

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Jaczko
SUBJECT: SECY-09-0181 – PROPOSED RULE: PHYSICAL PROTECTION OF BYPRODUCT MATERIAL (RIN 3150-AI12)

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

3/15/10

DATE

Entered on "STARS" Yes X No

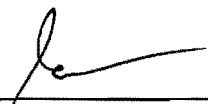
**Chairman Jaczko's Comments on SECY-09-0181,
"Proposed Rule: Physical Protection of Byproduct Material"**

I approve the staff's recommendation to publish, for public comment, the proposed rule that would add a new Part 37 to Title 10 of the Code of Federal Regulations and make conforming changes to other parts of Title 10. I applaud the excellent work that the staff has performed to codify security requirements for the use of Category 1 and Category 2 quantities of radioactive materials, and for shipments of small quantities of irradiated reactor fuel. I appreciate the staff's efforts to consider the various security orders, lessons learned during implementation of those orders, the recommendations of the Independent External Review Panel and the Materials Program Working Group, and stakeholder comments on the preliminary rule language.

This addition of requirements in the areas of access authorization, security during use of the materials, and transportation security will enhance security at materials licensees, and the codifying of these requirements into the regulations will provide for a transparent and predictable regulatory scheme.

I believe that source security is a high priority for the agency and this new Part 37 will mark an important milestone in the progress that the agency has made in this area. Through this rulemaking and other interrelated activities such as the implementation of the National Source Tracking System, the ongoing rulemaking for limiting the quantity of byproduct material in a generally licensed device, and the efforts of the Radiation Source Protection and Security Task Force, the agency is contributing to an increase in the effectiveness of the Nation's security.

I agree with the overall approach taken in this proposed rule but note that the staff should consider whether observation of suspicious activities should also be included in the reporting requirements described in this proposed rule. The staff should highlight the reporting requirements as one area for which public comments are specifically requested.



Gregory B. Jaczko

3/15/10

Date