

**AFFIRMATION ITEM**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: Chairman Gregory B. Jaczko  
SUBJECT: SECY-12-0009 – FINAL RULE: 10 CFR 73.37,  
“PHYSICAL PROTECTION OF IRRADIATED FUEL IN  
TRANSIT” (RIN 3150-AI64)

Approved X Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_ Attached X None \_\_\_

  
\_\_\_\_\_  
SIGNATURE

4/27/12.  
\_\_\_\_\_  
DATE

Entered on “STARS” Yes X No \_\_\_\_\_

**Chairman Jaczko's Comments on SECY-12-0009,  
"Final Rule: 10 CFR 73.37, Physical Protection of Irradiated Fuel in Transit"**

I approve the staff recommendation to publish 10 CFR 73.37, "Physical Protection of Irradiated Fuel in Transit," subject to the edits provided in Commissioner Ostendorff's vote.

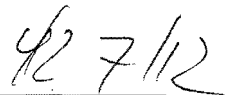
I am pleased that the staff has succeeded in meeting the primary intent of this rulemaking, which was to codify Orders for physical protection of irradiated fuel in transit issued after the terrorist attacks of September 11, 2001. The staff added several new requirements that will mitigate potential security vulnerabilities and reduce the likelihood of a successful attack on irradiated fuel in transit. These improvements, which are the result of careful analysis of data from security assessments, will make the transportation of irradiated fuel safer and more secure.

I would also like to thank the staff for their work with Department of Transportation (DOT) to ensure that NRC requirements do not conflict with DOT requirements, and the staff's efforts to clarify the distinctions in requirements so that NRC regulations are clear and understandable to the public.

I agree with Commissioner Ostendorff that the statements of consideration and the guidance document should explain that the clarifications to the definition of radiological sabotage do not change the level of security required during spent fuel shipments. Further, these documents should explain that the clarifications should not be construed as a change to the definition of sabotage.



Gregory B. Jaczko



Date