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**Responses to Questions from Representative Edward J. Markey
Letter of August 2, 2013**

- 1. Is it NRC's legal position that there exists a specific statutory basis in either the Atomic Energy Act of 1946, the Atomic Energy Act of 1954, or legislative history connected to the passage of either act for allowing majority ownership or control of a nuclear plant license by a foreign entity? If so, please specify any such basis and provide copies of any legal opinions in support thereof. Please also provide me with copies of all NRC legal analysis related to any efforts to assess or identify a maximum percentage of foreign ownership or control of a nuclear reactor that would, in NRC's view, not be in violation of the Atomic Energy Act of 1946 or 1954.**

OGC Response required

- 2. Has the NRC sought or received guidance on foreign ownership, control, or domination issues from the FCC during the last 15 years? If so, please describe the content of that guidance.**

Yes. As part of its fresh assessment on issues relating to FOCD, the staff was directed to obtain stakeholder views and present staff's conclusions and recommendations in a voting paper for Commission review and approval. NRC staff has been conducting outreach with Federal Government Agencies, including FCC, regarding their specific reviews of foreign ownership issues and how they mitigate foreign ownership. On June 4, 2013, NRC staff conducted a teleconference with the FCC and asked specific questions regarding how it coordinates with other agencies; the information that FCC reviews in making a determination regarding foreign ownership; whether FCC has a threshold for implementing mitigation and , if so, what are the main mitigation measures that your Agency implements when making a determination; how FCC monitors the mitigation measures; whether FCC conducts enforcement on foreign ownership or violations of mitigation measures; and the recent FCC rulemaking which streamlined foreign ownership reviews. The Conversation Record documenting the call, including a summary of the FCC responses, may be found in NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. MLXXXXXXXXXX.

- 3. Has the NRC sought or received guidance on foreign ownership, control, or domination issues from the FAA during the last 15 years? If so, please describe the content of that guidance.**

NRC is aware of the specific regulations that are in place regarding aviation in the United States, and as part of its outreach effort, the NRC staff is working with the U.S. Department of Transportation (DOT) to set up a teleconference to get further information on how DOT reviews foreign ownership issues and how they mitigate and enforce foreign ownership.

- 4. In the Federal Register Notice from June 3, 2013 requesting comment on issues surrounding the foreign ownership, control, or domination of nuclear power plant licenses, you state that there will be a "Category 3 Public Meeting on June 19, 2013 to facilitate additional stakeholder engagement and input." Has the NRC scheduled more than one public meeting on this subject? If so, please list the dates and their**

locations. If the NRC has not scheduled more than one public meeting, please explain why or why not.

In addition to the June 19, 2013, Category 3 Public Meeting, NRC staff is holding a webinar on Aug. 21, 2013, to discuss the agency's regulations regarding foreign ownership of U.S. nuclear power plants. The webinar and associated teleconference will run from 9 a.m. to noon. NRC staff will first describe current regulations and then discuss previous stakeholder comments on the issue. Interested groups and the public will have the opportunity to ask questions and provide additional feedback on the matter.

- 5. The proposed Commission rulemaking is not required by statute to be completed by date certain. As a result, would you consider increasing the public comment period from just 60 days to 180 days to give all interested parties a full opportunity to comment upon the issue of foreign ownership, control, or domination? If not, why not?**

NRC has not proposed, or is currently conducting, rulemaking regarding FOCD. On March 11, 2013, SRM-12-0168, the Commission directed the staff to 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.

As part of its efforts to solicit stakeholder input, NRC issued *Federal Register Notice* (FRN) for a 60-day comment period to seek stakeholder views, on issues relating to foreign ownership, control, or domination (FOCD) of commercial nuclear power plants. NRC felt that the 60-day comment period was reasonable and was not anticipated to affect NRC deadline, and would allow adequate time for the NRC to review comments, and organize and conduct a Category 3 Public Meeting on June 19, 2013, and to facilitate additional stakeholder engagement and input as required.