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Docket: NRC-2011-0018
Enhanced Weapons, Firearms Background Checks, and Security Event Notifications

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July 18, 2011 (3:05 pm)

Comment On: NRC-2011-0018-0014
Enhanced Weapons, Firearms Background Checks, and Security Event Notifications

OFFICE OF SECRETARY
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Document: NRC-2011-0018-DRAFT-0020
Comment on FR Doc # 2011-10163

Submitter Information

Name: Brian Yip
Address:
1400 20th St NW, Apt 215
Washington, DC, 20036

General Comment

Several of the 1-hour reportable events in proposed 10 CFR Part 73 Appendix G make reference to an individual's malevolent intent (e.g., attempted introduction of contraband by a person with malevolent intent into a PA, VA, MAA, or CAA). A licensee's evaluation of malevolent intent should not be a factor in determining the reportability of an event. First, it is unlikely that a licensee would be able to make a determination as to an individual's intent within an hour of their attempt to introduce contraband. Additionally, just as the agency has stated that only the NRC, the intelligence community, and law enforcement can determine whether a threat is credible (76 FR 6208, February 3, 2011), the NRC should not rely upon licensees alone to determine whether an individual had malevolent intent. Within the NRC, the staff will generally not make a determination about an individual's willfulness without an determination by the Office of Investigations. It would be inconsistent with this position to provide licensees an opportunity to determine an individual's intent (willfulness), and impractical to provide that such a determination could be made within an hour.

Furthermore, because the event, if not malevolent, is only required to be logged if determined to be a decrease in security plan effectiveness (76 FR 6245), NRC would at most become aware of it through an annual review of the logs, if at all. Therefore, although willful attempted unauthorized introduction of contraband into a PA is now a federal crime, the reportability regulations place the agency's ability to investigate such potential crimes on whether licensees first determine the crime was committed, and report it. All attempts to introduce contraband should be reported to allow the agency to independently assess the threat, regardless of the licensee's determination of intent.

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Rulemaking Comments

From: Gallagher, Carol
Sent: Friday, July 15, 2011 1:25 PM
To: Rulemaking Comments
Subject: Comment letter on Proposed Rule - Enhanced Weapons, Firearms Background Checks and Security Event Notifications
Attachments: NRC-2011-0018-DRAFT-0020.pdf

Van,

Attached for docketing is a comment from Brian Yip on the above noted proposed rule (3150-AI49; 76 FR 23515) that I received via the regulations.gov website on 7/14/11.

Thanks,
Carol