	Plumee	NuScale Power - Consultant
55	Dr. Andy	Yorgason	Palo Verde
56	Kevin F	Smith	ProMedica
57	Cajya	Darling	PSEG
58	Jeff	Kerby	PSEG
59	Walter	Fulton	South Texas Project
60	Sarah	Ludwig	South Texas Project
61	Cheree	Montgomery	Southern Nuclear