



RIC 2012 Foreign Ownership, Control, or Influence (FOCI)

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Basis



EO 12829



10 CFR 95
10 CFR 25

Access to Classified Matter by NGOs

- **The Company:** Facility (Security) Clearance (FCL) means an administrative determination that a facility is eligible for access to classified information of a certain category (and all lower categories). (Part 95)
- **The Individual:** Access authorization* means an administrative determination that an individual ...is eligible for a security clearance for access to classified information. (Part 25)
 - * - Not to be confused with Section 73.56

FOCI

- **FOCI** means a foreign interest has the power, direct or indirect, ... to direct or decide matters affecting the management or operations of that company in a manner which may result in unauthorized access to classified information.... (95.5)

Why is FOCI Important?

- FOCI evaluations are the primary component of the Facility (Security) Clearance (FCL) (Part 95) process
 - Certificate Pertaining to Foreign Interests (SF-328)
 - Type of Organization (partnership, LLC, etc.)
 - Owners, Officers, Directors, & Executive Personnel
 - Foreign Involvement (ownership, contracts, etc.)

What Happens if You're Under FOCI?

- The NRC can:
 - Deny the FCL – no access to classified information permitted
 - Mitigate the FOCI concerns and grant the FCL
 - Commonly done with power reactors
 - Waive FOCI mitigation and grant the FCL - only done in unusual circumstances or compelling national interest

Questions?



Resources

- Facility Clearances (Part 95)
 - <http://www.nrc.gov/reading-rm/doc-collections/cfr/part095/>
- Personnel Security Clearances (Part 25)
 - <http://www.nrc.gov/reading-rm/doc-collections/cfr/part025/>
- NISPOM
 - <http://www.dss.mil/isp/odaa/nispom06.html>
