

From: Correia, Richard
Sent: Wednesday, August 17, 2016 4:33 PM
To: Littlejohn, Jennene
Subject: FW: RESPONSE - EPRI's subsidiary?

From: Correia, Richard
Sent: Tuesday, August 16, 2016 5:02 PM
To: Dave Lochbaum <DLochbaum@ucsusa.org>
Cc: Hackett, Edwin <Edwin.Hackett@nrc.gov>; Thaggard, Mark <Mark.Thaggard@nrc.gov>; Tracy, Glenn <Glenn.Tracy@nrc.gov>; Araguas, Christian <Christian.Araguas@nrc.gov>; Weber, Michael <Michael.Weber@nrc.gov>
Subject: RE: RESPONSE - EPRI's subsidiary?

Dave,

Thank you for bringing to our attention information on our ADAMS public website on training materials that appear to indicate they are copywrited by EPRI. These recently posted materials are for a Fire Probabilistic Risk Assessment training workshop jointly conducted by the NRC and EPRI for NRC employees, licensees, and members of the public. This training is covered by the NRC-EPRI memorandum of understanding for cooperative and collaborative nuclear safety research.

As you know, the NRC is an independent agency of the Federal government and is not affiliated with EPRI. As an independent Federal agency, work prepared by NRC staff as part of their job responsibilities cannot be copyrighted. The copyright label on the training material was inadvertently left on a new EPRI PowerPoint template when the NRC workshop presenters copied their presentations to the EPRI template. The copywrited label has been subsequently removed and the materials have been reposted.

Again, thank you for bringing this matter to our attention.

Rich

Richard P. Correia, P.E.
Director, Division of Risk Analysis
Office of Nuclear Regulatory Research
U.S. NRC

From: Weber, Michael
Sent: Wednesday, August 10, 2016 5:32 PM
To: Dave Lochbaum <DLochbaum@ucsusa.org>
Cc: Hackett, Edwin <Edwin.Hackett@nrc.gov>; Correia, Richard <Richard.Correia@nrc.gov>; Thaggard, Mark <Mark.Thaggard@nrc.gov>; Tracy, Glenn <Glenn.Tracy@nrc.gov>; Araguas, Christian

<Christian.Araguas@nrc.gov>

Subject: RESPONSE - EPRI's subsidiary?

Thanks for raising this, Dave. As you know, NRC is an independent agency of the Federal government and does not work for EPRI. We do, however, cooperate with EPRI and have a number of agreements to support collaboration on nuclear safety research. Gabe Taylor is a member of the NRC staff and does not work for or contract with EPRI. Slides that are developed through this collaboration should be marked and protected in accordance with the agreements. We'll look into it and get back to you promptly.

Mike

Michael Weber
Director of Nuclear Regulatory Research
US Nuclear Regulatory Commission

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From: Dave Lochbaum [<mailto:DLochbaum@ucsusa.org>]

Sent: Wednesday, August 10, 2016 12:46 PM

To: Weber, Michael <Michael.Weber@nrc.gov>

Cc: Hackett, Edwin <Edwin.Hackett@nrc.gov>

Subject: [External_Sender] EPRI's subsidiary?

Hello Mike:

A 264-page package of slides for an upcoming workshop on fire PRAs was recently placed in public ADAMs under [ML16222A380](#)

The bottom of the first slide states "A Collaboration of the Electric Power Research Institute (EPRI) & U.S. NRC Office of Nuclear Regulatory Research (RES)"

Below that statement, and at the bottom of every page in the package, is this legal notice: "© Electric Power Research Institute, Inc. All rights reserved."

Gabe Taylor of the US NRC staff is shown as one of the presenters/developers.

When NRC develops materials, I and other members are free to use the information in materials we develop, provided we cite the NRC as the source of this public domain info. But with EPRI "owning" the copyright to all NRC-developed material in this package, we would require EPRI's permission to use the NRC-developed and otherwise public domain information.

NRC often claims to be an independent agency. Yet this package sure looks like Mr. Taylor is a contractor of EPRI at worst and a partner or collaborator at best.

I've seen countless other workshops where EPRI or NEI or PWROG had slides for their presentations and NRC had slides for their presentations on the same topics. But I can't recall seeing NRC help EPRI develop copyrighted material and sign away public domain material like this.

Is this legal? What NRC procedure governs the "independent" agency collaborating with private industry to develop copyrighted materials?

Thanks,
Dave Lochbaum
UCS

P.S. - I apologize if I was supposed to get EPRI's permission before contacting you. It's not clear from the package who is the senior partner and who is the junior one.