



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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December 4, 2019

MEMORANDUM TO:

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Steven D. Cochrum, Deputy Associate Director
Technical Training Center
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FROM:

Shana R. Helton, Director **/RA/**
Division of Physical and Cyber Security Policy
Office of Nuclear Security and Incident Response

SUBJECT:

STAFF POSITION AND PATH FORWARD FOR FIREARMS
TRAINING SIMULATORS

The purpose of this memorandum is to inform you of how licensees may use firearms training simulators (FATS) to satisfy some firearms and weapons training requirements in Appendix B(VI)(E)(1)(c)–(f) to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 73, “Physical Protection of Plants and Materials.” I am forwarding you the enclosed staff position now so that you and your staff are aware of the guidance that the Office of Nuclear Security and Incident Response (NSIR) intends to formalize in near-term updates to Regulatory Guide 5.75, “Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities,” issued July 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091690037), and Inspection Procedure 71130.07, “Security Training,” dated August 23, 2018 (ADAMS Accession No. ML17305B057). I anticipate that the revised guidance documents will be issued in the first half of 2020, and NSIR will ask Regional staff to provide feedback as part of the update process.

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As background, licensees have historically used firearms loaded with live ammunition to satisfy the firearms and weapons training requirements in 10 CFR Part 73, Appendix B, "General Criteria for Security Personnel." Such requirements included use-of-force and firearms familiarization training. Licensees used FATS only to enhance their live-fire training. In late 2017 and early 2018, licensees began expressing interest in using FATS to satisfy some firearms training requirements in Appendix B to 10 CFR Part 73. The NSIR staff evaluated all potential firearms and weapons training requirements licensees may be able to use FATS to satisfy, not just use-of-force and weapons familiarization training. The NSIR staff observed a baseline security inspection in August 2019, during which a licensee successfully demonstrated compliance with some weapons familiarization requirements using its firearms-based FATS. The NSIR staff used insights from that inspection to inform the final staff position on the use of FATS.

The enclosed staff position is structured according to the two types of FATS licensees can employ (i.e., firearms-based and non-firearms-based) and the three types of requirements licensees can use FATS to satisfy: skills training, firearms proficiency (i.e., range activities), and qualification. Depending on the type of FATS licensees employ and the extent to which licensees can demonstrate that they meet the firearms and weapons training requirements in Appendix B to 10 CFR Part 73, FATS may be an acceptable method for satisfying use-of-force and other firearms- or weapons-related training requirements, including day and night combat firing, target identification and engagement, sight adjustments, firearms handling drills, and cover and concealment. Licensees can also use FATS to expand the scope of their firearms training. For example, FATS can minimize the risk of training security personnel to shoot while moving, something which licensees may consider too hazardous with live ammunition. The staff position concludes that licensees may be able to use firearms-based FATS to satisfy one of the three range activities required annually. It is important to note, however, that the staff position does not consider FATS to be an acceptable method for meeting the firearms qualification requirements in Appendix B(VI)(F) to 10 CFR Part 73, regardless of the type of FATS licensees use.

During the past month, NSIR management and staff have informally communicated with internal and external stakeholders about the staff position on FATS. On October 30, 2019, NSIR management presented the position during the Transformation Expo as an example of how the U.S. Nuclear Regulatory Commission is approaching challenges from new perspectives, evaluating licensees' use of new technology, and accepting risk in decisionmaking. On November 6, 2019, my staff explained the enclosed staff position during a Security Issue Forum and answered questions from regional participants. My staff confirmed that the maintenance and testing requirements in 10 CFR 73.55(n) will apply to FATS, and the revision to Inspection Procedure 71130.07 will detail how inspectors should determine compliance with that provision.

Should you or your staff have any questions, comments, or concerns with the staff position on FATS or the planned path forward, please contact Lou Cubellis. You can reach him via phone at (301) 287-3670 or e-mail at Louis.Cubellis@nrc.gov.

Enclosure: As stated

STAFF POSITION AND PATH FORWARD FOR FIREARMS TRAINING SIMULATORS,
DATED: DECEMBER 4, 2019

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