



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

AD 30-2

PDR 006

MAY 25 1993

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  
Martin G. Malsch, Deputy General Counsel for  
Licensing and Regulations, Office of the General Counsel  
Gerald F. Cranford, Director, Office of Information  
Resources Management

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 SECURITY PERSONNEL 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 final rule that would revise 10 CFR Part 73 to require a new day firing qualification course for Tactical Response Team members, armed response personnel, and guards at Category I licensees. The paper also forwards a proposed rule, which will be republished for public comment, that would revise 10 CFR Part 73 to impose on security forces at Category I licensees either annual physical fitness performance testing and physical fitness training programs or a licensee developed, and quarterly administered, site specific content-based physical fitness performance test.

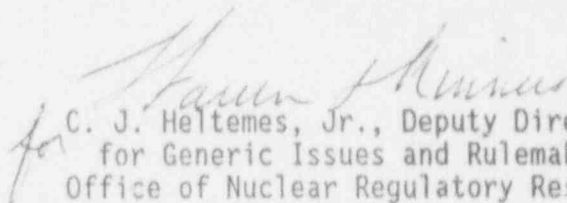
The following is a summary of this request:

1. Title: A proposed rule entitled "Annual Physical Fitness Performance Testing for Armed Security Force Personnel at Category I Licensees."  
  
A final rule entitled "Day Firing Qualification Courses for Armed Security Force Personnel at Category I Licensees."
2. RES Task Leader: H. S. Tovmassian (301) 492-3634.
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: June 8, 1993

6. Background: NMSS requested the physical fitness testing rulemaking after discovering that some NRC licensee Category I Tactical Response Team members, armed response personnel, and guards 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 upgraded to include weapons manipulation skills in addition to marksmanship and to be more consistent with the criteria for night firing which was published in November 1988 in

10 CFR Part 73, Appendix H. On December 13, 1991, the proposed rule, that addressed both the physical fitness programs and the day firing qualification courses, was published for public comment (65 FR 65024). On March 13, 1992, the comment period expired with three comment letters received. All public comments have been considered and appropriate action has been taken as described in the comment summary of the Federal Register Notice. As a result of the public comment, the staff has reexamined its position regarding the requirements for physical fitness programs. The staff is now proposing that an acceptable alternative to annual physical fitness performance testing and physical fitness training programs is to allow a licensee to develop a site specific content-based physical fitness performance test for NRC approval. The test should duplicate the response duties that a security force officer would perform during strenuous tactical engagements. Since this provision to allow site specific content-based tests in lieu of the physical fitness testing and a physical fitness training program was not in the proposed rule that was published in December 1991, that portion of the rule has been separated and is being submitted for public comment a second time. However, no major changes have been made to the proposed day firing qualification courses as a result of the public comment; therefore, the staff is proposing to publish that portion of the rulemaking as a final rule.

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 resource issues per the EDO memorandum of June 14, 1991.

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

Enclosure:

Commission Paper w/encls.

cc w/encl.: R. M. Scroggins, OC  
D. C. Williams, IG

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Concurrence:[CONL.WP1]\*see previous concurrence

Offc:	RDB:DRA	RDB:DRA	RDB:DRA	DD:DRA	D:DRA	DD:RIR:RES
Name:	HTovmassian*	JTelford*	SBahadur*	FCostanzi	EMorris	CJHeltemes
Date:	2/27/93	3/4/93	4/6/93	5/17/93	5/17/93	5/25/93

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 upgraded to include weapons manipulation skills in addition to marksmanship and to be more consistent with the criteria for night firing which was published in November 1988 in 10 CFR Part 73, Appendix H. On December 13, 1991, the proposed rule, that addressed both the physical fitness programs and the day firing qualification courses, was published for public comment (65 FR 65024). On March 13, 1992, the comment period expired with three comment letters received. All public comments have been considered and appropriate action has been taken as described in the comment summary of the Federal Register Notice. As a result of the public comment, the staff has reexamined its position regarding the requirements for physical fitness programs. The staff is now proposing that an acceptable alternative to annual physical fitness performance testing and physical fitness training programs is to allow a licensee to develop a site specific, content-based, physical fitness performance test for NRC approval. The test should duplicate the response duties that a security force officer would perform during strenuous tactical engagements. Since this provision to allow site specific, content-based, tests in lieu of the physical fitness testing and a physical fitness training program was not in the proposed rule that was published in December 1991, that portion of the rule has been separated and is being submitted for public comment a second time. However, no major changes have been made to the proposed day firing qualification courses as a result of the public comment, therefore, the staff is proposing to publish that portion of the rulemaking as a final rule.

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 resource issues per the EDO memorandum of June 14, 1991.

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Office of Nuclear Regulatory Research

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Commission Paper

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D. C. Williams, IG

Concurrence:[CONL.WPI]\*see previous concurrence

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Name:	HTovmassian*	JTelford*	SBahadur	FCostanzi	BMorris	CJHeltemes
Date:	/ /93	/ /93	4/6/93	/ /93	/ /93	/ /93

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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 resource issues per the EDO memorandum of June 14, 1991.

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