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May 13, 2016

George Smith
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Federal Register Notice-Request for Comments on Physical Security Requirements- 10
CFR Part 37 (NRC-2015-0109) (STC-16-032)

Dear Mr. Smith,

The Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document and respectfully submits the following comments on the effectiveness of the 10 CFR 37 security requirements. The numbers correspond to the questions in the Federal Register Notice.

3. a. 10 CFR 37.25 is not clear about how far back a licensee must go when verifying an applicant's educational history. The employment history section is clear (7 years) but the educational history section only says "during the claimed period".
- b. NUREG 2155 states that the Oaths or Affirmations on the T&R status of Reviewing Officials should be sent to the NRC. However, 10 CFR 37.23(b) (2) do not require that the Oaths or Affirmations of ROs be sent to the regulator. This could be checked at inspection. Is there a need to require the Oaths and Affirmations be sent to the regulator?
4. NUREG-2155, Annex A, should address whether/how the RO can share information from a FBI criminal history check with other T&R or non-T&R licensee employees (e.g., HR or legal staff). Also, are there acceptable methods for ROs to seek advice from other licensee employees concerning information collected during a background investigation? NUREG-2155 currently addresses how/when ROs can disclose background information based on a request; it does not address the RO being the initiator of the disclosure. Is it "disclosure" if identifying information is removed prior to sharing?
7. 10 CFR 37.47 is ambiguous but the NUREG-2155 guidance is helpful.

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11. a. NUREG-2155 does not have any Q&As about education verification. There is no discussion of what “the claimed period” is, or whether licensees must verify education that occurred more than seven years ago. How far back is necessary? In addition, there is no discussion of what constitutes “education”. Is it only from high schools and accredited colleges/universities?

b. The information in NUREG-2155 on access authorization procedures, security plans and implementing procedures is very useful.

12. NUREG-2166 should include information about T&R best practices. The outline in NUREG-2166 for security plans is very good.

We appreciate the chance to comment on this subject, and stand ready to answer any questions you may have.

Sincerely,



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