

October 21, 1997

MEMORANDUM TO: L. Joseph Callan  
Executive Director for Operations

FROM: John C. Hoyle /s/

SUBJECT: STAFF REQUIREMENTS: SECY-97-199 - DOE  
LABORATORIES: COPYRIGHT CLAIMS AND COMMERCIAL  
LICENSING OF SAFETY-RELATED COMPUTER CODES DEVELOPED  
WITH NRC FUNDS

The Commission approved the staff's recommendation that, as a matter of general policy, the NRC will not allow copyright and commercial licensing of NRC-funded major reactor systems computer codes developed at Department of Energy (DOE) laboratories and will remove NRC work from DOE laboratories pursuing Cooperative Research and Development Agreements (CRADA) to avoid organizational conflict of interest (alternative 2). However, in those cases where a DOE laboratory is willing to limit its commercialization approach to fields of use that exclude all applications affecting the nuclear activities of NRC licensees, the staff should first pursue the option of maintaining its work at the laboratory, particularly when the laboratory has unique capabilities or facilities supporting NRC work (alternative 3). If alternative 3 ultimately does not prove viable, the staff should then implement alternative 2 by transferring its safety-related code development work to entities with no commercialization, copyright, or licensing requirements. The transfer of NRC work away from DOE laboratories should not be limited to situations where the work can be moved with minimal impact on NRC programs or where there is no clear safety benefit to a copyright or limited CRADA license, but should be pursued in every case in which alternative 3 is not viable.

The staff should inform DOE of the Commission's position on this issue.

(EDO)

(SECY Suspense: 10/20/97)

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
OCA  
OPA  
OIG  
ACRS  
CIO  
CFO

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SECY NOTE: This SRM and SECY-97-199 are limited to NRC unless the Commission determines otherwise.