



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 8, 2019

Mary J. Fisher
Vice President-Energy Production and Nuclear Decommissioning
Omaha Public Power District
Fort Calhoun Station
Mail Stop FC-2-4
9610 Power Lane
Blair, NE 68008

SUBJECT: FACILITY CLEARANCE REPORTING REQUIREMENTS RELATED TO
FOREIGN OWNERSHIP, CONTROL OR INFLUENCE

Dear Ms. Fisher:

Following the terrorist attacks in 2001, the U.S. Nuclear Regulatory Commission (NRC) invited NRC licensees to participate in a voluntary facility clearance (FCL) program that would allow access to classified information. Those licensees that agreed to participate in the voluntary program were required to obtain an FCL and a personnel security clearance in accordance with the requirements in Title 10 of the Code of Federal Regulations (10 CFR) Part 95, "Facility Security Clearance and Safeguarding of National Security Information and Restricted Data." This required licensees to comply with Foreign Ownership, Control, or Influence (FOCI) reporting requirements. In addition, some licensees received a letter from the NRC regarding the licensee's FCL that included an enclosure with enhanced FOCI reporting obligations that exceed the reporting requirements in 10 CFR Part 95. The NRC staff recently reviewed the enhanced reporting obligations in the enclosure and, based on the NRC's operating experience with the voluntary program, has determined that these enhanced reporting obligations are no longer needed. Accordingly, the NRC staff is informing licensees that they no longer need to provide the information identified in the FCL enclosure.

Please note that all FCL holders under 10 CFR Part 95 must continue to meet all applicable requirements in 10 CFR Part 95, including Sections 95.17(a)(1), 95.19(a), 95.19(b), 95.19(c), and 95.57(a). As a Cognizant Security Agency, the NRC is required to ensure that licensees receiving an FCL follow the applicable requirements in the National Industrial Security Program Operating Manual (NISPOM). The NISPOM contains additional reporting requirements beyond those in 10 CFR Part 95. NRC FCL holders are expected to comply with these additional NISPOM reporting requirements. Furthermore, the NRC may implement new or revised requirements as a result of changes to the NISPOM. Should this occur, the NRC will inform and provide guidance and sufficient time for FCL holders to implement the new or revised requirements.

M. Fisher

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Should you have any questions about FOCl requirements, please call me at 301-415-7751 or Doug Hase of my staff at 301-415-2650.

Sincerely,

/RA/

Darryl Parsons, Chief
Information Security Branch
Division of Security Operations
Office of Nuclear Security and Incident Response

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