

Foreign Ownership, Control or Domination Webinar

August 21, 2013

9:00 a.m. – 12:00 p.m.



PURPOSE

- Solicit input from industry and other interested groups on the FOCD requirements in 10 *Code of Federal Regulations* (CFR) 50.38, 10 CFR 52.75(a), and 10 CFR 54.17(b).
- In support of the NRC staff's effort to develop a Commission-directed policy paper.

Staff Requirements Memo

The staff should provide a fresh assessment on issues relating to foreign ownership including recommendations on any proposed modifications to guidance or practice on foreign ownership, domination, or control that may be warranted. As part of this generic review, the staff should obtain stakeholder views and present staff's conclusions and recommendations in a voting paper for Commission review and approval. This voting paper should be provided to the Commission no later than December 31, 2013, and include recommendations on the path forward, recognizing that the Commission would provide formal notice and opportunity for public comment should it propose to endorse or make significant changes in policy.

Staff Requirements Memo (Continued)

The staff's assessment should include, but not necessarily be limited to, the following issues:

1. The agency's interpretation of the statutory meaning of "ownership," and how that definition applies in various contexts, such as total or partial foreign ownership of a licensee's parent, co-owners, or owners who are licensed to own but not to possess or operate a facility.
2. The limitation on foreign ownership contained in section 103d of the Atomic Energy Act and the potential to satisfy statutory objectives through an integrated review of foreign ownership, control, or domination issues involving up to and including 100 percent indirect foreign ownership;
3. Criteria for assessing proposed plans or actions to negate direct or indirect foreign ownership or foreign financing of more than 50 percent but less than 100 percent, and the adequacy of guidance on these criteria; and
4. The availability of alternative methods such as license conditions for resolving – following issuance of a combined license – foreign ownership, control or domination concerns.

Regulatory Framework

- The Atomic Energy Act of 1954, as amended
 - Sections 103d. and 104d.

- NRC regulations 10 CFR 50.38
 - 10 CFR 50.38
 - 10 CFR 52.75(a)
 - 10 CFR 54.17(b)

- Standard Review Plan on “Foreign Ownership, Control, or Domination of Applicants for Reactor Licenses” dated June 1999 (64 FR 52,355)

Path Forward

- On June 3, 2013, the NRC issued a *Federal Register Notice* for a 60-day comment period to solicit written input on FOCD (78 FR 33121)
 - Closed on August 2, 2013
 - 15 comments received from industry, interest groups, and other members of the public

- Category 3 Public Meeting conducted on June 19, 2013
 - Public Meeting Summary package can be found at ADAMS Accession No. ML13190A268

- Outreach with other Federal Agencies on their processes for reviewing FOCD matters.
 - Committee on Foreign Investment in the U.S.
 - Department of Homeland Security,
 - Department of State
 - Defense Security Service (FOCI reviews)
 - Federal Communications Commission
 - Federal Aviation Administration (has foreign ownership limitations)

Public Meeting and the FRN Stakeholder Input

- High interest from a variety of stakeholders
- Diverse viewpoints received during the Category 3 Public Meeting and FRN

WEBINAR COMMENTS