

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

Introductions

Darryl Parsons, Branch Chief

Division of Security Operations

Office of Nuclear Security and Incident Response

Darryl.Parsons@nrc.gov

Agenda

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

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.

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.

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.**

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)

Questions and Answers?

Meeting Adjourned

Thank you for your participation!

Please email your attendance at today's meeting
to Alicia.Williamson@nrc.gov