

**TABLE 1. Summary of Public Comments on PRM-73-12**

There were 845 comments submitted on PRM-73-12, of which 528 were from letters. Many of the comments were submitted after the comment period expired, however the staff reviewed and considered all of the comments. Comments were received from nine state attorney generals, approximately 20 public interest groups, a U.S. Congressman from Massachusetts, and six industry groups and licensees. In addition, two U.S. Senators and a U.S. Representative (all from New Jersey) requested an extension to the comment period. The bulk of the comments either supported the petition, requested a stronger DBT, or requested that NRC give consideration to the petition. All the comments from industry and licensees opposed the petition and indicated that the DBT requirements imposed (by order) to date were adequate.

No.	COMMENT SUMMARY	NRC RESPONSE
1.	Many comments urged the NRC to accept PRM-73-12 in its entirety. Many of these comments cited specific portions of the PRM, as well as offering other information that was not relevant to either the NRC's review of the PRM or to the proposed DBT rulemaking.	The NRC review of PRM-73-12 is contained in Section V of the proposed notice of rulemaking for § 73.1. The NRC is granting PRM-73-12 in part by conducting this proposed rulemaking to revise the DBT requirements in § 73.1(a) to reflect certain specified requested changes contained in PRM-73-12 in the proposed rule text and is deferring action on other specified requests in PRM-73-12, specifically those aspects of PRM-73-12 which deal with air-based attacks.
2.	Comments were submitted requesting that the NRC give serious consideration to the petition, although these comments were noncommittal as to whether the stakeholder agrees or disagrees with the proposal in PRM-73-12.	The NRC agrees in part with these comments. The NRC agrees that it is appropriate to review the petition (including the comments submitted on it) to determine whether there is a need for expansion of DBT requirements in detail based on the issues and concerns expressed in the petition. The NRC did review the petition and the results of the review are provided in Section V of the notice for proposed rulemaking on § 73.1

No.	COMMENT SUMMARY	NRC RESPONSE
3.	<p>The NRC should reject PRM-73-12 in its entirety. These comments generally indicated that current security requirements implemented after September 11, 2001, are adequate. These comments, in some cases, also took issue with specific provisions of PRM-73-12. It was also commented that for the NRC to consider PRM-73-12 would require an amendment to § 50.13, since the petition appears to be largely designed to thwart an attack by a group that meets the criteria for an enemy of the United States (and licensees are not required to defend against such entities per § 50.13).</p>	<p>The NRC does not agree that PRM-73-12 should be rejected in its entirety. The upgrades required by the DBT orders which are now being incorporated into the proposed rule, grant a number of requests contained in PRM-73-12.</p> <p>Consideration of PRM-73-12 does not require amendment to § 50.13, and none of the DBT upgrades proposed in this rulemaking conflict with that regulation. No amendment of § 50.13 is required at this time.</p>
4.	<p>Comments were submitted that suggested that NRC should require additional physical protection features in addition to the physical feature (i.e., “beamhenge”) proposed in PRM-73-12.</p>	<p>The requirements governing specific security features employed by the licensees to defend against the DBTs are not contained in § 73.1(a). Amendment of those requirements is beyond the limited scope of this rulemaking, which focuses only on DBTs in § 73.1(a).</p>
5.	<p>Comments that were noncommittal in supporting the petition, and instead commented that NRC should increase security requirements based on the stakeholder’s concerns regarding the potential terrorist threat to nuclear power plants.</p>	<p>The NRC agrees with these comments. It was this same concern which caused the NRC to conduct a thorough review of security following the September 11, 2001, terrorist attacks. The result of these reviews was the issuance of the DBT orders on April 29, 2003.</p>
6.	<p>Comments that were noncommittal in supporting the petition, and instead commented that NRC should review security issues on a continuing basis and upgrade security plans accordingly.</p>	<p>The NRC agrees with this comment. The NRC believes it is extremely important for the agency to remain vigilant with regard to the potential threat to nuclear facilities in this country. The NRC continues to work with the Department of Homeland Security, intelligence agencies, and other Federal agencies to monitor the threat environment. The NRC will continue its review of the DBTs on a semiannual basis against changes in the threat environment to ensure their continued validity.</p>

