



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JAN 16 1991

MEMORANDUM FOR: Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

FROM: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

SUBJECT: DOUB & MUNTZING DRAFT AGREEMENT BETWEEN NRC & AECL

The purpose of my letter is to convey the objections that I see to this proposal. The proposed agreement would be between the NRC and the Canadian Government. However, the draft contract makes it clear that the agent in fact for the Canadian Government is the AECL Technologies Corp., a subsidiary of Atomic Energy of Canada, Limited, a "Crown Corporation." The latter phrase, I think, recognizes the special situation of AECL, including government subsidies for parts of its operation.

As a general point I think it would make a bad precedent. To my knowledge NRC has no technology exchange agreement with another government that involves a commercial business entity, nor indeed a license applicant. Such an arrangement would be patently self-serving on the other side. In summary, it appears to me that AECLT should be in the same position with respect to NRC license applications as other commercial vendors and license applicants.

I point out specifically item 4 on page 6 of the enclosed draft, relating to access to computer codes, information, etc. Such an agreement drawn as it is would undercut the asset that I use in making cooperative research agreements with foreign governments, i.e., the access to the products and conduct of NRC research that is available only through a specific agreement for research cooperation. To preserve this asset, it is essential that cooperative research agreements be made on a case-by-case, quid-pro-quo, basis, and not in a general way, as in Tom Dorian's draft.

This matter was considered some months ago, with the decision not to proceed at the time. If it comes up again, I would like to take part in drafting an agreement.

Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

Enclosure:
As stated

cc: J. Sniezek
T. Speis
B. Sheron
J. Scinto

9103040195 910211
PDR ORG NRRB
PDR



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EDO Principal Correspondence Control

FROM:

DUE:

EDO CONTROL: 0005807
DOC DT: 08/13/90
FINAL REPLY:

Thomas F. Dorian
Doub, Muntzing and Glasgow

TO:

Myron Karman

FOR SIGNATURE OF:

** GRN **

CRC NO: 90-0960

DESC:

ROUTING:

DRAFT AGREEMENT BETWEEN NRC AND CANADIAN
GOVERNMENT MINISTRY FOR THE EXCHANGE OF
INFORMATION ABOUT WATER REACTOR TECHNOLOGY
INCLUDING THE TRANSFER OF GENERIC CANDU
TECHNOLOGY TO NRC

Taylor
Sniezek
Thompson
Blaha
Beckford, RES

DATE: 09/10/90

ASSIGNED TO:

CONTACT:

NRR

Murley

SPECIAL INSTRUCTIONS OR REMARKS:

FOR APPROPRIATE ACTION

Copies to

*Morris
Shao*

*B. Shao
Morse*

Edna Rosztay

F41

ED3

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-90-0960 LOGGING DATE: Sep 7 90

ACTION OFFICE: EDO

AUTHOR: Thomas F. Dorian

AFFILIATION: DC (DISTRICT OF COLUMBIA)

LETTER DATE: Aug 13 90 FILE CODE:

SUBJECT: Draft Agreement Between NRC and Canadian Government
Ministry for the Exchange of Information About
Water Reactor Technology

ACTION: Appropriate

DISTRIBUTION: Commissioners, OGC, GPA

SPECIAL HANDLING: None

NOTES:

DATE DUE: 1/8/91

SIGNATURE: DATE SIGNED:

AFFILIATION:

Mtg. between AECL/T & staff (Joe Gitter) ; staff
asked what does AECL want to do with mou? In light
of what happening in Canada ^(new order) & NRC has put several FTG's
in CANOU, let's table mou until better position
exists it is helpful.

If we separately want info from AECL, either
go thru Joe Gitter (P.M. for CANOU-3) or directly
to AECL (Dorian can help) or AECL/T (L-Rib)

⇒ [This mou has been tabled]

Wm S.

Rec'd Off. EDO

Date 9-10-90

Time 6:30 AM