

ATTACHMENT

Comments for Docket re: TWIC Reader NPRM

We appreciate the effort being put forth with the TWIC program to ensure each potential port worker has been screened with a background check. Unfortunately, the background check doesn't go deep enough to ensure we are protected from crime. The TWIC Reader Rule wrongly emphasizes the need to ensure the TWIC is valid, thereby simply ensuring the very broad background check is valid. There is enormous cost involved to ensure this small sense of security. The background check associated with the TWIC card isn't the risk point, the risk point is when the “valid business reason to be in the secure area” is accepted by the individual facilities, allowing access to the waterfront. That part of the process is more critical than the TWIC card itself, which is easy to obtain, yet totally unregulated and left to individual facility security officers. This TWIC Reader Rule does not address the true risk decision point.

The process for reporting inoperable readers to the USCG, and the associated waiver process, needs to be clarified. Are facilities allowed to switch methods, so as to not impede commerce, and then notify the US Coast Guard? Or must commerce stop until the US Coast Guard is notified and permission received to deviate from the TWIC Reader Rule? We suggest that facilities take prudent actions required to maintain their level of security, and simply notify the US Coast Guard of the deviation within a set timeframe (say 30 minutes). To pause, and await permission, will impact the movement of cargo.

The term “CDC in bulk” is used several times in the NPRM. According to 33CFR160.204, carried in bulk means “a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count”. We assume this is the same definition being used in the NPRM. As a large container facility, with several hundred CDC iso-tanks present in a fairly confined area at any given time, we would like to ensure that we are not handling “CDC in bulk”. Request the definition being used in the NPRM be clarified in the final rule for vessel and facility grouping purposes.

As a facility that does not “handle CDC in bulk”, are we allowed to provide a layberth for a vessel that carries CDC in bulk, but that we have no capability of handling? If the ship is in Group A, does the facility have to match that Group? Conversely, can a Cruise Ship Terminal (a Group A facility) act as a Group B layberth for a bulk ship when not operating as a Cruise Terminal?

The record keeping requirement also requires clarification. As a Port Authority, we maintain the FSP for our cruise terminal. When a cruise ship is in port, the cruise line security operates under their own FSP. Who maintains the records? We assume the Port Authority would continue to maintain the records and provide them to the US Coast Guard should they desire to inspect the cruise line security operation. Request clarification in the rule making.

At a cruise terminal, porters are required to enter and exit the secure area up to 25 times a day each. With 35 porters (for example) working, that is hundreds of verifications in a single day. Please clarify the process for seeking relief from this apparently cumbersome process.

With the TWIC Reader Rule coming to fruition, the QTL should be expanded to include not just the authorized TWIC readers but also any supporting software, particularly for record keeping requirements.