

# **Discussion of Nuclear Energy Institute's Feedback regarding NRC Facility Clearance Program for Licensed Facilities**

US NRC Public Meeting  
23 October 2018

Office of Nuclear Security and Incident Response  
Division of Security Operations

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# Introductions

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# Agenda

- FOCI Enclosure to Facility Clearance Approval Letters and Reporting Requirements
- Identification of Key Management Personnel
- Questions and Answers

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# NEI Letter dated August 8, 2018

- Outlined suggestions to improve the NRC Facility Clearance Program
  - Foreign Ownership, Control, and Influence (FOCI): Enclosure to facility clearance approval letters
  - FOCI: Reporting requirements
  - Key Management Personnel
- Requested to discuss the suggestions in a public meeting.

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# FOCI

- **Enclosure to NRC Facility Clearances**
  - Facility Clearance (FCL) letters issued after September 11, 2001 included an Enclosure regarding reporting changes related Foreign Ownership, Control or Influence or FOCI.
  - After careful review the staff recognized the Enclosure, for many licensees, goes beyond or duplicate applicable requirements in 10 CFR Part 95.
  - Staff has begun to notify affected licensees with said Enclosure. Note, not all licensees were issued a FCL Enclosure with the duplicated requirements. Some Enclosures were updated in redetermination letters.

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# FOCI Reporting Requirements

- NEI provided options on FOCI reporting requirements
  - **NEI Suggestion 1: NRC could discontinue the practice of requiring facility clearances for facilities in the voluntary program (as described in NEI's April 5, 2018, letter).**
  - **NEI Suggestion 2: Facilities in the voluntary program could, as provided for in 10 CFR 95.11, each submit individual requests for exemption from the requirements in 10 CFR 95.17.**
  - **NEI Suggestion 3: NRC could issue a generic communication clarifying what is expected of facilities that do not possess NSI to satisfy the reporting requirement relating to significant events or changes that may affect their status.**

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# Key Management Personnel

- August 9 letter suggested only the FSO be identified as the KMP.
  - Individuals who must be reported as Key Management Personnel (KMP) are outlined in 10 CFR Part 95.18(a)
    - The FSO and senior management official must be cleared. Other KMP as determined by the CSA must be cleared or excluded.
  - Determination of KMP is the responsibility of the CSA (NRC in this case)

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# Questions and Answers?

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# Meeting Adjourned

Thank you for your participation!

Please email your attendance at today's meeting  
to [Alicia.Williamson@nrc.gov](mailto:Alicia.Williamson@nrc.gov)