



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20565

AD 30-1 26
PDR

AUG 20 1991

MEMORANDUM FOR: Robert M. Bernero, Director, Office of Nuclear Material
Safety and Safeguards
Patricia Norry, Director, Office of Administration
James Lieberman, Director, Office of Enforcement
William C. Parler, General Counsel

FROM: C. J. Heltemes, Jr., Deputy Director for Generic Issues
and Rulemaking, Office of Nuclear Regulatory Research

SUBJECT: COMMISSION PAPER ON PROPOSED AMENDMENTS TO 10 CFR PART 73,
TO REQUIRE ANNUAL PHYSICAL FITNESS PERFORMANCE TESTING AND
UPDATED DAY FIRING QUALIFICATIONS FOR TACTICAL RESPONSE TEAM
MEMBERS, ARMED RESPONSE PERSONNEL, AND GUARDS AT FUEL CYCLE
FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC
SPECIAL NUCLEAR MATERIAL

Your concurrence is requested on the enclosed Commission paper. The paper forwards a proposed rule that would revise 10 CFR Part 73 to require annual physical fitness performance testing for Tactical Response Team members, armed response personnel, and guards at Category I facilities and qualification and periodic requalification for use of their assigned weapons using updated criteria which are consistent with existing night firing criteria.

The following is a summary of this request:

1. Title: Annual Physical Fitness Performance Testing and Day Firing Qualifications for Tactical Response Team Members, Armed Response Personnel, and Guards at Fuel Cycle Facilities Possessing Formula Quantities of Strategic Special Nuclear Material.
2. Task Leader: H. S. Tovmassian (Extension 2-3634).
3. Cognizant Individuals: C. Brown, NMSS
R. L. Fonner, OGC
M. Lesar, ADM
R. P. Rosano, OE
4. Requested Action: Office concurrence.
5. Requested Completion Date: August 28, 1991

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AUG 20 1991

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6. Background: NMSS requested this rulemaking after discovering that some NRC licensee security force members were unable to participate in certain tactical exercises during a 1988 DOE Central Training Academy course. In addition, NMSS recognized that qualification criteria for day firing of assigned weapons needed to be made consistent with the criteria for night firing which was published in November 1988 in 10 CFR Part 73 Appendix H. In April 1989, the EDO approved the initiation of this rulemaking.
7. Coordination: Resources to implement this rulemaking are included in the draft FY 1992-1996 Five Year Plan and no additional resources would be required for its implementation. A copy of this concurrence package has been forwarded to the Office of the Controller for coordination of resources issues per the EDO memorandum of June 14, 1991.


C. D. Heltemes, Jr., Deputy Director for
Generic Issues and Rulemaking
Office of Nuclear Regulatory Research

Enclosure: Commission Paper

cc: R. Scroggins, OC

For: The Commissioners

From: James M. Taylor, Executive Director for Operations

Subject: PROPOSED AMENDMENTS TO 10 CFR PART 73, TO REQUIRE ANNUAL PHYSICAL FITNESS PERFORMANCE TESTING AND UPDATED DAY FIRING QUALIFICATIONS FOR TACTICAL RESPONSE TEAM MEMBERS, ARMED RESPONSE PERSONNEL, AND GUARDS AT FUEL CYCLE FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Purpose: To obtain Commission approval to publish a notice of proposed rulemaking.

Issue: Whether the safeguards requirements set forth in Enclosure A should be imposed on NRC licensees who possess formula quantities of Strategic Special Nuclear Material (SSNM) to ensure that facility Tactical Response Team members, armed response personnel, and guards are physically fit to perform their assigned duties, and that the day firing qualifications for such personnel are consistent with night firing qualifications.

Summary: This proposed amendment to the safeguards requirements in 10 CFR Part 73 is designed to correct two shortcomings. First, the staff has determined that the security force personnel do not comprise an appropriately fit population. The staff has concluded that a lack of specific physical training and performance testing criteria has led to this situation. Hence, this proposed amendment provides the criteria to be used for physical fitness training and performance testing. Second, the day firing course currently required in Part 73 for qualifying and requalifying security force personnel for use of their assigned weapons lacks the specificity of that required for night firing.

Background: On November 10, 1988, the NRC published amendments to 10 CFR Part 73 (53 FR 45447) which required fuel cycle licensees

CONTACT:
H. Tovmassian, RE
492-3634

AUG 20 1991

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Original Signed By:

C. J. Heltemes, Jr., Deputy Director for
Generic Issues and Rulemaking
Office of Nuclear Regulatory Research

Enclosure: Commission Paper

cc: R. Scroggins, OC

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NUDOCs, RDB r/f SBahadur
HTovmassian r/f
JTelford
FCostanzi
BMorris
CHeltemes

* See previous concurrence

OFFC: RDB:DRA*	RDB:DRA*	RDB:DRA*	DD:DRA*
NAME: HTovmassian:lc	JTelford	SBahadur	FCostanzi
DATE: 04/10/91	04/10/91	04/12/91	08/19/91

OFFC: D:DRA*	DO: [Signature]
NAME: BMorris	CJHeltemes
DATE: 08/19/91	8/20/91