

May 4, 2015

MEMORANDUM TO: Mark A. Satorius
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-14-0089 – FRESH
ASSESSMENT OF FOREIGN OWNERSHIP, CONTROL, OR
DOMINATION OF UTILIZATION FACILITIES

The Commission has approved the staff's recommendation for Option 3. Under this option, the staff will revise the foreign ownership, control, or domination (FOCD) Standard Review Plan (SRP) and develop a regulatory guide to include graded negation action plan (NAP) criteria that would mitigate the potential for control or domination of licensee decision-making by a foreign entity. The criteria will be graded based on the level of FOCD and will describe acceptable provisions of NAPs, and will provide for the use of site-specific criteria as necessary. The FOCD SRP and regulatory guide should affirm the use of license conditions to incorporate NAPs and the staff's case-by-case, "totality of facts" review approach. The FOCD SRP and regulatory guide should provide additional guidance in analyzing foreign financing. The staff will develop a technical basis for revising the FOCD SRP and developing an FOCD regulatory guide. The revised FOCD SRP and FOCD regulatory guide will be published for notice and public comment to solicit stakeholder input. The staff should provide the final revised SRP and regulatory guide to the Commission for its approval.

The staff should provide a SECY paper to the Commission presenting options for developing a formalized method of performing inimicality reviews. This process should include procedures for consulting with the intelligence community.

(EDO)

(SECY Suspense: 2/4/16)

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR