



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

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PDR

MEMORANDUM FOR: Eric S. Beckjord, Director  
Office of Nuclear Regulatory Research

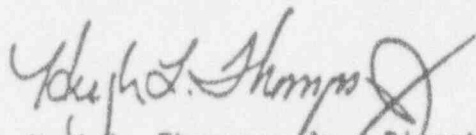
FROM: Hugh L. Thompson, Jr., Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: REQUEST FOR RULE CHANGE

The current rulemaking concerning the comparability upgrades at Category I fuel cycle facilities adds an Appendix H to 10 CFR Part 73 specifying detailed requirements for night firearms qualification. The day requirements, which are contained in Appendix B of this Part, are less specific and permit the use of nationally recognized courses.

For the purpose of uniformity between day and night qualification, and for more specificity in the regulations, we request that Appendix H be expanded to include day firing. Several current firearms courses used by others (DOE, FBI, and Treasury, for example) are available to assist in preparing the new requirements. SGTR staff will work with RES staff in developing a course that is appropriate for our licensees.

We also request that a new criterion be added to Appendix H specifying that members of Tactical Response Teams (TRT) are to participate in a continuing physical fitness training program. NMSS will develop guidance for use by licensees in the preparation of a fitness program.

  
Hugh L. Thompson Jr., Director  
Office of Nuclear Material Safety  
and Safeguards

cc: T. Murley, NRR

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ATTACHMENT 2

## JUSTIFICATION FOR RULEMAKING

### DAY FIRING QUALIFICATION AND PHYSICAL FITNESS PROGRAMS FOR SECURITY PERSONNEL AT CATEGORY I FUEL CYCLE FACILITIES

(10 CFR PART 73, APPENDIX H)

1. The issue to be addressed by the rulemaking, i.e., the problem to be corrected.

Appendix H is to be expanded to include day firing qualification tables for all assigned weapons for Tactical Response Team (TRT) members at Category I fuel cycle facilities in order to ensure uniformity between day and night weapons qualification and for more specificity in the regulations.

Additionally, criteria for a physical fitness training program and fitness standards for security force personnel are also to be added to Appendix H to assure that security personnel can adequately perform their duties under strenuous conditions. Inspectable, uniform standards will assure that such a program will not, at the same time, endanger the health of those participating in it.

2. The necessity and urgency of addressing the issue.

Current regulations do not specify any particular day firing course for handguns or semiautomatic rifles other than it be an NRA or nationally equivalent course. New amendments have required upgraded weaponry for TRT members without specifying day firing courses for qualification as they have for night firing. Uniform day firing qualification courses for all assigned weapons are needed to be consistent with those established for night-firing qualification.

Current regulations specify that security personnel shall have no physical weaknesses that would adversely affect their performance of assigned security job duties. However, no standards exist for inspection to assure that security personnel are physically fit to perform their duties.

3. Alternatives to rulemaking.

The alternative is to allow the status quo to continue.

4. How the issue will be addressed through rulemaking.

10 CFR Part 73, Appendix H will be amended, requiring security personnel to qualify and requalify annually in accordance with NRC-approved day firing courses with their respective assigned weapons.

10 CFR Part 73, Appendix H will be amended to also include a performance requirement regarding physical fitness, to be supplemented by a regulatory guide with more detailed guidance developed under contract.

ATTACHMENT 3

5. How the public, industry, and NRC will be affected by the rulemaking, including benefits, costs, occupational exposure and resources.

The proposed amendment will standardize training and qualification in day firing with all assigned weapons. The cost to the industry should be negligible since licensees already have varied programs. The costs to the NRC are also negligible because the rulemaking only requires minor licensing and inspection action. There is no occupational exposure consideration.

The proposed amendment will also establish a standardized physical fitness program affecting 3-4 Category I fuel cycle facilities. Establishing such a program will assure that security personnel are physically fit to perform their assigned duties and can better protect public health and safety in the event of an emergency. The cost to the industry will be in the area of personnel time in establishing and participating in the course, as well as some equipment costs. The cost to the NRC will be in the area of regulatory, licensing, and inspection actions for the new requirements. There is no occupational exposure.

6. NRC resources and timetable for the rulemaking.

It is estimated that 0.5 man years of effort over two years will be required for the rulemaking.

Timetable:

Proposed rule for Office Review	7 months after approval of EDO to initiate rulemaking
Proposed rule to EDO	10 months after approval of EDO to initiate rulemaking
Final rule published	2 years after approval

REQUEST FOR RULEMAKING: 10 CFR PART 73, APPENDIX H

1. The issue to be addressed by the rulemaking, i.e., the problem to be corrected.

~~Appendix H is to be expanded to include day firing qualification tables for all assigned weapons for Tactical Response Team (TRT) members at Category I fuel cycle facilities in order to ensure uniformity between day and night weapons qualification and for more specificity in the regulations.~~

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10 CFR Part 73, Appendix H will be amended, requiring security personnel to qualify and requalify annually in accordance with NRC-approved day firing courses with their respective assigned weapons.

10 CFR Part 73, Appendix H will be amended to also include requirements for a continuing physical fitness course and fitness standards that have to be met annually by security force personnel.

Enclosure 2

5. How the public, industry, and NRC will be affected by the rulemaking, including benefits, costs, occupational exposure and resources.

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«High» / 7

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