

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 does not agree with the comments that request adoption of the petition DBT requirements. The NRC review of PRM-73-12 is contained in Section V of the proposed notice of rulemaking for § 73.1. The conclusion of that review is that the NRC's previous DBT reviews remain valid, and as a result, there is not a need to further revise the DBT as suggested by PRM-73-12. As a result, the proposed rulemaking for § 73.1 does not impose any new DBT requirements beyond what has previously been imposed upon reactor licensees and Category I fuel cycle facilities through the April 29, 2003 orders.
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 is denying the aspects of PRM-73-12 which deal with the aerial hazard for the reasons stated in Section V of the notice for proposed rulemaking on § 73.1. 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, although the NRC concludes that the requirements imposed by the April 29, 2003, DBT orders, which are being incorporated into proposed § 73.1 remain adequate. 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 NRC does not agree with these comments. First, the requirements governing specific security features employed by the licensees to defend against the DBTs (e.g., vehicle barriers, personnel searches, intrusion detection systems) 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). Nor does the NRC agree that additional physical protection features are required to defend against the upgraded DBTs. The NRC concludes that current DBT requirements (imposed in the April 29, 2003, orders) are adequate, and that the resulting physical security features are also adequate to defend against the revised DBT requirements.</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>

