

July 10, 2013

MEMORANDUM TO: Christopher M. Regan, Chief
Financial Analysis and International Projects Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

FROM: Jo Ann Simpson, Financial Analyst **/RA/**
Financial Analysis and International Projects Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE JUNE 19, 2013, PUBLIC MEETING
CONDUCTED BY THE U.S. NUCLEAR REGULATORY
COMMISSION TO SOLICIT INPUT ON THE FOREIGN
OWNERSHIP, CONTROL, OR DOMINATION REQUIREMENTS OF
COMMERCIAL NUCLEAR POWER PLANTS

On June 19, 2013, the U.S. Nuclear Regulatory Commission (NRC) conducted a Category 3 Public Meeting at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Rockville, MD, 20852 to solicit input from industry and other interested groups on the foreign ownership, control, or domination (FOCD) requirements in Title 10 *Code of Federal Regulations* (10 CFR) 50.38, 10 CFR 52.75(a), and 10 CFR 54.17(b). The public meeting was held as part of the NRC staff's effort related to the March 11, 2013, Commission issued Staff Requirements Memorandum (SRM)-12-0168, directing the staff to provide a fresh assessment on FOCD and provide its conclusions in a policy paper due to the Commission on December 31, 2013 (Enclosure 1 - Agencywide Documents Access and Management System (ADAMS) No. ML10370A150). A list of attendees is provided as an attachment to this Public Meeting Summary. Also, the public meeting was transcribed, and the transcript can be found at ML13184A091 (Enclosure 2)

The NRC opened the meeting with an overview of the SRM and the current regulatory framework in Sections 103d. and 104d. of the Atomic Energy Act of 1954, as amended and the current NRC regulations, the Standard Review Plan on "Foreign Ownership, Control, or Domination of Applicants for Reactor Licenses" dated June 1999 (64 FR 52,355) (Enclosure 3 - ML003752184) and the path forward (Enclosure 4 - ML13171A337).

In addition staff noted that, on June 3, 2013, the NRC issued a *Federal Register Notice* for a 60-day comment period on the issues presented in SRM-12-1068. The intent of the public outreach and publishing an FRN was to explore and receive written input on the FOCD issues identified in the SRM.

Paul Murphy (Milbank, Tweed, Hadley & McCloy LLP) presented on the considerations from a financing perspective (Enclosure 5 - ML13169A118).

CONTACT: JoAnn Simpson NRR/DIRS
(301) 415-8388

Christopher Brewster (for the Nuclear Energy Institute (NEI)), the second presenter, discussed the mitigation of foreign ownership, control, & influence (FOCI) and the experience under the National Industrial Security Program Operating Manual (NISPOM) (Enclosure 6 - ML13169A416).

Michael Mariotte (Nuclear Information and Resource Service), the third presented, discussed FOCD of U.S. nuclear reactors (Enclosure 7 - ML13169A180).

Ellen Ginsberg (NEI), the forth presenter, provided industry's perspectives on FOCD issues and the global nuclear market (Enclosure 8 - ML13170A231).

The fifth and final presentation was by John Matthews (Morgan Lewis), who discussed focusing the FOCD restrictions on national security (Enclosure 9 – ML13169A096).

There were a variety of comments from licensees, applicants and members of the public on their perspectives on FOCD. Industry stated their view that foreign financing does not equal control over the facilities and that there should be changes to the FOCD SRP. Members of the public, both in the audience and on the telephone bridgeline stated that any proposed changes, such as implementing potentially new programs to monitor mitigation measures would be time consuming and a waste of resources. In addition, members of the public also stated that the NRC should not be considering allowing additional foreign ownership so that new reactors can be built.

Comments provided during the meeting, and as part of the public comment period, will be evaluated and considered in developing the Commission policy paper on FOCD. The NRC staff reminded meeting attendees that that the public comment period for providing written comment on the FOCD issues identified in the FRN ends on August 3, 2013.

Please direct any inquires regarding the FRN to Jo Ann Simpson at 301-415-8388 or via email at JoAnn.Simpson@nrc.gov.

Enclosures:

1. SRM-12-0168
2. Transcript
3. Standard Review Plan on "Foreign Ownership, Control, or Domination of Applicants for Reactor Licenses"
4. NRC Slides – "Foreign Ownership, Control, or Domination (FOCD) Public Meeting"
5. Paul Murphy's Presentation, "Considerations from a Financing Perspective"
6. Christopher Brewster's Presentation, "Mitigation of Foreign Ownership, Control, & Influence; The Experience Under the NISPOM"
7. Michael Mariotte's Presentation, "Foreign Ownership, Control or Domination of U.S. Nuclear Reactors"
8. Ellen Ginsberg's Presentation, "Perspectives on Foreign Ownership, Control or Domination Issues and the Global Nuclear Market"
9. John Matthews Presentation, "Focusing the FOCD Restriction on National Security"

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NAME	JSimpson	CRegan
DATE	7/10/2013	7/10/2013

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ATTENDANCE SHEET

Foreign Ownership, Control, or Domination Public Meeting

Wednesday, June 19, 2013

9:00 a.m. – 12:00 p.m.

Name	Office/Organization
Jo Ann Simpson	NRC
Jocelyn Lian	NRC
Christopher Regan	NRC
Ho Nieh	NRC
Greg Gibson	UniStar Nuclear
Steve Frantz	Morgan Lewis
Christopher Brewster	Stroock LLP
Jim Riccio	GREENPEACE
Alan Levin	AREVA
Michael Hill	EDF
Anne Cottington	NEI
JB Sidroudraj	EDF
Jana Bergman	Sciencetech
David Repka	Winston & Strawn
Darani Reddick	Winston & Strawn
Richard DiSalvo	Toshiba America Nuclear Energy Corp.
Yusake Kanda	Toshiba America Nuclear Energy Corp
Mark McBurnett	NINA
Dan Stenger	Hogan Lovells
Paul Gunter	Beyond Nuclear
Julienne Jacquith	Milbank

Lindsey Hill	Milbank
Amy Roma	Hogan Lovells
Richard Turtill	NRC
Jasmin Melvin	Platts
James Biggins	NRC/OGC
Benedikt Mertens	Milbank
Anna Bradford	NRC
Michael Spencer	NRC/OGC
Jeff Simmons	Luminant
Andrea Kock	NRC/OCM
John Jolicoeur	NRC/OCM
Patrick Castleman	NRC/OCM
Michael Mayfield	NRC
Kristina Banovac	NRC
Grace Kim	NRC/OGC
Harry Chang	KHNP
Yunho Kim	KHNP
Brian Wittick	NRC/OEDO
Diane Darrigo	NIRS
Ann Hove	NRC/OGC
Jeremy Wachutka	NRC/OGC
Paul Murphy	Milbank
Michael Dusaniwskyj	NRC
Martin G. Malsch	
Tim Matthews	Morgan Lewis
Sheila Ray	NRC
Shawn Harwell	NRC
Anneliese Simmons	NRC
Kosmas Lois	NRC

Beth Mizuno	NRC/OGC
Mary Bright	
Stephen Burdick	
Annie Caputo	
Leslie Collins	
Amy Cabbage	
Edward Davis	
David Decker	
Thomas Fredrichs	
Lisa Gearhart	
Adam Gendelman	
Erica Gray	
Neil Herman	
Julie Lynch	
Robert Reible	
Armand Scott	
Thaddeus Swanek	
Brian Watson	
Donald Woodlan	
Keisuke Yoshimura	