



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

March 23, 2022

SECRETARY

IN RESPONSE, PLEASE
REFER TO: M220323

MEMORANDUM FOR: Daniel H. Dorman
Executive Director for Operations

Jody C. Martin, Director
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION,
9:30 A.M., WEDNESDAY, MARCH 23, 2022, VIA PUBLIC
TELECONFERENCE

I. SECY-21-0082 – FINAL RULE - FITNESS FOR DUTY DRUG TESTING
REQUIREMENTS (RIN 3150 AI67; NRC-2009-0225)

The Commission approved a final rule to align the U.S. Nuclear Regulatory Commission's drug testing requirements in Part 26 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Fitness for Duty Programs," more closely to those specified in the 2008 and 2017 U.S. Department of Health and Human Services' "Mandatory Guidelines for Federal Workplace Drug Testing Programs," with the enclosed changes. The final rule also addresses lessons learned from implementing 10 CFR Part 26. The Commission also certified under the Regulatory Flexibility Act that this rule will not have significant economic impact on a substantial number of small entities.

Following incorporation of these changes, the *Federal Register* notice should be reviewed by the Regulatory Analysis and Rulemaking Support Branch in the Office of Nuclear Material Safety and Safeguards and forwarded to the Office of the Secretary for signature and publication.

II. SECY-21-0102 – NEXTERA ENERGY POINT BEACH, LLC (POINT BEACH
NUCLEAR PLANT, UNITS 1 AND 2), APPEAL FROM LBP-21-5

The Commission approved a Memorandum and Order addressing an appeal by the Physicians for Social Responsibility Wisconsin (PSR) of the Atomic Safety and Licensing Board's decision denying a petition for leave to intervene and request for a hearing regarding the subsequent license renewal of the operating license for Point Beach Nuclear Plant, Units 1 and 2, for an additional twenty years. The Memorandum and Order denies PSR's appeal from LBP 21-5. The appeal is denied for contentions 1 and 2. Contention 3 was addressed in CLI-22-3.

(Subsequently, on March 23, 2022, the Secretary signed the Memorandum and Order.)

Enclosure:
As stated

cc: Chairman Hanson
Commissioner Baran
Commissioner Wright
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
ODs, RAs, ACRS, ASLBP
PDR