

## SAFEGUARDS INFORMATION

June 24, 2010

Mr. Ken Harris  
NuScale Power, Inc  
201 NW Third St.  
Corvallis, OR 97330

SUBJECT: APPROVAL OF NUSCALE POWER SAFEGUARDS PROTECTION PROGRAM AND REVIEWING OFFICIAL, AND TRANSMITTAL OF BEYOND DESIGN BASIS, LARGE COMMERCIAL AIRCRAFT CHARACTERISTICS SPECIFIED BY THE COMMISSION

Dear Mr. Harris:

On June 2, 2010, U.S Nuclear Regulatory Commission (NRC) issued "Order Imposing Safeguards Information Protection Requirements and Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information" (EA-10-073). The staff has received your response to the Order, dated June 14, 2010, and has conducted a review of the information provided.

The staff has approved you as NuScale Power, Inc.'s, (NuScale) "reviewing official." As NuScale's approved reviewing official, you will review the results of the Federal Bureau of Investigation criminal history records check to make Safeguards Information (SGI) access determinations on behalf of NuScale. You and only you can make SGI access determinations for other individuals who have been identified by NuScale as having a need-to-know SGI, and who have been fingerprinted and have had a criminal history records check conducted by the FBI. As the reviewing official you cannot approve other individuals to act as reviewing officials.

In addition to your verification as NuScale's reviewing official, a member of the NRC staff visited NuScale's facility in Corvallis, Oregon, on March 16, 2010, to observe NuScale's SGI controlled access area and to provide comments on the NP-SP-06SI-001, "Protection of Safeguards Information, Revision 2," dated July 15, 2009. Based upon the staff's review of NuScale's Information Protection System and the staff's observation of the NuScale Facility, the NRC has determined that NuScale has provided sufficient assurance that it will protect the Safeguards Information entrusted to it in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73.21 and 10 CFR 73.22.

CONTACT: Wesley W. Held, NRO/ARP/ARB1  
301-415-1583

**Document transmitted herewith contains SGI. When separated from enclosure(s), this document is decontrolled.**

SAFEGUARDS INFORMATION

**SAFEGUARDS INFORMATION**  
**[When document is attached]**

K. Harris

-2-

The site visit consisted of an inspection of the NuScale facility, secure rooms and security storage containers, examinations of security-related structures, computer systems, equipment and components, interviews with site personnel, selective examinations of relevant procedures, and observations of site conditions and activities as they relate to the protection of SGI. Based on the NRC's March 16, 2010, site visit, the NRC staff concludes that NuScale is in compliance with protection measures specified in 10 CFR 73.21 and 10 CFR 73.22 and the order such that there is reasonable assurance that SGI will be protected against unauthorized disclosure.

Based on the staff's satisfactory review of the information provided in your response to Order EA-10-073 and inspection of your facilities and procedures, authorization for independent control of SGI at your Corvallis, Oregon, facility is hereby granted. Therefore, the staff has enclosed the beyond design basis, large commercial aircraft characteristics specified by the Commission that are referenced in Order EA-10-073 and have been designated as SGI. As a reminder, the terms of Order EA-10-073 require NRC review and approval for storage or use of SGI at other NuScale facilities or if you intend to provide this SGI to individuals for whom fingerprinting and an FBI criminal history records check is not reasonably expected to yield sufficient criminal history information to form the basis of an informed decision on granting access to SGI.

Sincerely,

*/RA/*

Michael E. Mayfield, Director  
Advanced Reactor Program  
Office of New Reactors

Enclosure:  
Beyond Design Basis,  
Large Commercial Aircraft Characteristics  
Specified by the Commission (Safeguards Information)

**SAFEGUARDS INFORMATION**

**SAFEGUARDS INFORMATION**  
**[When document is attached]**

K. Harris

-2-

The site visit consisted of an inspection of the NuScale facility, secure rooms and security storage containers, examinations of security-related structures, computer systems, equipment and components, interviews with site personnel, selective examinations of relevant procedures, and observations of site conditions and activities as they relate to the protection of SGI. Based on the NRC's March 16, 2010, site visit, the NRC staff concludes that NuScale is in compliance with protection measures specified in 10 CFR 73.21 and 10 CFR 73.22 and the order such that there is reasonable assurance that SGI will be protected against unauthorized disclosure.

Based on the staff's satisfactory review of the information provided in your response to Order EA-10-073 and inspection of your facilities and procedures, authorization for independent control of SGI at your Corvallis, Oregon, facility is hereby granted. Therefore, the staff has enclosed the beyond design basis, large commercial aircraft characteristics specified by the Commission that are referenced in Order EA-10-073 and have been designated as SGI. As a reminder, the terms of Order EA-10-073 require NRC review and approval for storage or use of SGI at other NuScale facilities or if you intend to provide this SGI to individuals for whom fingerprinting and an FBI criminal history records check is not reasonably expected to yield sufficient criminal history information to form the basis of an informed decision on granting access to SGI.

Sincerely,

/RA/

Michael E. Mayfield, Director  
 Advanced Reactor Program  
 Office of New Reactors

Enclosure:  
 Beyond Design Basis,  
 Large Commercial Aircraft Characteristics  
 Specified by the Commission (Safeguards Information)

DISTRIBUTION:

ARP R/F	MMayfield	Criminal History Program (CHP)/Doreen Turner
WHeld	GHolahan	RidsNroOd
GCranston	MJohnson	RidsNroArpArb1
SMagruder	RNorman	RidsNroArp
MYoung	NStAmour	RidsOgcMailCenter
BStapleton	RWebber	

**ADAMS Accession Number:** ML101680399

**NRO-002**

OFFICE	PM:NRO/ARP/ARB1	PM:NRO/ARP/ARB2	BC:NRO/ARP/ARB2	ADM/DFS/FSB	NSIR/DSO/DDSP/IS	OGC	D:NRO/ARP
NAME	WHeld/ndr1	GCranston	SMagruder (JStarefos for	RWebber – via email	BStapleton – via email	MYoung (NStAmour for) – via email	MMayfield
DATE	06/18/10	06/18/10	06/18/10	06/22/10	06/21/10	06/24/10	06/24/10

OFFICIAL RECORD COPY

**SAFEGUARDS INFORMATION**