

November 14, 2011

MEMORANDUM TO: Doug Huyck, Branch Chief
Security Programs Support Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

FROM: Paul Harris, Senior Project Manager */RA/* P. Jenifer for
Security Programs Support Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: SUMMARY OF THE OCTOBER 11, 2011, PUBLIC MEETING TO
DISCUSS STAFF PROPOSED CHANGES TO TITLE 10 OF THE
CODE OF FEDERAL REGULATIONS, PART 26, BASED ON
THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
GUIDELINES FOR DRUG TESTING

On October 11, 2011, the U.S. Nuclear Regulatory Commission (NRC) Office of Nuclear Security and Incident Response (NSIR) staff met with representatives from the Nuclear Energy Institute (NEI), U.S. Department of Health and Human Services (HHS), and commercial power reactor and fuel cycle facility licensees (Enclosure 1). The meeting was held to discuss NRC staff proposed changes (Enclosure 2) to Title 10 of the *Code of Federal Regulations*, Part 26, "Fitness for Duty Programs," based on the HHS Guidelines for drug testing (73 FR 71858, November 25, 2008). There were no members of the public or media in attendance.

The staff proposed changes included, but were not limited to: increasing the panel of drugs to be tested; lowering the drug testing cutoffs for cocaine and amphetamine; conducting initial testing for 6-acetylmorphine; harmonizing urine collection techniques and laboratory terminology; and, incorporating other selected provisions of the HHS Guidelines into Part 26 to enhance regulatory effectiveness and reduce industry burden. The industry supported the NRC staff proposed changes and provided comments and questions (Enclosure 3) that the staff will evaluate and modify its proposal as necessary. During the meeting, the staff also presented a slide presentation to inform persons in attendance of the meeting protocol (Enclosure 4) and provided a handout illustrating drug testing data obtained from other Federal agencies (Enclosure 5).

Following staff evaluation of the stakeholder comments and questions, the staff will conduct another public meeting to solicit additional comments on staff proposed rulemaking.

CONTACTS: Paul Harris, NSIR/DSP
(301) 415-1169

Enclosures: As Stated

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