

**INFORMATION ACCESS AGREEMENT BETWEEN SMR, LLC.  
(A HOLTEC INTERNATIONAL COMPANY).  
AND  
THE UNITED STATES NUCLEAR REGULATORY COMMISSION**

This agreement is made and effective on this 12 day of 23, 2022 ("Effective Date")

by and between the UNITED STATES NUCLEAR REGULATORY COMMISSION ("NRC") and SMR, LLC (collectively "the Parties") for the purpose of facilitating the NRC's access to an online reference portal maintained by SMR, LLC, through which NRC staff and contractors approved in accordance with Section 1 ("authorized NRC staff and contractors") may access certain documents related to activities associated with the SMR, LLC, reactor design.

Whereas SMR, LLC desires to enhance the NRC's ability to timely and efficiently perform its regulatory licensing responsibilities with respect to activities associated with the SMR, LLC reactor design, including providing authorized NRC staff and contractors with access to certain documents owned by or under the control of SMR, LLC through an online reference portal, so that the NRC may access such information in a timely manner; and

Whereas information accessed by authorized NRC staff and contractors may consist of information considered by SMR, LLC to be trade secrets or privileged or confidential commercial and financial information ("Proprietary Information"); and

Whereas SMR, LLC is willing to make such Proprietary Information available to authorized NRC staff and contractors for the purpose of promoting timely and efficient performance of the NRC's regulatory licensing responsibilities with respect to activities associated with the SMR, LLC reactor design, subject to the terms and conditions set forth below.

The Parties mutually agree as follows:

**Terms:**

1. At no charge to the NRC, SMR, LLC agrees to maintain and make available to authorized NRC staff and contractors an online reference portal in which SMR, LLC will provide access to documents relating to activities associated with the SMR, LLC reactor design, which may include Proprietary Information. SMR, LLC will provide the NRC staff with login credential access to the online reference portal. The Parties will separately agree upon a list of authorized NRC staff and contractors permitted to use the login credential access. This list of authorized users will include only NRC staff and contractors who have been determined to have a requisite need to access the online reference portal in furtherance of official duties in relation to regulatory licensing responsibilities with respect to activities associated with the SMR, LLC reactor design. This list of authorized users may be revised from time to time upon

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agreement of the Parties. The points of contact for the Parties for the purpose of agreeing upon the list of authorized users are SMR, LLC's Director, SMR Licensing (for SMR, LLC) and the NRC's Lead Project Manager for SMR, LLC (for the NRC).

2. Authorized NRC staff and contractors may use the online reference portal only to access SMR, LLC documents, including Proprietary Information, and only in furtherance of official duties and in accordance with any of SMR, LLC's reasonable policies and procedures governing access and use. The Parties expressly recognize that SMR, LLC reserves the right to revoke NRC access to the portal at any time.
3. The online reference portal will be available to authorized NRC staff and contractors through "read-only" access with no capability to (a) modify information on the online reference portal, (b) control the online reference portal application, or (c) print, save, or download information from the online reference portal. The information provided in the reference portal is read-only access, requires an NRC process (such as a regulatory Audit) to be viewed, and shall be treated like proprietary/business confidential information that will not be shared or copied.
4. The Parties expressly acknowledge that documents placed into the online reference portal and made available to authorized NRC staff and contractors are owned by and under the control of SMR, LLC. The NRC does not consider documents placed in the online reference portal to constitute "agency records" for purposes of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the NRC's implementing FOIA regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 9. The fact that SMR, LLC makes Proprietary Information available to the NRC as provided in this Agreement shall not, in and of itself, be construed as a waiver of the proprietary nature of such Proprietary Information, or an acknowledgment that such information residing within the online reference portal is not "owned by," "under the control of," and "in the possession of" SMR, LLC.
5. If the NRC staff determines that information viewed or accessed via the online reference portal is necessary for formal evaluation or otherwise necessary in support of the NRC's regulatory responsibilities with respect to activities associated with the SMR, LLC reactor design, the NRC will request that SMR, LLC formally submit such information in accordance with 10 CFR § 50.4, "Written communications." SMR, LLC shall abide by the requirements in 10 CFR § 2.390(b) when submitting such information to the NRC if SMR, LLC seeks to have information contained within that correspondence withheld from public disclosure. If the NRC receives a FOIA request that encompasses records formally submitted by SMR, LLC to the NRC in accordance with the affidavit requirements of 10 CFR § 2.390(b), and for which such information shall be subject to disclosure only in accordance with the provisions of 10 CFR § 9.19.

6. Information made available to authorized NRC staff and contractors only through the online reference portal does not constitute "communications" as part of the formal licensing, oversight, or enforcement functions with respect to the SMR, LLC reactor design pursuant to applicable regulations contained in 10 CFR. SMR, LLC is not required to submit an affidavit or mark documents in accordance with 10 CFR § 2.390 when making them accessible through the online reference portal. SMR, LLC makes no warranty, guarantee, or representation as to the completeness or accuracy of information that authorized NRC staff or contractors' access through the portal. With the exception of information made available through the online reference portal as described in this paragraph, NRC requirements governing completeness and accuracy of information apply to any information that SMR, LLC provides to the NRC or that SMR, LLC is required to maintain pursuant to statute or NRC regulations, orders, or license conditions.
7. Before accessing the portal and reviewing SMR, LLC information, Contractors shall sign a non-disclosure agreement reflecting a commitment to treat such SMR, LLC information as proprietary/business confidential information which shall not be disclosed to third parties or used for any purpose other than in support of the NRC.
8. This Agreement may be modified at any time in a writing signed by the Parties. Either party shall have the right, upon written notice to the other party, to terminate this Agreement, in whole or in part, at any time, without cost, penalty, or liability to any party.

IN WITNESS WHEREOF, the undersigned have executed this Agreement.

**UNITED STATES NUCLEAR REGULATORY COMMISSION**

By: Omid Tabatabai (for Michael Dudek)

Title: Branch Chief, NRR/DNRL/NRLB

Date: 08/23/2022

SMR, LLC

By: JUSTIN HAWKINS

Title: Director of Licensing, SMR-160

Date: 12/23/22