



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

AD30-2 MORRIS
PDR 010 BAHADUR
TELFORD
TOVMASSIAN
FILE EQ.
(189)

JUN 11 1993

MEMORANDUM FOR: C. J. Heltemes, Jr., Deputy Director
for Generic Issues and Rulemaking

FROM: Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

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

We concur on the subject rulemaking packages; however, we would appreciate consideration be given to the attached comments.

A handwritten signature in cursive script, appearing to read "Robert M. Bernero".

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

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PDR PR
73 58FR45781 PDR

Comments on Proposed Amendments to 10 CFR Part 73

1. The phrase "Tactical Team Members, armed response personnel, and guards" is used repeatedly in the rulemaking package. Definitions for these terms are given in footnotes in the Enclosure A of Enclosure 2 (physical fitness) to the draft Commission Paper, but not in the Enclosure 1 (day firing). In order that the readers understand that all 3 terms refer to armed personnel and not unarmed watchpersons, we suggest either replacing the phrase with "Tactical Team Members, guards, and other armed response personnel", or also include the footnotes in Enclosure 1.

2. On pages 10 and 11 of the physical fitness Federal Register Notice, comments 6 and 7 complain about the lack of criteria for a licensee to use in performing its assessments of an individuals progress under the fitness training program. The responses to these comments refer to an NRC project to develop "acceptance criteria for the trimester assessments." However, the statement of work we have with the California State University at Hayward to develop physical fitness training standards for Category I fuel cycle facility security personnel directs the contractor to recommend criteria that can be used by the NRC for reviewing and approving the licensees' revised fixed site physical protection plans which describe how they will comply with the new requirements. We would prefer for the response to indicate that it will be up to each licensee to determine how its fitness staff will evaluate the exercise needs of the program participants. If it is important for the NRC to develop criteria for use by the licensees in their training assessments, the statement of work would need to be modified.



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