

POLICY ISSUE
(Notation Vote)

April 27, 2016

SECY-16-0056

FOR: The Commissioners

FROM: Victor M. McCree
Executive Director for Operations

SUBJECT: RECOMMENDATIONS FOR A PROCESS TO CONDUCT INIMICALITY
REVIEWS FOR THE LICENSING OF UTILIZATION FACILITIES

PURPOSE:

This paper responds to the staff requirements memorandum (SRM) SRM-SECY-14-0089, "Fresh Assessment of Foreign Ownership, Control, or Domination of Utilization Facilities" dated May 4, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15124A940). As directed by the SRM, the paper provides the Commission with a recommended staff process for performing a formalized inimicality review. The staff's proposed review process focuses specifically on foreign interests involved in the licensing of utilization facilities.

SUMMARY:

On May 4, 2015, the Commission issued SRM-SECY-14-0089, which provided the Commission's decision on SECY-14-0089 (ADAMS Accession No. ML13296A275) and directed the staff to take certain follow-up actions. In particular, the SRM directed the staff to present options to the Commission for developing a formalized process for conducting inimicality reviews, including procedures for consulting with the intelligence community. The SRM also directed the staff to revise the foreign ownership, control, or domination (FOCD) standard review plan and develop a regulatory guide to include negation action plan (NAP) criteria that would mitigate the potential for control or domination of licensee decision-making by a foreign

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entity. This paper does not address elements of the SRM related to the FOCD process. The staff will provide a revised Standard Review Plan and Regulatory Guide on FOCD to the Commission in the fall of 2016. The U.S. Nuclear Regulatory Commission (NRC) staff has

developed a proposed six-step process for formalizing the performance of inimicality reviews of foreign interests involved in licensing actions related to utilization facilities and making an inimicality finding with respect to those foreign interests.

This process was developed to support inimicality reviews for license or amendment applications (herein-after referred to as applications) for utilization facilities. The staff anticipates that this inimicality review process would primarily address amendments related to ownership changes or changes in corporate structure and financing since these types of amendments are most likely to involve foreign interests. The staff's proposed process includes: conducting a corporate analysis to determine if an applicant or licensee has ties to foreign entities; implementing a screening process to identify countries for which there are bans related to activities with those countries; and conducting an analysis of the ties between the applicant or licensee and foreign entities and their associated countries, which includes inquiries to the intelligence community, to determine if those foreign interests are inimical to the common defense and security of the United States (U.S.).

As discussed more fully below, section 103d of the Atomic Energy Act of 1954 (AEA), as amended, states that no license for a utilization facility may be issued if the Commission determines that issuance of such license would be inimical to the common defense and security or to the health and safety of the public. With respect to the process proposed in this paper, this inimicality determination would be comprised of two parts: (1) staff's proposed inimicality review process with respect to foreign interests, and (2) consideration of whether the license application meets all applicable regulatory requirements. If the staff makes a finding that the foreign involvement in the license application is not inimical to the common defense and security of the U.S., and makes a finding that the license application meets all applicable regulatory requirements for safety and security, it can then make a final inimicality determination of not inimical. If, however, the staff finds that the foreign involvement in the application is inimical to the common defense and security, the staff does not need to continue with its review of whether the application meets applicable regulatory requirements. Rather, it can make a final inimicality determination on the basis that the foreign involvement is inimical to the common defense and security.

Three of the steps in this proposed six-step process provide options for the Commission's consideration. The staff recommends that the formalized process include the Defense Security Service (DSS) performing a detailed corporate analysis of the applicant or entity (Option 1B for Step 2-1) and a screening process (Option 2A at Step 4) to identify foreign entities that are not inimical to the common defense and security of the U.S.. This process is in addition to the process to identify countries that fall under U.S. Government banned lists. As discussed more fully below, the staff also recommends that the NRC obtain input from the Executive Branch (Option 3A at Step 6) as needed to support the staff's inimicality review of foreign interests.

BACKGROUND:

The Atomic Energy Act of 1954 (AEA), as amended, charges the Commission with making an inimicality determination for the licensing of utilization facilities. Section 102 of the AEA states that any license issued for a utilization or production facility for industrial or commercial purposes must meet the requirements set out in Section 103 of the AEA. Section 103d of the AEA provides, in part, that:

No license may be issued to an alien or any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the U.S. if, in the opinion of the Commission, the license to such a person would be inimical to the common defense and security or to the health and safety of the public.

While the FOCD and inimicality provisions of the AEA arose from the same national security concerns, the provisions are embodied in separate sentences in Section 103d of the AEA. As such, the staff addresses FOCD and inimicality as separate determinations, although the two determinations both include national security considerations.

The staff also believes that there is a significant difference between an inimicality determination and an FOCD determination. When conducting an FOCD review in which the staff identifies FOCD concerns, NAPs may be developed and incorporated as license conditions to address and mitigate the FOCD concerns. These NAPs operate largely through the imposition of requirements that ensure that trustworthy and reliable U.S. citizens are responsible for safety and security decisions at the facility and that foreign ownership or investment does not result in unauthorized access to the facility, nuclear materials, or sensitive information. The FOCD prohibition applies without regard to the identity of the foreign country involved.

When conducting this inimicality review, the staff must evaluate whether the involvement of a particular foreign interest in a pending application is or is not inimical to the common defense and security of the U.S. Inimicality with respect to foreign interests either exists or does not exist. It cannot be mitigated; rather, it can only be eliminated. This is because the involvement of certain foreign interests is considered, in and of itself, to cause harm to the common defense and security. There are a small number of countries, and foreign corporations and entities associated with those countries, whose direct or indirect involvement with an NRC licensee would pose an unacceptable risk to the common defense and security of the U.S., no matter what level of security measures were implemented to address that risk. Addressing the risk posed by these small number of countries and foreign entities is one reason this inimicality finding is made separate from the FOCD determination. NAPs cannot be used to negate or mitigate an inimicality concern because the concern lies with the very nature of the country in which the foreign corporation is incorporated or the foreign entity resides, not with a specific foreign individual or entity having unauthorized access to a facility, nuclear materials, or sensitive information. Therefore, the application would have to be denied, or the foreign interest raising the inimicality concern eliminated, for the licensing action to proceed.

Although this paper addresses the development of a formalized process for conducting inimicality reviews of foreign interests related to utilization facilities, the process could be utilized for similar reviews for fuel cycle facilities.

Current Inimicality Reviews

Currently, to determine that the issuance of a license or amendment will not be inimical to common defense and security, the staff examines the applicant's licensing basis to determine whether it meets all applicable regulatory requirements for safety and security and, in particular, the NRC's security regulations in Title 10 of the *Code of Federal Regulations* Part 73, "Physical Protection of Plants and Materials." If the staff finds that an applicant is in compliance with all of the applicable regulatory requirements, the proposed issuance of the license is presumed not to be inimical to the common defense and security of the U.S. Under this process, NRC staff relies on self-reporting to identify foreign entities or interests that may have ties to the applicant. In discussion with DSS, the staff learned that self-reporting often does not identify all foreign interests due to the complex nature of domestic and international corporate structures and financing. As a result, the staff may not have all relevant information on an applicant's foreign interests or ties.

DISCUSSION:

There are a number of existing processes within the U.S. Government that are used to assess the inimicality of certain actions with respect to foreign interests. For example, the AEA requires that the President make an inimicality determination to support the approval of 123 Agreements that allow the sharing of nuclear material, equipment, and components with other nations around the world. The U.S. Department of State (DOS) and the U.S. Department of Energy (DOE) prepare information for consideration by the White House. The National Security Council (NSC) processes this information for consideration by the President. Similarly, the Committee on Foreign Investment in the U.S. (CFIUS) reviews the national security implications of potential acquisitions of U.S. companies by foreign entities and approves them if there would be no adverse impact on national security. In these cases, the President and CFIUS make a determination that the proposed action is or is not inimical to the common defense and security of the U.S.

In making their inimicality determinations, the Executive Branch, CFIUS and other Federal agencies may consider an array of foreign policy, economic, and security concerns. The Commission is not charged with making broad foreign policy decisions for the U.S. Government. While the NRC has broad authority under the AEA when making an inimicality determination, it focuses on relevant information necessary to ensure that an NRC licensed facility will operate in a manner that is not inimical to the common defense and security.

Based on its knowledge of these existing processes, the staff entered into discussions with a number of Federal entities that are involved in making similar determinations, including NSC, DOS, DOE, and CFIUS. In addition, the NRC staff discussed how the DSS performs corporate

analyses related to cleared contractors to better understand how such a review could be used to support the development of this inimicality review process with respect to foreign interests. The staff used these discussions to inform its understanding of relevant issues and develop a formalized process for conducting inimicality reviews with respect to foreign interests.

Proposed Inimicality Review Process

The staff has developed a proposed six-step process, as described below, for conducting formalized inimicality reviews of foreign interests involved in licensing actions related to utilization facilities. If approved by the Commission, this process will analyze an applicant's or licensee's ties to any foreign interests to determine if those ties are inimical to the common defense and security of the U.S. The staff's proposed process will include input from the intelligence community. In Step 2 of the review process, there are two options for Commission consideration. In addition, Steps 4 and 6 will be conducted if the Commission approves the staff recommendations for Options 2 and 3.

Figure 1, "Process Flow for Inimicality Review With Respect to Foreign Interests with Options," depicts the staff-developed review process. The staff's recommended approach is depicted in Figure 2, "Recommended Process Flow for Inimicality Review With Respect to Foreign Interests."

The staff anticipates that most applications would not be subject to this entire formalized inimicality review process since, in most cases, no foreign interests will be identified during the initial steps of the process. Therefore, most applications will screen out of the formalized review process at this early stage. The staff further anticipates that of all the license amendments submitted to the NRC for approval, only those license amendments related to changes in ownership or corporate structure and financing are likely to involve foreign interests. Therefore, the staff anticipates that most license amendment applications will screen out early in the review process as well. The staff would then complete its review of whether the application meets all applicable regulatory requirements before making a final inimicality determination.

1. Initial Review. The NRC staff performs an initial review to determine if a more detailed analysis of foreign interests is needed. For example, if the applicant is a known entity to the NRC and recently had been assessed using this inimicality review process, a detailed analysis would not be required and the staff would verify that there have been no changes to the applicant's foreign interests. The staff anticipates that many applicants would either have no foreign interest or have no changes to previously reviewed foreign interests and therefore would not be subject to the detailed corporate analysis required in Step 2 of this inimicality review process. For those applicants that have no foreign interests, the staff would make a finding of no inimicality. For those applicants with foreign interests that have previously been reviewed by the NRC, the staff would proceed to Step 3 to ensure that those interests have not been put on a banned list since the previous review. If there are changes to an applicant's or

licensee's foreign interests, a detailed corporate analysis would be required and the staff would proceed to Step 2.

2. Detailed Corporate Analysis. A detailed corporate analysis would be performed to identify any foreign interests involved in the corporate structure or financing of an applicant's proposed activity. This detailed corporate analysis could be performed by the staff as shown in Step 2-1 (under Option 1A) or a third party provider as shown in Step 2-2 (under Option 1B). As part of this corporate analysis, inquiries would be made to the intelligence community to determine if there is any derogatory information associated with the applicant or its affiliates that should be considered in the inimicality review. If there are no foreign interests, the staff would make a finding of no inimicality, ending this review process. The staff would then continue with its review of whether the application meets all applicable regulatory requirements before making a final inimicality determination.
3. Check Against Federal Bans. The staff would check lists of banned foreign activities issued by the U.S. Departments of Commerce, Treasury, State, and other agencies. If any of the entities with ties to or interests in the applicant or licensee are on banned lists, the staff would identify the foreign entities as being inimical to the common defense and security of the U.S., and no further review of whether the application meets all applicable regulatory requirements would be needed. The staff would then make a final determination that granting the license application or amendment would be inimical to the common defense and security of the U.S. If no foreign entities are on the banned list, the staff would continue with the inimicality review process. If a screening process is approved by the Commission, the staff would proceed to Step 4 (under Option 2A). Otherwise, the staff would proceed directly to Step 5 (under Option 2B).
4. Screening Process. The screening process identifies whether previous determinations made by the Executive Branch related to national security exist (i.e., 123 Agreements and defense treaties/agreements) and whether any derogatory information has been identified in Step 2. If a foreign corporation or entity resides in the jurisdiction of a government that has a 123 Agreement with the U.S. as well as a mutual defense agreement or defense treaty (e.g., North Atlantic Treaty Organization (NATO)) with the U.S. and if no derogatory information was identified in Step 2, the entity would be screened out of the review process as not inimical to the common defense and security of the U.S.. If one or both of the previous determinations (i.e., 123 Agreement and defense treaty/agreement) do not exist for the government of the entity and/or the staff has identified derogatory information in Step 2 that raises inimicality concerns about the foreign corporation or entity, the staff would proceed to Step 5.
5. Assessment of Foreign Entities or Interests and Adjudication of Derogatory Information. The staff performs this assessment when the government of the entity does not have both a 123 Agreement and a defense treaty/agreement with the U.S. and/or when derogatory information is identified in Step 2. The staff would perform an assessment of

all foreign entities or interests to identify any issues that could be inimical to the common defense and security of the U.S. This assessment would include obtaining input from the intelligence community and other sources. In addition, the staff would adjudicate any derogatory information identified in Step 2 related to the applicant or its affiliates. The adjudication would consider the severity of the information, along with how recently the activity of concern occurred.

If the Commission approves Option 3A, the staff could seek Executive Branch input in Step 6 prior to making its inimicality finding on foreign interests. If the Commission approves Option 3B, the staff could proceed directly to making an inimicality finding regarding the foreign interests involved in the application.

6. Executive Branch Consultation. The staff would consult with the Executive Branch, in particular, with the DOS and the NSC. The staff would provide the Executive Branch with the staff assessment of potential inimicality. Once the staff has received input from the Executive Branch, the staff will make an inimicality finding regarding the foreign interests involved in the application.

If the staff finds that any foreign entities with ties to the application are inimical to the common defense and security of the U.S., the staff will deny the application. If the staff finds that any foreign corporations or entities with ties to the application would not be inimical to the common defense and security of the U.S., the staff will follow established licensing and approval processes to ensure compliance with relevant NRC regulations.

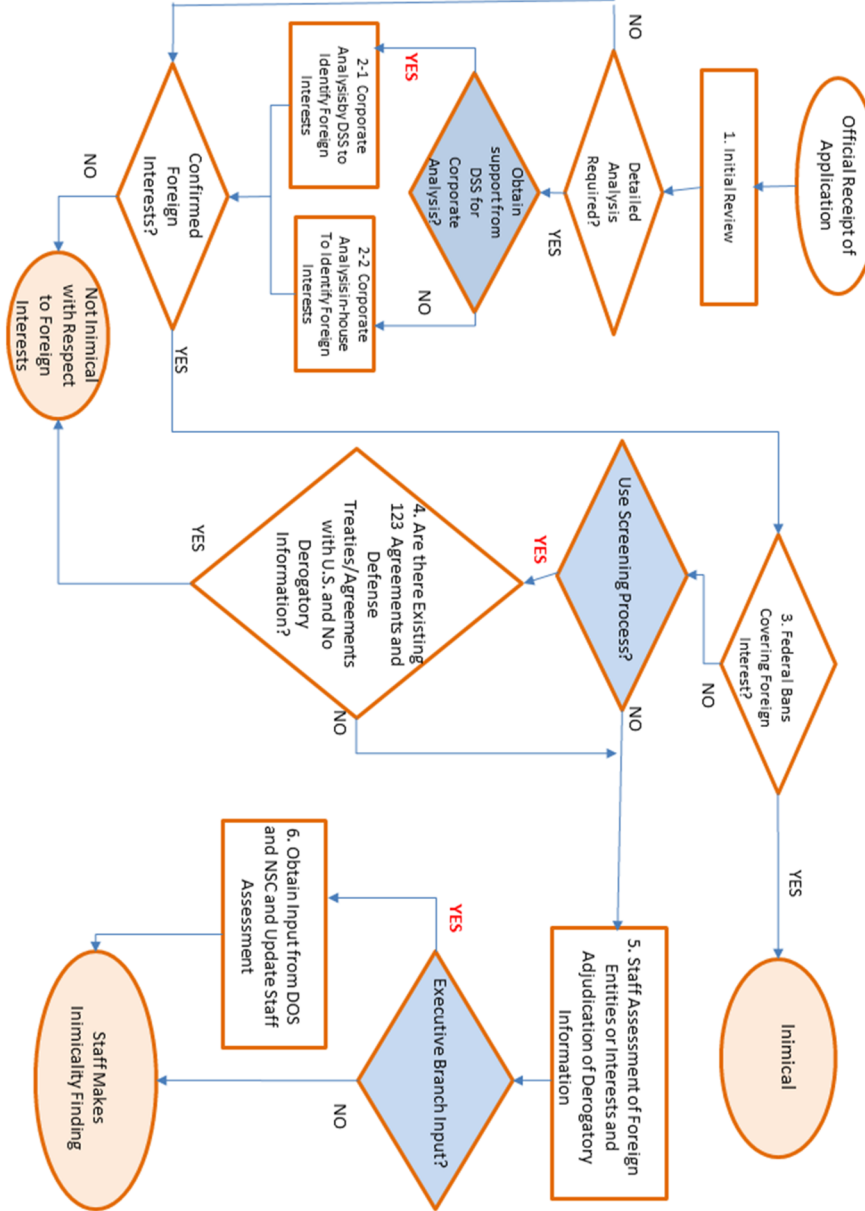


Figure 1. Process Flow for Inimicality Review with Respect to Foreign Interests with Options

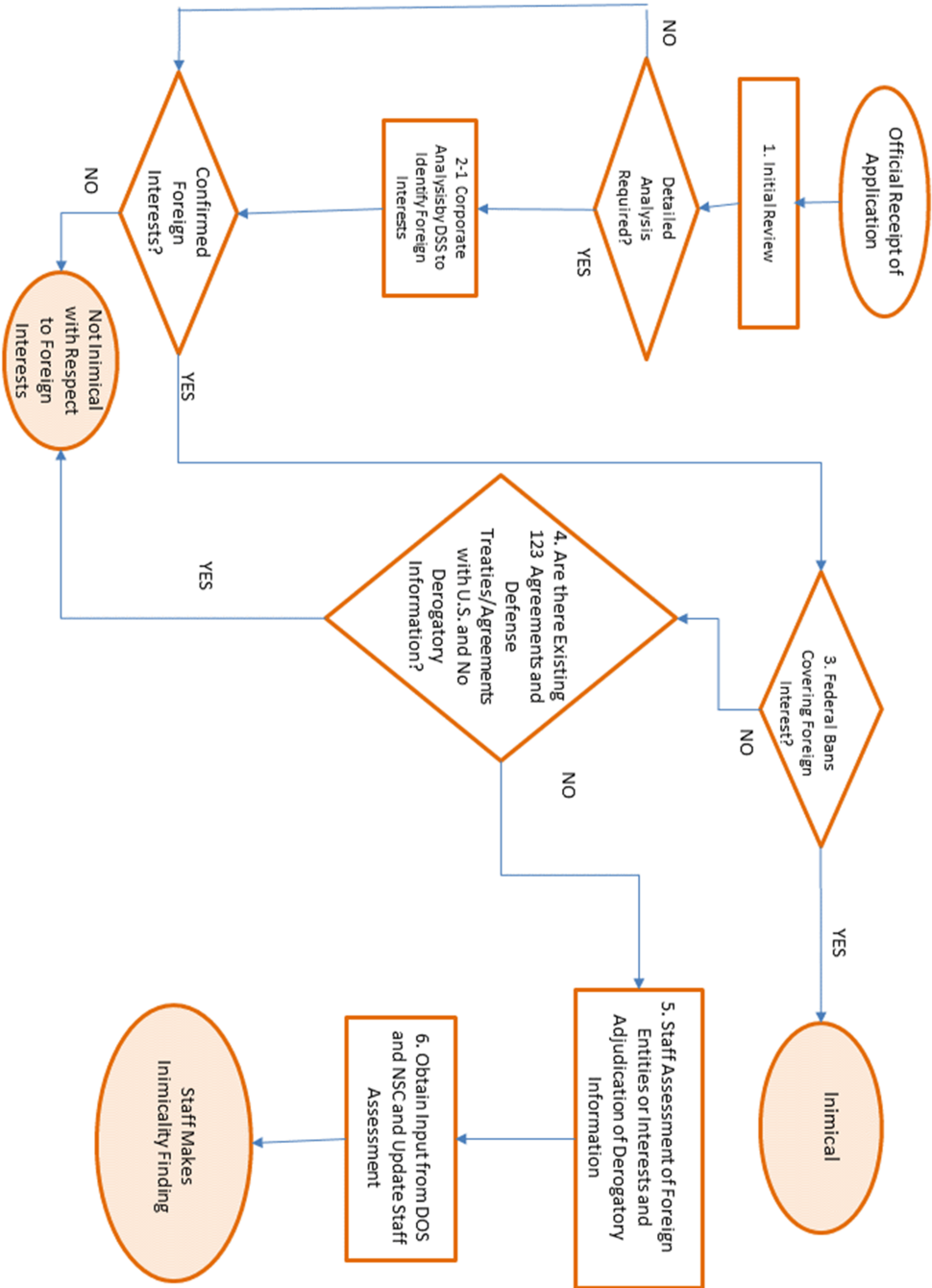


Figure 2. Recommended Process Flow for Inimicality Review with Respect to Foreign Interests

Assuming that the staff finds that the foreign entity is not inimical to the common defense and security of the U.S., and assuming that the staff also finds that the applicant or licensee will comply with all relevant NRC regulations, the staff will make a final determination that the issuance of the license or amendment is not inimical to the common defense and security of the U.S..

OPTIONS:

As discussed above, the staff has developed a six-step process for conducting inimicality reviews with respect to foreign interests for Commission consideration. In Step 2, there are two options for Commission consideration. In addition, Steps 4 and 6 will only be conducted if the Commission approves the staff recommendations for Options 2 and 3. The staff's recommended options are described in detail below along with the staff's recommendations.

Option 1A – The Staff Performs a Detailed Corporate Analysis. (Step 2-1)

The staff would perform the detailed corporate analysis associated with an application identified for review in Step 1. Step 2 of the process would include inquiries to the intelligence community to determine if there is any derogatory information related to the applicant and its affiliates that should be considered. The outcome of this process would be the identification of any foreign interests that have corporate or financial ties to the applicant or licensee to determine if these foreign interests raise inimicality concerns. This corporate analysis would be used for inimicality reviews and would also support the staff's FOCD determinations

Pros

- This approach would keep the level of agency independence at the highest level, with the analysis and recommendation being performed by NRC staff.
- This approach would take advantage of the NRC process that is currently used to assess corporate ties within the FOCD process, allowing it to be used for both inimicality reviews with respect to foreign interests and FOCD determinations.
- This detailed analysis would not solely rely on self-reporting by the applicant (as is the current process for FOCD), as it would include inquiries to the intelligence community.

Cons

- This approach would require an increase in resources to support an in-house analysis, as this function is currently performed only to a limited extent, based on licensee or applicant self-reporting, as intelligence community inquiries would be added.

- This approach may not provide a complete understanding of the applicant's foreign ties, as it would not identify under-reporting by the applicant.

Option 1B – The DSS Performs Detailed Corporate Analysis for NRC Staff. (Step 2-2/Staff recommendation)

The NRC staff would develop a memorandum of understanding (MOU) with DSS to perform a detailed corporate analysis of the applicant or licensee identified in Step 1 of the process. This analysis would be similar to the analyses that DSS currently performs for a large number of U.S. Government agencies to support foreign, ownership, control, and influence (FOCI) determinations and the development of NAPs for cleared contractors. However, the NRC would not be asking DSS to perform a FOCI analysis. FOCI applies to classified interests that are not a concern at nuclear power plants. The staff would use the DSS corporate analysis to support both the inimicality determination and the development of NAPs under FOCD. The request would be limited to having DSS perform a corporate analysis of all the foreign interests that have corporate or financial ties to the license or amendment application under consideration. However, the corporate analysis would include intelligence information about the applicant and its affiliates that might identify derogatory information that should be considered during this inimicality review process.

Pros

- This approach would allow the NRC to be supported by the U.S. Government agency with the greatest experience in conducting such analyses, resulting in a more comprehensive corporate analysis being conducted more efficiently.
- This approach would leverage similar analyses already conducted by DSS.
- This approach would take advantage of open source and classified analytical systems that are already in place at DSS.
- The analysis would inform the NRC FOCD process and the development of the NAP.
- This detailed analysis would not solely rely on self-reporting by the applicant (as is the current process for FOCD), but will be based on an independent investigation conducted by a third party.

Cons

- Timely completion of licensing activities would become reliant on the schedules and priorities of another agency.

- This approach would require the establishment of a MOU between the NRC and DSS, which may take a period of time to develop and implement.
- This approach might require the NRC to reimburse DSS for some of its support activities. However, staff is investigating whether the costs of this review could be billed to the applicant or licensee.

Option 2A – The Staff Uses a Screening Process to Quickly Identify Foreign Entities That Are Not Inimical to the Common Defense and Security of the U.S. (Include Step 4/Staff Recommendation)

By including Step 4, the staff would use previous determinations made by the U.S. Government relative to national security to determine that some foreign entities whose ownership and operation of a utilization facility are not inimical to the common defense and security of the U.S., and thereby shorten the inimicality review process. Consideration would also be given to whether derogatory information was identified in Step 2 to determine if further assessment is needed or if the staff has sufficient information to make an inimicality determination.

In particular, the staff would use the fact that the U.S. Government has a 123 Agreement and a mutual defense agreement or defense treaty (e.g., NATO) with a particular foreign government to make a finding that the involvement of an applicant foreign corporation or entity associated with that government in an NRC licensing process does not pose inimicality concerns. Both types of agreements must be in place to arrive at this finding.

The fact that the U.S. Government has a 123 Agreement with a foreign government is evidence that the U.S. Government is willing to exchange nuclear material, equipment, and components with that government. The fact that the U.S. Government has a mutual defense agreement or defense treaty with a foreign government demonstrates that the U.S. Government relies on that government for the defense of the U.S. The existence of both types of agreements creates a presumption that the involvement of corporations or other entities from that country with an NRC applicant or licensee would not raise inimicality concerns. This presumption would allow the staff to screen out at an early stage of the inimicality review process certain foreign corporations or entities unless the staff had some other derogatory information that raises inimicality concerns about the foreign corporations or entities. A listing of governments that have both a 123 Agreement and a mutual defense agreement or defense treaty with the U.S. can be found in Enclosure 2.

One example of how this screening process could work would be a Japanese company that has provided some of the financing for the construction of a new nuclear power plant, which has no ties to any other foreign government or foreign corporation. The U.S. Government has a 123 Agreement with the Government of Japan. In addition, the Governments of the U.S. and Japan have a mutual defense agreement. Therefore, the foreign entity's involvement with the applicant or licensee should not be inimical to the common defense of the U.S.

A second example might be a Dutch company, with no ties to any other foreign government. The U.S. Government has a 123 Agreement with the European Union, of which the Netherlands is a member, and both the U.S. and the Netherlands are members of NATO, a major defense

treaty. Therefore, the foreign entity's involvement with the applicant/licensee would not be inimical to the common defense and security of the U.S.

Pros

- This approach would take advantage of previous U.S. Government decisions related to national security, reducing the potential workload on the staff.
- This approach would shorten this inimicality review process.
- This approach would provide for a level of consistency with other U.S. Government decisions regarding inimicality.

Con

- The inimicality finding is based on the country in which the foreign corporation or entity resides. It is not based solely on the corporation or entity itself.

Option 2B – The Staff Omits a Screening Process To Support an Inimicality Finding with Respect To Foreign Interests. (Omit Step 4)

The staff would not incorporate a screening process as set forth in Step 4 of this inimicality review process.

Pro

- This approach would provide assurance that a detailed current analysis was performed for all cases.

Cons

- This approach would likely result in an increase in staff workload with little if any added value. The governments, for which the applicant or licensee has ties, that would be screened as not inimical using Option 2A above, would also not be inimical in this option. However, exercising this option would require more staff effort to reach the same conclusion. Additional staff work would be required to evaluate issues related to foreign ties, with little likelihood for arriving at a different finding than would have been made using the screening process.

- This approach does not leverage existing U.S. Government national security decisions, opening the door to potential inconsistencies in U.S. Government national security positions.

Option 3A – The Staff Obtains Input from the Executive Branch to Support This Inimicality Review Process. (Include Step 6/Staff Recommendation)

As part of Step 6 of the process, the staff would obtain input from the Executive Branch to support this inimicality review process. The staff anticipates that it would seek Executive Branch input only on a small number of inimicality reviews. Most applicants would not reach this step of the review process either because there are no foreign interests involved or the foreign interests are well known to the NRC because of prior reviews. Additional applications may screen out because the foreign entity is on a banned list and therefore no further input is needed to make the final agency inimicality determination. However, there may be a small number of cases where the staff might find it useful to have Executive Branch input during this inimicality review process. In these cases, once the staff has gathered information from the intelligence community and other sources, it would provide this information to the Executive Branch for its input. This would enable the staff to benefit from the insights of those elements of the U.S. Government with the primary responsibility for addressing foreign policy concerns when making its inimicality finding.

Pros

- This approach takes advantage of the resources and insights of the Executive Branch agencies that are charged with protecting U.S. national security interests and ensures a consistent U.S. Government national security position.
- This approach ensures that the NRC receives insights related to broader foreign policy considerations from the Executive Branch.

Cons

- This approach would require additional NRC resources to establish a process to coordinate with the Executive Branch and to perform the coordination activities.
- This approach might result in a delay in review process and therefore the licensing process as the staff awaits input from the Executive Branch.

Option 3B – The Staff Would Not Obtain Input from the Executive Branch to Support This Inimicality Review Process. (Omit Step 6)

As detailed in Step 6 of the process, the staff would make its finding based on its analysis of the information gathered from the intelligence community and other sources. There would be no submission of information to the Executive Branch to obtain feedback.

Pros

- This approach could be viewed as the NRC maintaining its independence from the Executive Branch.
- This approach would not require additional resources to develop a process or perform coordination activities.

Con

- This approach would not provide the NRC with insights from some of the agencies that are most knowledgeable of the U.S. Government's national security interests and the nation's broad foreign policy concerns.

RECOMMENDATION:

The staff recommends that the Commission approve the proposed process and select Options 1B, 2A, and 3A. These options would provide the NRC with a process that is effective and efficient.

If the Commission approves the staff's recommendations, the staff will:

- Develop an MOU with DSS to allow DSS to perform the corporate analyses.
- Develop detailed procedures for conducting inimicality reviews with respect to foreign interests.
- Identify the necessary information to be included in the corporate analysis and how it will be used within the FOCD and inimicality processes.
- Work with the Executive Branch to establish a process for Executive Branch review and comment.

The staff estimates that it would take 6 to 12 months to establish the process and to develop and implement an MOU with DSS.

RESOURCES:

The resource implications associated with the staff's recommendations are addressed in Enclosure 1, which is not publicly available.

COORDINATION:

This paper has been coordinated with the Office of the General Counsel, which has no legal objection. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections.

/RA/

Victor M. McCree
Executive Director
for Operations

Enclosures:

1. Resources (OUO-SII)
2. Inimicality Screened Governments
via 123 Agreement and Defense
Treaty/Mutual Defense Agreement

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1. Resources (OUO-SII)
2. Inimicality Screened Governments via 123 Agreement and Defense Treaty/Mutual Defense Agreement

ACCESSION NUMBER: ML15351A101 (Package)

*Concurrence via email

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