

MEMORANDUM TO: L. Joseph Callan  
Executive Director for Operations

Carlton Stoiber, Director  
Office of International Programs

FROM: John C. Hoyle

SUBJECT: STAFF REQUIREMENTS - SECY 97-134 - COMMERCIAL USE  
OF NRC-DEVELOPED THERMAL-HYDRAULIC CODES BY  
NON-U.S. ORGANIZATIONS

The Commission has approved the staff's proposal to define more explicitly the permitted commercial uses of NRC-developed thermal-hydraulic codes. Under this approach (alternative 3 of SECY 97-134), the CAMP agreements would be modified to define more specifically the meaning of commercial use consistent with NRC's original intent of providing the code to the international community to be used to promote and enhance nuclear safety worldwide and not to defray or eliminate code development cost by international organizations. As a result, international users could perform safety analyses with the codes in the non-U.S. market, but could not use them to compete in the U.S. or as a design tool. In approving alternative 3, the Commission believes that the benefits of sustaining current CAMP membership outweigh the potential economic disadvantage to domestic companies competing in the non-U.S. market for commercial applications of these codes.

The staff is directed to take the following short term actions:

- proceed with renewing the current CAMP agreements that will expire on August 31, 1997, but to notify current CAMP members formally that the Commission has clarified the use of these codes for non-commercial purposes.  
(EDO) (SECY suspense: 8/31/97)
- request Executive Branch review of the new supplemental clarification to the non-commercial clause in the CAMP agreements.  
(OIP) (SECY Suspense: 8/22/97)

For the longer term, the Commission believes that the staff should take a broader look at other NRC computer codes that may or will be faced with the same issue and should explore with the Executive Branch the advantages and disadvantages of further

lifting restrictions on commercial use of codes by foreign organizations. The staff's recommendations on this matter should take into account the need for consistency with the policies of other government agencies, should take into consideration intellectual property rights protection, and should be accomplished in consultation with the Office of the U.S. Trade Representative.

(EDO/OIP)

(SECY Suspense: 1/15/98)

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
OCA  
OPA  
CIO  
CFO  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-mail)  
PDR  
DCS

MEMORANDUM TO: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan

FROM: Annette L. Vietti-Cook,  
Assistant Secretary

SUBJECT: STAFF REQUIREMENTS MEMORANDUM

Attached is the staff requirements memorandum for SECY-97-134, Commercial Use of NRC-Developed Thermal-Hydraulic Codes by Non-U.S. Organizations. In view of the expiration of the CAMP agreements on August 31, 1997, and the staff's need to receive Commission guidance as soon as possible, the Office of the Secretary is requesting your response to this SRM by close of business today (August 13, 1997).

Attachment:  
As stated

cc: EDO  
OGC