May 1, 2013

MEMORANDUM TO: Adelaide Giantelli, Branch Chief
Source Management and Protection Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

FROM: Adam Gaudreau, Sr. Project Manager **/RA/**
Source Management and Protection Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: 10 CFR PART 37 "PHYSICAL PROTECTION OF BYPRODUCT MATERIAL" NUCLEAR REGULATORY COMMISSION/NUCLEAR ENERGY INSTITUTE PUBLIC MEETING CONCERNING IMPLEMENTATION OF 10 CFR PART 37 FOR NRC LICENSEES REQUIRED TO HAVE SECURITY PLANS UNDER 10 CFR PART 73

DATE & TIME: Thursday, May 16, 2013, beginning at 10:00 A.M.

LOCATION: U.S. Nuclear Regulatory Commission (NRC)
Headquarters Auditorium
11555 Rockville Pike
Rockville, Maryland 20852

PURPOSE: 10 CFR Part 37 "Physical Protection of Byproduct Material," was published on March 19, 2013. The NRC licensees are required to be in compliance with the rule by March 19, 2014. This rule incorporates the security requirements for International Atomic Energy Agency (IAEA) Category 1 and 2 radioactive materials imposed by orders from NRC and the Agreement States after September 11, 2001.

Part 37 provides an exemption that pertains to certain NRC licensed facilities or activities in Section 37.11(b), which states, "Any licensee's NRC-licensed activities are exempt from the requirements of subparts B and C of this Part to the extent that its activities are included in a security plan required by part 73 of this chapter."

This public meeting is intended to discuss the details of Part 37 in order to better inform licensees' decisions on whether to develop Part 37 security programs or to include such materials under existing Part 73 security programs.

CATEGORY: This meeting is a Category 1 Public Meeting. The public is invited to observe the meeting and may ask questions at the end of the business portion of the meeting. The NRC Policy Statement, "Enhancing Public Participation in NRC Meetings," effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC Web site at: http://www.nrc.gov/reading-rm/doc-collections/commission/policy/67fr36920.html and contains information regarding visitors and security.

The business portion of the meeting will be open to members of the public from 10:00 – 11:30 AM. This portion of the meeting will include an overview of Part 37 requirements, a summary of NRC Part 37 Working Group Implementation activities, exemptions, and a question and answer period. Certain portions of this meeting will be closed to the public because the staff has determined that the information being discussed is proprietary in nature or because Sensitive Homeland Security Information will be discussed during the meeting. The closed session will convene from 12:30 – 2:00 PM. The closed session will include a roundtable for licensees to discuss specific issues associated with their facilities.

PARTICIPANTS: Participants from NRC include members of the Office of Federal and State Materials and Environmental Management Programs, Office of Nuclear Security and Incident Response, Office of Nuclear Materials Safety and Safeguards, Office of General Counsel, Office of Nuclear Reactor Regulation and Office of New Reactors. Stakeholders include members of the NEI, industry representatives and consultants to the nuclear industry invited by NEI.

OTHER INFORMATION: Interested members of the public may participate in this meeting via a Toll-free teleconference line. Those interested should email the meeting contact(s) for the telephone number and passcode by May 10, 2013. The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need this meeting notice or other information from the teleconference in another format (e.g., Braille, large print, a language other than English), please notify the NRC's meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Since meetings are sometimes canceled or rescheduled as a result of unforeseen circumstances such as severe weather, confirm the meeting schedule with the meeting contact.

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Enclosure:
Agenda for May 16 2013,
Meeting on 10 CFR Part 37

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AGENDA FOR MAY 16, 2013, PUBLIC MEETING BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) AND INDUSTRY REPRESENTATIVES TO DISCUSS IMPLEMENTATION OF 10 CFR PART 37 REQUIREMENTS

10:00 A.M. – 2:00 P.M. EDT

10:00	Introductions
10:10	NRC Presentations: • Overview of 10 CFR Part 37 "Physical Protection of Byproduct Material" • Exceptions Related to Activities at Nuclear Power Plants and Fuel Facilities • Implementation Working Group Activities
11:10	Questions and Answers (Open Session)
11:30 – 12:30	Break
12:30 – 2:00	Roundtable Discussion (Closed Session)
2:00	Adjourn

Enclosure