



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

AD 30-1

PDR 004

APR 6 1989

MEMORANDUM FOR: Victor Stello, Jr.
Executive Director for Operations

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

SUBJECT: INITIATION OF RULEMAKING--DAY FIRING QUALIFICATION AND
PHYSICAL FITNESS PROGRAMS FOR SECURITY PERSONNEL AT
CATEGORY I FUEL CYCLE FACILITIES (10 CFR 73, APPENDIX H)

By memorandum dated October 31, 1988, NMSS has requested that RES initiate a rulemaking related to day firing weapons qualification and physical fitness training. RES has reviewed this request and recommends proceeding with this specific rulemaking.

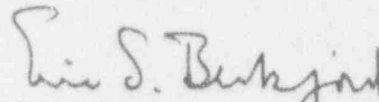
On November 10, 1988, an amendment to 10 CFR Parts 2, 70, and 73 was published in the Federal Register (53 FR 45447). This final rule added a requirement to 10 CFR 73, Appendix H, for night firing qualification of security personnel at fuel cycle facilities using specific, designated firing courses. Uniform day firing qualification courses for all assigned weapons are needed to be consistent with those established for night firing qualification. The proposed rule change would amend 10 CFR 73, Appendix H, to require that security personnel qualify and requalify annually with their respective assigned weapons in accordance with NRC-approved day firing courses.

Currently, no regulatory standards exist for assuring that security personnel are physically fit to perform their duties. Criteria for a physical fitness program and fitness standards at Category I fuel cycle facilities for security force personnel would be added to the regulations in order to provide a uniform, enforceable program. Inspectable, uniform standards will assure that such a program will not, at the same time, endanger the health of those participating in it.

This rulemaking would standardize training and qualification in day firing with all assigned weapons. The standardized physical fitness program would affect 3-4 Category I fuel cycle facilities. Establishing such

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a program would assure that security personnel are physically fit to perform their assigned duties and could better protect public health and safety in the event of an emergency.



Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

Attachments:

1. Regulatory Agenda Entry
2. Memo, H. Thompson to E. Beckjord,
dtd 10/31/88
3. Justification for Rulemaking

TITLE:

Day Firing Qualifications and Physical Fitness Programs for Security Personnel at Category I Fuel Cycle Facilities

CFR CITATION:

10 CFR 73, Appendix H

ABSTRACT:

The proposed rule would require that security personnel qualify and requalify annually on specific standardized day firing courses using all assigned weapons. Current regulations require day firing qualification using a national police course or equivalent for handguns and an NRA or nationally recognized course for semiautomatic weapons. A firing course is specified for shotguns, which is in need of revision. Recent amendments to Part 73 added a requirement for night firing qualification using specific, designated firing courses. To ensure uniformity, the current day firing requirements should be compatible.

Additionally, current regulations specify that security personnel shall have no physical weaknesses that would adversely affect their performance of assigned job duties. However, no regulatory standards exist for assuring that security personnel are physically fit to perform their duties. Requirements for a physical fitness program and fitness standards at Category I fuel cycle facilities for security personnel need to be added to the regulations in order to provide a uniform, enforceable program. Guidance will be developed to assure that such a program will not, at the same time, endanger the health of those participating in it.

The proposed rule change would amend 10 CFR Part 73, Appendix H, to include day firing qualification courses in each type of required weapon as well as a standardized physical fitness training course and fitness standards for security personnel. Alternatives to the rulemaking would be to allow the status quo to continue. Standardization of day firing courses to be consistent with those established for night firing would be of negligible cost to the 3-4 affected licensees and to the NRC since day firing qualification using a variety of firing courses is already being done. Physical fitness training programs would incur moderate costs to the licensees in the area of personnel time and limited physical fitness equipment. The cost to the NRC would be in the area of licensing and inspection activities. Neither area of rulemaking affects occupational exposure. It is estimated that 0.5 staff-years of effort over 2 years will be required for this rulemaking.

TIMETABLE:

Proposed Action to Offices for Review	7 months	after	EDO approval	11/25/70
Proposed Action to EDO	10 months	"	"	02/25/71
Proposed Action to Commission	11 months	"	"	05/25/70
Proposed Action Published	13 months	"	"	05/25/70
Public Comment Period Ends	16 months	"	"	08/25/70
Final Action to EDO	22 months	"	"	02/25/71
Final Action to Commission	23 months	"	"	03/25/71
Final Action Published	24 months	"	"	04/25/71

LEGAL AUTHORITY:

To Be Determined

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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Office of Nuclear Regulatory Research
Washington, DC 20555
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AD30-1 PDK

OCT 9 1988

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 1 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

CONTACT:
D. Kasun, NMSS
49-23379

ATTACHMENT 2

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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.

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