PR 73
(76FR06200)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Tennessee Valley Authority
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R. M. Krich
Vice President
Nuclear Licensing

August 2, 2011

Secretary, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: **Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (NRC-2011-0018)**

Reference: Letter from David R. Kline (NEI) to Philip G. Brochman (NRC), Senior Program Manager, "Industry Comments on 10 CFR Part 73 Proposed Rulemaking on Enhanced Weapons, Firearms Background Checks and Security Event Notifications (*Federal Register 76 FR 6200, 76 FR 6085, 76 FR 6086 and 76 FR 6087*) Docket ID NRC-2011-0018," dated August 2, 2011

The U.S. Nuclear Regulatory Commission (NRC) published proposed regulations that would implement the NRC's authority under the new section 161A of the Atomic Energy Act of 1954, as amended, and revise existing regulations governing security event notifications in the Federal Register on February 3, 2011 (76 FR 6200). In the Federal Register Notice, the NRC solicited comments on the proposed regulations. In a Federal Register Notice dated April 27, 2011 (76 FR 23515), the NRC extended the deadline for comments until August 2, 2011.

The Tennessee Valley Authority (TVA) has reviewed the proposed regulations and provides comments specific to TVA in the Enclosure. In addition, TVA endorses the Nuclear Energy Institute's comments provided in the referenced letter. If you have any questions regarding this letter, please contact Joe Shea at 423-751-6887.

Respectfully,

R. M. Krich

Enclosure: TVA Comments Regarding Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (NRC-2011-0018)

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TVA Comments Regarding Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (NRC-2011-0018)

Document/Section/ Page Reference	Comment	Suggested Wording/Revision
76 FR 6200, "Nuclear Regulatory Commission, 10 CFR Part 73, [NRC-2011-0018], RIN: 3150-A149, Enhanced Weapons, Firearms Background Checks, and Security Event Notifications" **§ 73.19 Firearms background checks for armed security personnel** (e) *Firearms background check submittals*, and (f) *Periodic firearms background checks.* /p. 6238	Tennessee Valley Authority (TVA) is a Federal agency established pursuant to the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831-831ee (2006 & Supp. III 2009), with the capacity to conduct firearms background checks without processing through the NRC as prescribed in the proposed rule. TVA Nuclear Security currently completes firearms background checks of all security personnel with access to covered weapons, which includes a check of the individual's fingerprints against the Federal Bureau of Investigation's (FBI's) fingerprint system and a check of the individual's identifying information against the FBI's National Instant Criminal Background Check System (NICS). Additionally, TVA currently processes criminal history checks in accordance with current regulatory requirements, specifically 10 CFR § 73.57 (b)(2)(iii), which states in-part; "Any licensee currently processing criminal history requests through the FBI pursuant to Executive Order 10450 need not also submit such requests to the NRC under this section; and". . . Requiring TVA to process these checks through the NRC would not be of benefit to either agency, would be an unnecessary administrative and cost burden to all agencies involved.	Recommend adding a section to the subject rule and associated Regulatory Guidance document(s) with similar wording to that of 10 CFR § 73.57 (b)(2)(iii) that would recognize TVA's ability to continue processing firearms background checks without submitting such requests through the NRC under § 73.19.

Enclosure

TVA Comments Regarding Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (NRC-2011-0018)

Document/Section/ Page Reference	Comment	Suggested Wording/Revision
76 FR 6200, "Nuclear Regulatory Commission, 10 CFR Part 73, [NRC-2011-0018], RIN: 3150-A149, Enhanced Weapons, Firearms Background Checks, and Security Event Notifications" **§ 73.18 Authorization for use of enhanced weapons and preemption of firearms laws** (d) *Application for stand-alone preemption authority,* (e) *Application for combined enhanced-weapons authority and preemption authority,* (f) *Application for enhanced-weapons authority additional information,* and (g) *Conditions of approval.* /pgs. 6233-6234	Tennessee Valley Authority (TVA) is a Federal agency with the capacity to obtain, possess, and implement the use of enhanced weapons under current Federal Laws and therefore should not be required to submit application to the NRC for stand-alone preemption authority and/or enhanced weapons authority as prescribed in the proposed rule.	Recommend adding a section to the subject rule and associated Regulatory Guidance document(s) that would recognize TVA's ability to obtain, possess, and implement the use of enhanced weapons without processing application through the NRC.

Rulemaking Comments

From: Perdue, Barbara Ann [baperdue@tva.gov]
Sent: Thursday, August 04, 2011 6:21 PM
To: Rulemaking Comments
Cc: Perdue, Barbara Ann
Subject: Enhanced Weapons, Firearms Background Checks, and Security Event Notification (NRC-2011-0018)
Attachments: TVA_NRC_Enhanced Weapons, Firearms Background Checks, and Security Event Notifications_080211.pdf

Attached is TVA's comments.

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