

PR 73
(76FR06200)

10

As of: August 03, 2011
Received: August 02, 2011
Status: Pending_Post
Tracking No. 80ed3fed
Comments Due: August 02, 2011
Submission Type: Web

PUBLIC SUBMISSION

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

DOCKETED
USNRC

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

August 3, 2011 (11:15 am)

Document: NRC-2011-0018-DRAFT-0021
Comment on FR Doc # 2011-10163

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Submitter Information

Name: S. Hardin
Address:
Box 1776
Mt Airy, MD,

General Comment

See attached file(s)

Attachments

Comments on Event Notifications, 8-2-11

Template = SECY-067

DS 10

Comments on Proposed Rule on Enhanced Weapons, Firearms Background Checks, and Security Event Notifications [NRC-2011-0018]

August 2, 2011

Overall, I support the proposed rule and associated regulatory and urge the NRC to issue a final rule and regulatory guidance in an expeditious manner.

Specific comments:

1. § 73.71(a)(3)(ii) – the use of a spoken authentication code to validate messages from facilities regarding imminent or actual hostile actions is operationally complex and burdensome. With the secure communications capabilities currently available to the NRC, the use of verbal authentication codes is antiquated and is a workaround. Ten years after 9/11, the NRC should be able to transition to a secure communications methodology providing built-in authentication and non-repudiation capabilities to validate such messages. Moreover, the NRC has not proposed authentication requirements for transportation imminent or actual hostile actions in the proposed § 73.71(b)(3), nor explained the basis for this disparate treatment. **Recommendation:** The NRC should remove the verbal authentication requirement for facility-based notifications to achieve consistency with transportation-based notifications; or the NRC should use a hardware-based solution that is effective, but transparent to the user, and thus reduces operational and regulatory burdens while achieving the important notification and communication purposes.
2. Appendix G, Paragraph II(a), “Suspicious events” – while I am supportive of a requirement for licensees to notify the NRC of suspicious events, the NRC has not articulated a rationale or basis for the proposed 4-hour timeliness requirement (either for internal NRC purposes or for purposes of forwarding this suspicious information to the law-enforcement or intelligence communities). **Recommendation:** Absent an articulated rationale or basis for the 4-hour timeliness, the NRC should require that suspicious events should be reported within 24 hours or the next business day. See also Comment 3, which may address the timeliness need.
3. § 73.71(j) – The notification process for reporting suspicious events does not include a requirement for licensees to notify their local FBI joint terrorism task force (JTTF). This direction has been contained in previous NRC and existing FBI guidance (See appendix to DG-5019 for relevant guidance documents). Additionally, the proposed rule does not require a licensee to establish a point of contact and notification protocol with their local JTTF. A requirement for licensees to notify their local JTTF of suspicious events (in accordance with FBI guidance) would appear to obviate the need for rapid notification to the NRC and would speed up the processing of the information by the intelligence and law-enforcement communities. Secondly, the need for NRC licensees to report suspicious events to their local JTTF is a reporting burden under the Paperwork Reduction Act and should be evaluated in a final rule. **Recommendation:** The final rule should be revised to require licensees to report suspicious activities to their local JTTF consistent with existing FBI direction. The NRC should consider whether reporting such events to the local FBI JTTF

obviates the need for an NRC reporting requirement, or just reduces the NRC's timeliness need to a next business day approach. The burden of such reports to the FBI should be addressed in the final rule as well.

Response to Specific Questions in Section III(l) of the FRN.

4. Questions A, B, and C – a five year reinvestigation periodicity for firearms background checks is most appropriate, given other licensee background check, fitness for duty, behavioral observation, and insider mitigation programs.
5. Question D – annual inventories for enhanced weapons are adequate given the close controls over such weapons at NRC-regulated facilities.
6. Questions E and F – the security event notifications should be consolidated from the separated § 73.71 and Appendix G into a series of three contiguous sections as suggested by the NRC under Question F.

S. Hardin
Mt. Airy, MD

Rulemaking Comments

From: Gallagher, Carol
Sent: Wednesday, August 03, 2011 11:04 AM
To: Rulemaking Comments
Subject: Comment letter on Enhanced Weapons, Firearms Background Checks, and Security Event Notifications
Attachments: NRC-2011-0018-DRAFT-0021.pdf

Van,

Attached for docketing is a comment letter from S. Hardin on the above noted proposed rule (76 FR 23515; 3150-AI49) that I received via the regulations.gov website on 8/2/11.

Thanks,
Carol