

January 23, 2014

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

FROM: Angela Randall, Project Manager  
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" U.S. 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: Wednesday, February 5, 2014, beginning at 1:00 P.M.

LOCATION: U.S. Nuclear Regulatory Commission (NRC)  
Headquarters Two White Flint North, Conference Room 2B3  
11555 Rockville Pike  
Rockville, Maryland 20852

PURPOSE: 10 CFR Part 37 "Physical Protection of Byproduct Material," was  
published on March 19, 2013. 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 37.11 provides several exemptions to the rule. Part 37.11(a)  
provides for the granting of exemptions from any part of the rule.  
Part 37.11(b), 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." Part 37.11(c) exempts certain wastes  
from Subparts B, C, and D and subjects them to other  
requirements.

This public meeting is intended to discuss the path forward for implementation of the Part 37 security requirements for licensees with security plans under Part 73, with a focus on large components.

Information concerning Part 37 and its implementation is available on the NRC website at <http://www.nrc.gov/security/byproduct/10-cfr-part-37.html>.

**CATEGORY:**

This meeting is a Category 2 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 1:00 PM – 2:20 PM. This portion of the meeting will include an overview of the path forward for addressing large components outside of the Protected Area 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 2:30 – 4:00 PM. The closed session will include a roundtable for licensees to discuss specific issues associated with their facilities. If you wish to attend the closed session via conference bridge line and webinar, please contact Angela Randall, meeting organizer.

**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 and webinar.

Public Portion:

Conference Line: 888-566-1059

Passcode: 52951

Register for Webinar:

<https://www1.gotomeeting.com/register/898086705>

Those who wish to participate in person can contact Angela Randall, meeting organizer, with their First Name, Last Name, and Company, in order to be registered in the NRC Visitors System.

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.

MEETING CONTACTS:

Paul Goldberg, FSME/SMPB  
[Paul.Goldberg@nrc.gov](mailto:Paul.Goldberg@nrc.gov)  
(301) 415-7842

Angela Randall, FSME/SMPB  
[Angela.Randall@nrc.gov](mailto:Angela.Randall@nrc.gov)  
(301) 415-6806

Enclosure:  
Agenda for February 5, 2014,  
Meeting on 10 CFR Part 37

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AGENDA FOR FEBRUARY 5, 2014, PUBLIC MEETING BETWEEN THE U.S. NUCLEAR  
REGULATORY COMMISSION (NRC) AND INDUSTRY REPRESENTATIVES TO DISCUSS  
IMPLEMENTATION OF 10 CFR PART 37 REQUIREMENTS

1:00 P.M. – 4:00 P.M. EDT

1:00	Introductions
1:10 – 2:20	NRC Presentations: <ul style="list-style-type: none"><li>• Overview of Implementation Issues for 10 CFR Part 37 “Physical Protection of Byproduct Material”</li><li>• Discussion on Path Forward – Enforcement Discretion and Exemption Requests for requirements not covered in the Enforcement Discretion; Amendment of Part 37</li></ul>
2:20 – 2:30	Break
2:30 – 4:00	Roundtable Discussion (Closed Session)
4:00	Adjourn

Enclosure