

Presidential Documents

Title 3—

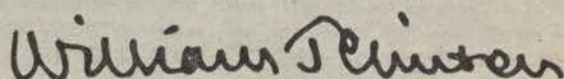
Presidential Determination No. 93-33 of August 19, 1993

The President

Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as Amended**Memorandum for the Secretary of State**

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b)(2), I hereby designate African refugees who have returned to their countries of origin as qualifying for reintegration assistance, and determine that such assistance will contribute to the foreign policy interests of the United States.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority, and to publish this determination in the Federal Register.



THE WHITE HOUSE,
Washington, August 19, 1993.

[FR Doc. 93-21341

Filed 8-27-93; 3:49 pm]

Billing code 4710-10-M

Presidential Comments

President Dwight D. Eisenhower

Remarks to the Nation on the Korean War

Remarks to the Nation on the Korean War

Remarks to the Nation on the Korean War

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Presidential Documents

Presidential Determination No. 93-34 of August 19, 1993

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended, and Amendment to Presidential Determination 92-39 of August 17, 1992

Memorandum for the Secretary of State

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to \$6,300,000 of the \$14,000,000 of the funds previously authorized for use in support of Angolan repatriation be available to meet the urgent and unexpected needs of Mozambican refugees and returnees. This determination amends Presidential Determination 92-39 of August 17, 1992, to permit the use of up to \$6,300,000 of the funds authorized by that determination from the U.S. Emergency Refugee and Migration Assistance Fund to meet the needs of Mozambican refugees and returnees through contributions to the United Nations High Commissioner for Refugees.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority, and to publish this determination in the **Federal Register**.

William Clinton

THE WHITE HOUSE,
Washington, August 19, 1993.

[FR Doc. 93-21342

Filed 8-27-93; 3:50 pm]

Billing code 4710-10-M

Rules and Regulations

Federal Register

Vol. 58, No. 167

Tuesday, August 31, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR PART 73

RIN: 3150-AD30

Day Firing Qualification Courses for Tactical Response Team Members, Armed Response Personnel, and Guards at Category I Licensees

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations for armed security force personnel at fuel cycle facilities possessing formula quantities of strategic special nuclear material (Category I licensees). Tactical Response Team members, armed response personnel, and guards at these facilities will be required to qualify and annually requalify for use of their assigned weapons using new day firing qualification courses. This action is necessary to ensure that these personnel are able to perform their assigned response duties during tactical engagements.

EFFECTIVE DATE: February 28, 1993.

FOR FURTHER INFORMATION CONTACT: Harry S. Tovmassian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3634.

SUPPLEMENTARY INFORMATION:

Background

Existing day firing qualification courses for Tactical Response Team members¹, armed response personnel,²

and guards³ at Category I licensees need to be modified to require enhanced proficiency in weapon manipulation skills in order to more effectively protect the facilities in the event of a hostile tactical engagement. Currently, Tactical Response Team members, armed response personnel, and guards at these facilities are required to qualify and annually requalify for day firing of their assigned weapons in accordance with criteria set forth in Appendix B of 10 CFR part 73. This appendix states that, for handgun qualification, the national police course of fire or an equivalent nationally recognized course is required and for semiautomatic rifles the course required is the 1976 edition of the National Rifle Association (NRA) Highpower Rifle Rules book or an equivalent nationally recognized course. For qualification with the shotgun, the current course of fire consists of hip firing the weapon from a 15-yard distance and shoulder firing from a 25-yard distance. These courses of fire are more oriented towards marksmanship than to weapons manipulation skills (e.g., reloading, shooting failure drills, and changing positions while firing). Although these marksmanship oriented courses were appropriate at the time they were specified, the NRC has developed an increased awareness of the evolution of the capabilities and tactics employed by the criminal and terrorist elements. Therefore, the NRC has specified, in 10 CFR 73.1, the capabilities that should be ascribed to individuals or groups that pose a threat to Category I facilities (i.e., the design basis threat). These assumed capabilities should constitute the basis for physical protection system design. The design basis threat includes a small, well trained and armed, dedicated group, possessing paramilitary capabilities.

For the reasons explained above, the NRC has decided to establish new day firing courses for the purpose of qualifying Tactical Response Team members, armed response personnel, and guards at Category I licensees for use of their assigned weapons. The

the event of attempted theft of special nuclear material or radiological sabotage shall be to respond, armed and equipped, to prevent or delay such actions.

³ "Guard" means a uniformed individual armed with a firearm whose primary duty is the protection of special nuclear material against theft, the protection of a plant against radiological sabotage, or both.

techniques and methods required to successfully complete the day firing qualification courses specified in this final rule are oriented primarily toward weapons manipulation skills in addition to marksmanship and are considered necessary to survive a lethal confrontation. These amendments require that Tactical Response Team members, armed response personnel, and guards qualify and annually requalify for day firing with assigned weapons by meeting minimum qualification criteria specified in Appendix H of 10 CFR part 73. The day firing qualification courses defined in this final rule are largely based on those developed by the Department of Energy for the purpose of qualifying its security inspectors who have the same duties as Category I licensee Tactical Response Teams, armed response personnel, and guards. These courses of fire include weapons manipulation skills that are necessary in tactical situations and demonstrate the ability to effectively use the weapons to protect the facility and strategic special nuclear material from a group of individuals possessing the capabilities ascribed to the design basis threat.

Summary of Public Comments

The comment period for the proposed rule published December 13, 1991 (56 FR 65024) expired on March 13, 1992. This Federal Register Notice contained proposed requirements for both day firing qualification and physical fitness programs. Three letters of comment were received. The NRC has decided to make substantive changes to the physical fitness related requirements and is republishing these amended requirements in a new proposed rule to solicit additional public comment. Therefore, this comment summary addresses only the comments on the day firing qualification course requirements which are being published as a final rule. The following comment summary and resolution addresses these comments.

1. Comment. One commenter stated that the need has not been clearly established for the more stringent firearms qualifications regulations.

Response. As discussed in the preamble of the proposed rule, the purpose of the more stringent day firing qualification courses was to make them consistent regarding the level of

¹ "Tactical Response Team" means the primary response force for each shift which can be identified by a distinctive item of uniform, armed with specified weapons, and whose other duties permit immediate response.

² "Armed Response Personnel" means persons, not necessarily uniformed, whose primary duty in

specificity and proficiency with the night firing requirements published in 1988. Because existing licensees' Weapons Qualifications Plans contained weapon qualification courses which were judged to be similar to the courses being proposed, the proposed rule stated the opinion that codifying the courses in a regulation would add no new burden to the existing licensees. Nevertheless, as a result of this comment, the NRC reviewed whether the benefits to the public health and safety or to the national defense and security justify more stringent firearms qualification courses than those provided by the existing regulation.

This review has determined that these marksmanship oriented courses were appropriate at the time they were developed, but the NRC has developed an increased awareness of the evolution of the capabilities and tactics employed by the criminal and terrorist elements. The knowledge that the NRC has concerning the firepower, body armor, tactics, training, and equipment which can be ascribed to the design basis threat has broadened since Appendix B of 10 CFR part 73 was established and has been accounted for in 10 CFR 73.1(a)(2)(i). The design basis threat includes a small, well trained and armed, dedicated group, possessing paramilitary capabilities. Appendix B of 10 CFR part 73 allows handgun qualification via the national police course of fire, and rifle qualification via a 1976 National Rifle Association rulebook. These courses of fire emphasize marksmanship and do not test weapons manipulation skills (e.g., reloading, shooting failure drills, and changing positions while firing). The techniques and methods required to successfully complete the day firing qualification courses specified in this final rule are oriented toward weapons manipulation skills in addition to marksmanship and are considered to provide a significant improvement in the ability of licensee security forces to survive a lethal confrontation.

2. Comment. One commenter requested that Appendix H of 10 CFR 73.46 specify how head shots are to be scored for stage 2 of the handgun course.

Response. The B-27 target consists of a silhouette of a standing person and contains qualification scoring rings for shots aimed at the center target mass, but not the head. Stage 2 of the handgun qualification course of fire requires the shooter to fire two rounds at the center target mass followed by one round at the head. A description of a template for the center of the head, and the scoring scheme, are described in Appendix A of

the Department of Energy's "Firearms Qualification Courses." Hits in the center of this template are scored five points and hits on the remainder of the silhouette are scored three points. The NRC does not believe that further description of this scoring technique in Appendix H of 10 CFR 73.46 is necessary. However, the NRC recognizes that other targets exist for which the scoring technique may be more explicit (such as the TQ-15 target). Therefore, Appendix H has been amended in the final rule to allow the use of such targets as an alternative to the B-27 provided that these targets are at least as difficult as the B-27 target (e.g., neck shots should not count the same as head shots or center mass shots).

3. Comment. Two commenters noted an error in that the handgun course contained distances of both 14 and 15 yards.

Response. Appendix H has been amended to correct this error.

4. Comment. One commenter suggested that the NRC allow either a single or double action revolver for stage 7 at the 50-yard distance in the handgun course (Note: the commenter identified stage 6 of the handgun course but the 50 yard distance is only found in stage 7).

Response. The NRC does not believe that the wording for stage 7 needs modification. Stage 7 of the handgun qualification course of fire does not specify a single or double action revolver, because either is permitted. Therefore, this modification has not been made.

5. Comment. One commenter noted that stages 5 and 6 of the rifle course were to be used for .30 caliber weapons for TRT qualifications only.

The commenter stated that this limits the maximum score for the standard rifle (i.e., stages 1 through 4) to 110 points and suggested that 70% of this maximum score (77 points) be specified as the minimum qualifying score for the standard rifle instead of 70% of 150 points.

Response. The NRC agrees that minimum qualifying scores should be specified separately for standard and larger caliber rifles because there may be times that a security officer may need to qualify for one but not the other. Therefore, the specific qualifying scores have been deleted from Appendix H which now specifies that 70 percent is the minimum qualifying score.

6. Comment. One commenter suggested that failure to qualify should result in a 3-day suspension from armed duty rather than the proposed 7-day suspension. The commenter stated that the 7-day suspension may cause the individual to be out of a job for 7 days

before he could requalify. The commenter noted that nonqualified personnel would usually be utilized in an unarmed position. However, because few of these positions exist, the 7-day waiting period could cause layoffs. Another commenter stated that the 7-day and 12-month suspensions are potentially the most significant and costly impacts of the rule. This commenter stated that extending the waiting periods beyond the time required to retrain the officer appears to be punitive, does not enhance the security program's effectiveness, and induces unnecessary costs. The commenter suggested that the rule be amended to require that an officer who fails to achieve the minimum qualifying score be removed from armed officer duty and complete a documented period of retraining prior to any subsequent attempt to qualify or requalify. The commenter further suggested that the NRC consider requiring that officers may not fire for record more than once on the same calendar day. Additionally, if an officer fails to qualify on two successive attempts, that individual would be required to receive additional training and fire two consecutive qualifying scores prior to being reassigned to armed officer duties.

Response. The NRC agrees that retraining an individual to the point of qualifying or requalifying can be accomplished in less time than the period specified in the proposed rule. Therefore, the NRC has adopted the suggestion to limit the suspension to the amount of time required to retrain individuals to the point that they can qualify or requalify and believes that this change satisfies the concerns of both commenters.

7. Comment. One commenter suggested that the same rationale for allowing multiple physical fitness qualifications be used in the development of weapons qualifications. The commenter stated that these qualifications, like the physical fitness qualifications, would reflect consistency with the environments in which individuals must perform their duties. The commenter further suggested that the weapons qualification requirements are appropriate for TRT members but are excessive for armed response personnel and for "static response positions" (e.g., operators of central and secondary alarm stations and security personnel which control entry or exit portals).

Response. This commenter is referring to the fact that physical fitness performance testing which was also contained in the proposed rulemaking (56 FR 65024) required Tactical

Response Team members to pass a more stringent test than guards and armed response personnel. This was because the TRT members duties were to perform offensive combative tasks as opposed to defensive combative tasks required of other security personnel. The NRC disagrees that this logic can also be applied to weapons qualification courses. It is recognized that physical capabilities required for Tactical Response Team members, armed response personnel, and guards to perform their duties satisfactorily vary depending upon job tasks. But, any armed response officer on site, regardless of duty station, could be involved in a violent confrontation requiring the use of his or her weapon, especially in areas of access or egress control. As a matter of fact, the reason that the 3-yard distance is included in the rule for weapon qualification for handguns is that violent confrontations which occur at access or egress locations are expected to be at close range. Also, the rule as written already limits the training to only assigned weapons. Therefore, the NRC has decided not to adopt this commenter's suggestion.

8. *Comment.* One commenter suggested that handgun qualification be limited to 25 yards or less because physical security personnel have shoulder fired weapons available for shots of greater distance.

Response. The NRC recognizes that the 50-yard distance is near the maximum distance at which a handgun is effective for the average shooter. However, the NRC believes that security officers should be familiar with handgun performance at greater distances because an adversary could penetrate the protected area in such a short period of time that the security officer may be tempted to use a handgun instead of retrieving a shoulder fired weapon. Because the current requirement in Appendix B of 10 CFR part 73 references the national police course, which requires a total of 24 shots fired, applying the final rule in Appendix H is actually a relaxation of the requirement because it calls for only 6 shots. For these reasons the NRC believes that the requirement is reasonable and has retained it in the final rule.

9. *Comment.* One commenter suggested that the position description in the handgun course be amended from "reload with six rounds" to "reload" because the automatic pistol will reload in a different manner than the revolver.

Response. The NRC agrees with this comment and Appendix H has been

modified to reflect this suggested change in the final rule.

10. *Comment.* One commenter stated, without providing the rationale, that the timing for qualifying with handguns (stage 1 and 4, string 3) and for rifles (stage 2 at 25 yards) are unrealistic and additional time should be considered.

Response. The NRC believes that the times prescribed in the handgun qualification course of fire are justified. Although law enforcement statistics show that police officers seldom fire, reload, and continue a confrontation, the NRC Design Basis Threat ascribes greater capabilities to adversaries engaged in malevolent activities against Category I licensees than those typically encountered during law enforcement type engagements. The security officers must be able to manipulate their weapons skillfully and precisely. Being able to draw and reload quickly and efficiently while maintaining a continuity of fire under realistic time constraints is important for defense of a facility undergoing attack. Therefore, the NRC has retained the timing requirement for the reload position in the day firing qualification course.

11. *Comment.* One commenter suggested that the shotgun course allow the use of either 00 buckshot or rifled slugs because some facilities do not use rifled slugs.

Response. The NRC agrees with this comment and Appendix H has been modified accordingly.

12. *Comment.* One commenter suggested that footnote 4 of Appendix H of 10 CFR part 73 be amended to indicate that stages 5 and 6 of the rifle qualification course are to be used for .30 caliber or larger rifles. As it stands, only .30 caliber rifles would be used in stage 5 and stage 6.

Response. The NRC agrees that clarification is needed and footnote 4 of Appendix H has been modified to indicate that stages 5 and 6 pertain to rifles .30 caliber or larger.

13. *Comment.* One commenter requested that the position column of the rifle course, which requires the safety to be in the on position at the beginning of each string, be amended to allow the weapon to be uncocked with the magazine inserted. The weapon used by this commenter, the Colt AR-15, requires cocking in order to use the safety selector.

Response. The NRC agrees with this comment and has amended the final rule to delete the requirement that the safety be in the on position at the beginning of each string in the rifle qualification course of fire.

14. *Comment.* One commenter had a general comment concerning the

implementation schedule. This commenter stated that the amount of time allowed for implementation should be increased from 180 days to 1 year.

Response. The NRC believes that implementation of the new firearms qualification course within 180 days does not place an undue burden on its Category I licensees and has retained this implementation schedule.

Criminal Penalties

The Commission notes that these amendments are issued under sections 161 b and i of the Atomic Energy Act of 1954, as amended. Therefore, violation of these regulations may subject a person to criminal sanctions under section 223 of the Atomic Energy Act.

Use of Metric System by Nuclear Industry

On October 7, 1992 (57 FR 46202), the Commission issued a Policy Statement on Conversion to the Metric System by the Nuclear Industry. This policy states that all new regulations will be published in dual units. However the NRC has determined that there are no standards readily available in the United States for weapons firing courses measured in metric units and that it would be confusing and inappropriate to publish the day firing qualification courses in dual units. Therefore, the final rule retains the English units of measurement.

Finding of No Significant Environmental Impact: Availability

The NRC has determined under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in Subpart A of 10 CFR part 51, that this rule will not be a major Federal action significantly affecting the quality of the human environment and, therefore, an Environmental Impact Statement is not required. The rule does not adversely affect the routine release of radioactivity, exposure to radiation, or the safety of the operations carried out by licensees possessing formula quantities of strategic special nuclear material. The amendments specify new day firing qualification courses for armed Tactical Response Team members, armed response personnel, and guards to ensure that they are able to perform their assigned duties.

The environmental assessment and finding of no significant impact on which this determination is based is available for inspection at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. Single copies are available from Mr. Harry Tovmassian, Office of Nuclear

Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-3634.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget approval number 3150-0002.

The public reporting burden for this collection of information is estimated to average 31 hours per respondent, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0002), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

The NRC has prepared a regulatory analysis for these amendments. The analysis examines the costs and benefits of the alternatives considered by the NRC and provides a decision rationale for the chosen approach. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Ms. Carrie Brown, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 504-2382.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rulemaking will not have a significant economic impact upon a substantial number of small entities. The rule affects two licensees who operate fuel fabrication facilities possessing formula quantities of strategic special nuclear material licensed in accordance with 10 CFR parts 70 and 73. The companies that own these facilities do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration in

13 CFR part 121. Thus, this rule does not fall within the purview of the act.

Backfit Analysis

The Commission has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule because these amendments do not impose requirements on existing 10 CFR part 50 licensees. Therefore, a backfit analysis was not prepared for this rule.

List of Subjects in 10 CFR Part 73

Criminal penalties, Hazardous materials—transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the Commission is adopting the following amendments to 10 CFR part 73. This final rule is issued pursuant to Sections 161(b) and (i) of the Atomic Energy Act, as amended, and violation may be subject to criminal penalty sanctions.

73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for 10 CFR part 73 continues to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99-399, 100 Stat. 876 (42 U.S.C. 2169).

2. In § 73.46 paragraphs (b)(4), (b)(7), and paragraph (i) are revised to read as follows:

§ 73.46 Fixed site physical protection systems, subsystems, components and procedures.

* * * * *

(b) * * *

(4) The licensee may not permit an individual to act as a Tactical Response Team member, armed response person, or guard unless the individual has been trained, equipped, and qualified to perform each assigned security duty in accordance with appendix B of this part, "General Criteria for Security Personnel." In addition, Tactical Response Team members, armed response personnel, and guards shall be trained, equipped, and qualified in

accordance with paragraphs (b)(6) and (b)(7) of this section. Upon the request of an authorized representative of the NRC, the licensee shall demonstrate the ability of the physical security personnel, whether licensee or contractor employees, to carry out their assigned duties and responsibilities. Each Tactical Response Team member, armed response person, and guard, whether a licensee or contractor employee, shall requalify in accordance with appendix B of this part. Tactical Response Team members, armed response personnel, and guards shall also requalify in accordance with paragraph (b)(7) of this section at least every 12 months. The licensee shall document the results of the qualification and requalification. The licensee shall retain the documentation of each qualification and requalification as a record for 3 years after each qualification and requalification.

* * * * *

(7) In addition to the weapons qualification and requalification criteria of appendix B of this part, Tactical Response Team members, armed response personnel, and guards shall qualify and requalify, at least every 12 months, for day and night firing with assigned weapons in accordance with Appendix H of this part. Tactical Response Team members, armed response personnel, and guards shall be permitted to practice fire prior to qualification and requalification but shall be given only one opportunity to fire for record on the same calendar day. If a Tactical Response Team member, armed response person, or guard fails to qualify or requalify, the licensee shall remove the individual from security duties which require the use of firearms and retrain the individual prior to any subsequent attempt to qualify or requalify. If an individual fails to qualify or requalify on two successive attempts, he or she shall be required to receive additional training and successfully fire two consecutive qualifying scores prior to being reassigned to armed security duties.

(i) In addition, Tactical Response Team members, armed response personnel, and guards shall be prepared to demonstrate day and night firing qualification with their assigned weapons at any time upon request by an authorized representative of the NRC.

(ii) The licensee or the licensee's agent shall document the results of weapons qualification and requalification for day and night firing. The licensee shall retain the documentation of each qualification and requalification as a record for 3 years

after each qualification and requalification.

* * * * *

(i) *Implementation schedule for revisions to physical protection plans.*

(1) By November 29, 1993, each licensee shall submit a revised Fixed Site Physical Protection Plan to the NRC for approval. The revised plan must describe how the licensee will comply

with the requirements of paragraph (b)(7) of this section. Revised plans must be mailed to the Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) Each licensee shall implement the approved plan pursuant to paragraph (b)(7) of this section within 180 days

after NRC approval of the revised Fixed Site Physical Protection Plan.

3. Appendix H is revised to read as follows:

Appendix H—Weapons Qualification Criteria

The B-27 Target or a target of equivalent difficulty will be used for all weapon qualification testing.

TABLE H-1 MINIMUM DAY FIRING CRITERIA¹

[see footnotes at end of Table H-1]

Weapon	Stage	String ²	Distance	Number of rounds	Timing ³	Position	Scoring
Handgun	1	1	3 yards	6	9 seconds	Draw and fire 2 rounds (repeat 2 times) 3 seconds each string.	Minimum qualifying = 70%.
		2					
		3					
	2	1	7 yards	6	10 seconds	Draw and fire 2 rounds at center mass and 1 round at the head (repeat once) 5 seconds each string.	
		2					
	3	1	7 yards	6	12 seconds (4 seconds each string).	Using weaker hand only, from the low ready position, fire 2 rounds (repeat twice).	
		2					
		3					
	4	1	10 yards ...	2	4 seconds	Draw and fire 2 rounds, come to low ready position.	
		2	10 yards ...	2	3 seconds	Fire 2 rounds from low ready position and reholster.	
		3	10 yards ...	4	12 seconds (revolver) 10 seconds (semi-automatic).	Draw and fire 2 rounds, reload, fire 2 rounds and reholster.	
		4	10 yards ...	2	4 seconds	Draw and fire 2 rounds, come to low ready position.	
		5	10 yards ...	2	3 seconds	Fire 2 rounds from low ready position and reholster.	
	5	1	15 yards ...	2	5 seconds	Standing, draw weapon, move to kneeling position, then fire 2 rounds and reholster.	
		2	15 yards ...	2	5 seconds	Standing, draw weapon, move to kneeling position, then fire 2 rounds and reholster.	
	5	3	15 yards ...	4	14 seconds (revolver) 12 seconds (semi-automatic).	Standing, draw weapon, fire 2 rounds, move to kneeling position and fire 2 rounds, reload and reholster.	Minimum qualifying = 70%.
		4	15 yards ...	2	5 seconds	Draw weapon and fire 2 rounds standing, come to low ready position and....	
	6	5	15 yards ...	2	3 seconds	Fire 2 rounds from low ready.	
		1	25 yards ...	2	5 seconds	Draw and fire 2 rounds, standing, left side of barricade.	
		2	25 yards ...	2	5 seconds	Draw and fire 2 rounds, right side of barricade (standing).	
		3	25 yards ...	4	15 seconds (revolver) 12 seconds (semi-automatic).	Draw weapon and move from standing to kneeling position, fire 2 rounds, left side of barricade, reload, and from the kneeling position, fire 2 rounds, right side of barricade.	
		4	25 yards ...	2	10 seconds	Draw weapon and move from standing to prone, fire 2 rounds.	
		5	25 yards ...	2	10 seconds	Draw weapon and move from standing to prone, fire 2 rounds.	
	7	1	50 yards ...	2	8 seconds	Draw weapon and fire 2 rounds from a standing barricade position (right or left side, shooter's option).	

TABLE H-1 MINIMUM DAY FIRING CRITERIA¹—Continued
[see footnotes at end of Table H-1]

Weapon	Stage	String ²	Distance	Number of rounds	Timing ³	Position	Scoring
Shotgun	1	2	50 yards ...	2	10 seconds	Draw weapon and fire 2 rounds from a kneeling barricade position (right or left side, shooter's option).	Minimum qualifying = 70%.
		3	50 yards ...	2	12 seconds	Draw weapon and fire 2 rounds from prone position.	
		1	7 yards	2 Double 0 buck-shot	4 seconds	At low ready position fire 2 rounds standing.	
		2	15 yards ...	4 Double 0 buck-shot	15 seconds	At low ready position fire 2 rounds standing, reload and fire 2 rounds.	
Rifle	3	1	25 yards ...	4 rifled slugs or 00 buck-shot	20 seconds	On command, load 4 rounds and fire 2 rounds standing and 2 rounds kneeling.	Minimum qualifying = 70%.
		2					
	1	1	15 yards ...	6	10 seconds (4 seconds for 1st string, 3 seconds for each of 2nd and 3rd string).	Standing in low ready position, move to standing point shoulder position (1 magazine loaded with 6 rounds, weapon in half-load configuration), fire 2 rounds per string.	
		2					
		3					
	2	1	25 yards ...	6	11 seconds (5 seconds for 1st string, 3 seconds for each of 2nd and 3rd string).	Standing in low ready position, move to standing point shoulder position (1 magazine loaded with 6 rounds, weapon in half-load configuration), fire 2 rounds per string.	
		2					
		3					
	3	1	25 yards ...	6	17 seconds (7 seconds for 1st string, 5 seconds for each of 2nd and 3rd string).	Standing in low ready position, move to kneeling point shoulder position (1 magazine loaded with 6 rounds, weapon in half-load configuration), fire 2 rounds per string.	
		2					
3							
4	1	50 yards ...	4	16 seconds (9 seconds for 1st string, 7 second for 2nd string).	Standing in low ready position, move to kneeling point shoulder position (1 magazine loaded with 4 rounds, weapon in half-load configuration), fire 2 rounds per string.		
	2						
45	1	50 yards ...	4	20 seconds	Standing in low ready position, move to prone (weapon in half-load configuration) with two magazines each loaded with 2 rounds, fire 2 rounds, reload with 2nd magazine and fire 2 rounds.	Minimum qualifying = 70%.	
46	1	100 yards .	4	25 seconds	Standing in low ready position, move to prone (weapon in half-load configuration) two magazines each loaded with 2 rounds, fire 2 rounds, reload with 2nd magazine and fire 2 rounds.		

Footnotes:

¹ This day firing qualifications course is to be used by all TRT members, armed response personnel, and guards.² A string is one of the different phases within a single stage.³ Security personnel will be timed as shown.⁴ Stages 5 and 6 are to be used for .30 caliber or larger rifles.

TABLE H-2.—MINIMUM NIGHT FIRING CRITERIA

Weapon	Stage	Distance	No. of rounds	Timing	Position	Scoring	Lighting
Handgun (Rev.)	1	7 yds	12	35 seconds	Standing-no artificial support.	Minimum qualifying=70%.	For all courses 0.2 footcandles at center mass of target area.
Handgun (Semi-)	2	15 yds	12	45 seconds.	Standing-no artificial support.		
	1	7 yds	2+clip	30 seconds			
	2	15 yds	2+clip	40 seconds.			

TABLE H-2.—MINIMUM NIGHT FIRING CRITERIA—Continued

Weapon	Stage	Distance	No. of rounds	Timing	Position	Scoring	Lighting
Shotgun	1	25 yds	2 rifled slugs.	30 seconds (Load 2 slugs—chamber empty—Time starts—Commence firing).	Standing—strong shoulder.	Rifled slug hits=strike area on target (10, 9, 7).	
	1	15 yds	5 Double 0 buckshot.	10 seconds (Load 5rds Buckshot—chamber, empty—Time starts—Commence firing).	Standing—strong shoulder.	Double 0 Buckshot: Hits in black=2 pts (5rds x 9 pellets/rd x 2 pts=90) Minimum qualifying=70%.	
Rifle	1	25 yds	1-5rd mag	45 sec	Standing—barricade	Minimum qualifying=70%.	
	2	25 yds	1-5rd mag	45 sec	Standing.		
	3	25 yds	1-5rd mag	45 sec	Kneeling.		
	4	25 yds	1-5rd mag	45 sec	Prone.		

Note.—All firing is to be done only at night. Use of night simulation equipment during daylight is not allowable. Use of site specific devices (i.e., laser, etc.) should be included in the licensee amended security plan for NRC approval.

Dated at Rockville, Maryland, this 24th day of August, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

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DEPARTMENT OF ENERGY

10 CFR Part 1046

Security Skills Training and Qualifications Standards for Protective Force Personnel

AGENCY: Office of Security Affairs, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is setting forth requirements regarding access authorizations and security skills training and qualification, including firearms qualification, for DOE contractor personnel responsible for the protection of DOE facilities. One purpose of these regulations is to assure that protective force personnel meet the eligibility criteria of DOE regulations for access to classified matter or significant quantities of special nuclear material. Another purpose is to assure that protective force personnel at DOE facilities can perform their normal and emergency duties effectively and without undue hazard to themselves, fellow employees, the plant site, and general public. Generally, the regulations require protective force personnel to meet DOE security clearance standards and to complete successfully formal basic and annual training in security skills and knowledge. The regulations also require

security police officers (protective force personnel armed pursuant to section 161.k. of the Atomic Energy Act of 1954 to pass firearms qualification tests. Each security police officer is required to demonstrate firearms proficiency at least semiannually on DOE standardized courses of fire with all firearms reasonably expected by DOE contractor management to be employed within the security police officer's assigned duties. These regulations do not apply to protective forces for the Strategic Petroleum Reserve.

EFFECTIVE DATE: September 30, 1993.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion
- III. Discussion of Comments
- IV. Administrative Procedures

I. Background

The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) declares it to be the policy of the United States that the development, use, and control of atomic energy shall be subject at all times to the paramount objective of making the maximum contribution to the common defense and security (42 U.S.C. 2011). Congress specifically found that the development, utilization and control of atomic energy for military and for all

other purposes are vital to the common defense and security, and that source and special nuclear material, production facilities, and utilization facilities, are affected with the public interest, and regulation of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security and to protect the health and safety of the public 42 U.S.C. 2012(a) and (e). One of the purposes of the Atomic Energy Act of 1954 is "to effectuate the policies set forth above by providing for * * * a program for Government control of the possession, use and production of atomic energy and special nuclear material * * * to make the maximum contribution to the common defense and security," 42 U.S.C. 2013(c). Responsibility for the "regulation" of Government-owned nuclear facilities and nuclear weapons was transferred to the Secretary of Energy by the Department of Energy Organization Act, (42 U.S.C. 7151). The authority to prescribe implementing regulations is found in section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) and section 661 of the Department of Energy Organization Act (42 U.S.C. 7254).

The national security energy programs administered by the Secretary of Energy are conducted at nuclear and other facilities owned by the Federal Government. Most of these facilities, however, are operated under contracts with private industry and are protected by contractor protective force personnel.

The threat of terrorist or other malevolent activities at sites where nuclear materials and weapons are located presents a real and present danger. DOE's protective force is the first line of human defense against