November 3, 2005

Mr. Daniel Hirsch
Committee to Bridge the Gap
1637 Butler Avenue
Suite 203
Los Angeles, California 90025

SUBJECT: PETITION FOR RULEMAKING PRM-73-12: A PETITION FOR RULEMAKING FILED BY THE COMMITTEE TO BRIDGE THE GAP

Dear Mr. Hirsch:

I am responding to your letter dated July 23, 2004, in which you submitted a petition for rulemaking (PRM) requesting that the U.S. Nuclear Regulatory Commission (NRC) amend its regulations to upgrade the design basis threat (DBT) and associated requirements. The petition requests that the NRC amend its regulations to upgrade the DBT regulations (in terms of the numbers, teams, capabilities, planning, willingness to die and other characteristics) to a level that encompasses, with a sufficient margin of safety, the terrorist capabilities evidenced by the attacks of September 11, 2001. The petition also requests that security plans, systems, inspections, and force-on-force exercises be revised in accordance with the amended DBT. Finally, the petition requests a requirement be added to Part 73 to construct shields against air attack (the shields are referred to as “beamhenge”) such that nuclear power plants would be able to withstand an air attack from a fully loaded jumbo jet similar to what occurred on September 11, 2001.

Your petition was published in the *Federal Register* for comment on November 8, 2004, (69 FR 64690). The public comment period expired on January 24, 2005, and the staff received a large number of public comments including many form letters. Comments were provided by individuals, licensees, states, and public interest groups.

We have decided to partially grant PRM-73-12. The partial granting of PRM-73-12 should be understood to mean that the NRC will consider the issues raised by your petition and the public comments filed on the petition as part of the ongoing rulemaking to revise DBT requirements in § 73.1. In this regard, the NRC plans to publish a proposed § 73.1 rule for public comment in the *Federal Register*. The NRC is deferring action on the other requests in PRM-73-12,

specifically those aspects of PRM-73-12 which deal with the defense of nuclear power plants against aircraft, and intends to address those issues as part of the final action on this proposed rule. In Section V of the proposed § 73.1 rule notice, you will find an evaluation of your petition.

Sincerely,

***/RA/***

Annette L. Vietti-Cook