



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

AD30-2

PRR 006

SEP 10 1992

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 ARMED SECURITY FORCE  
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 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 the capabilities of the types of adversaries they are likely to encounter in the event of a hostile tactical engagement.

The following is a summary of this request:

1. Title: Annual Physical Fitness Performance Testing and Day Firing Qualifications for Armed Security Force Personnel 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: September 25, 1992

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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. On December 13, 1991, the proposed rule 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.

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.

Original Signed By:

C. J. Heltemes, Jr.

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

Enclosure:  
Commission Paper

cc w/encl.: R. Scroggins, OC

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\*See previous concurrences

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