

September 25, 2007

COMGBJ-07-0004

MEMORANDUM TO: Chairman Klein  
Commissioner Lyons

FROM: Gregory B. Jaczko */RA/*

SUBJECT: MULTINATIONAL DESIGN EVALUATION PROGRAM (MDEP)  
STAGE 2 CONCLUSIONS AND RECOMMENDATIONS

I believe it is appropriate for the Commission to provide policy guidance to the staff prior to their upcoming efforts to negotiate the details of any future steps to the Multinational Design Evaluation Program. The Commission previously approved direction to the staff to participate in a "Stage 2, Phase 1, pilot project and assessment," to pursue international convergence on licensing, safety reviews and safety goals for new reactor designs.

I continue to have significant concerns about this program. First and foremost, I believe that the regulations developed by the NRC through a public rulemaking process to implement the laws passed by the U.S. Congress are an inherently sovereign responsibility that should not be predicated upon the practices of other countries. The effort to develop a set of international codes for licensing and regulating nuclear power plants will be extremely difficult to accomplish, will consume time and resources that could be better used, will be fraught with liability, information protection, and intellectual property rights concerns, and if ultimately successful, will add little if anything to the safety of any new nuclear power plants. In fact, I am concerned it will actually undermine the efforts of those nations newer to nuclear power to develop comprehensive safety agencies. All governments have to determine how to allocate limited resources and there would be a natural temptation to short-circuit the hard work necessary to build strong safety agencies from the ground up if there is a MDEP approved design certification and safety review process available for easy adoption.

Although, I do understand the thinking that 'multinational designs' and 'code convergence' might make it easier and less expensive for vendors to sell reactors and therefore promote the use of more nuclear power around the world, this is not the right goal for the Nuclear Regulatory Commission to be pursuing. The Department of Energy and non-governmental organizations may have incentives to pursue such a program but the NRC's mission is to ensure public health and safety, promote the common defense and security, and protect the environment.

Therefore, I request that my colleagues disapprove of the August 15, 2007, "Overall Conclusions and Recommendations" document provided to the Commission offices in a September 11, 2007, memo from Vonna L. Ordaz, Assistant for Operations, Office of the Executive Director for Operations. This document is intended to be the U.S. negotiating position at an October MDEP meeting. Because this document makes recommendations for pursuing MDEP activities beyond those previously approved by

the Commission, the U.S. position on it is a policy issue requiring a Commission decision. Instead, I believe the staff should prepare a voting paper that outlines the goals, expectations, and resource requirements of the recommendations contained in

the document so that the Commission will have current and full information upon which to base a decision about the future of this effort.

SECY, please track.

cc: OGC  
EDO