



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555-0001

September 7, 2023

Dr. Caleb S. Brooks, Associate Professor  
University of Illinois at Urbana-Champaign  
Department of Nuclear, Plasma  
and Radiological Engineering  
Talbot Laboratory, Room 111C, MC-234  
104 South Wright Street  
Urbana, IL 61801

SUBJECT: UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN – ONLINE REFERENCE  
PORTAL INFORMATION ACCESS AGREEMENT

Dear Dr. Brooks:

The University of Illinois at Urbana-Champaign (UIUC) and the U.S. Nuclear Regulatory Commission (NRC) staff discussed the use of an online reference portal that would provide the authorized NRC staff and contractors with limited read-only access to certain materials owned by and under the control of UIUC. The purpose of the online reference portal is to enhance the NRC's ability to timely and efficiently perform its regulatory licensing responsibilities by providing access to reference materials. If the NRC staff determines that information viewed or accessed via the online reference portal is necessary for formal evaluation or otherwise necessary to support the NRC staff's regulatory licensing responsibilities, the NRC staff will request that UIUC formally submit such information in accordance with Title 10 of the *Code of Federal Regulations* Section 50.4, "Written communications."

The enclosed "Information Access Agreement" should be used as the only acknowledgement form for the authorized NRC staff and contractors' access to the online reference portal. Any proposed modification or addition to the enclosed "Information Access Agreement" would require further review by the NRC staff. The NRC staff requests that the UIUC staff sign, date, and return the "Information Access Agreement" enclosed with this letter.

By letter dated April 24, 2023 (Agencywide Documents Access and Management System Accession No. ML23081A072), the NRC staff provided UIUC with an earlier version of this "Information Access Agreement" to which UIUC subsequently proposed minor changes. The "Information Access Agreement" enclosed with this letter is an updated version incorporating these changes.

If you have any questions about this matter, please contact Edward Helvenston at (301) 415-4067 or via email at [Edward.Helvenston@nrc.gov](mailto:Edward.Helvenston@nrc.gov).

Sincerely,



Signed by Borrromeo, Joshua  
on 09/07/23

Joshua M. Borrromeo, Chief  
Non-Power Production and Utilization Facility  
Licensing Branch  
Division of Advanced Reactors and Non-Power  
Production and Utilization Facilities  
Office of Nuclear Reactor Regulation

Project No. 99902094

Enclosure:  
As stated

cc w/enclosure: GovDelivery Subscribers

SUBJECT: UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN – ONLINE REFERENCE PORTAL INFORMATION ACCESS AGREEMENT DATED: SEPTEMBER 7, 2023

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**ADAMS Accession No.: ML23237B416**

**NRR-106**

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<b>NAME</b>	EHelvenston	NParker	JBorromeo
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<b>OFFICE</b>	OGC/NLO	NRR/DANU/DDD	NRR/DANU/UNPL/BC
<b>NAME</b>	JWachutka	JBowen	JBorromeo
<b>DATE</b>	9/5/2023	9/7/2023	9/7/2023

**OFFICIAL RECORD COPY**

**INFORMATION ACCESS AGREEMENT BETWEEN**  
**THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS AND**  
**THE UNITED STATES NUCLEAR REGULATORY COMMISSION**

This agreement is made and effective on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 (“Effective Date”) by and between the United States Nuclear Regulatory Commission (“NRC”) and the Board of Trustees of the University of Illinois (“UIUC”) (collectively “the Parties”) for the purpose of facilitating the NRC’s access to an online reference portal maintained by UIUC, through which the NRC staff and contractors approved, in accordance with Section 1 (“the authorized NRC staff and contractors”), may access certain documents related to activities associated with the UIUC reactor design.

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

Whereas information accessed by the authorized NRC staff and contractors may consist of information considered by UIUC to be trade secrets or privileged or confidential commercial and financial information (“Proprietary Information”); and

Whereas UIUC is willing to make such Proprietary Information available to the 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 UIUC 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 staff, UIUC agrees to maintain and make available to the authorized NRC staff and contractors, an online reference portal in which UIUC will provide access to documents relating to activities associated with the UIUC reactor design, which may include Proprietary Information. UIUC will provide the NRC staff with login credential access to the online reference portal. The Parties will separately agree upon a list of the authorized NRC staff and contractors permitted to use the login credential access. This list of the authorized users will include only the 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 UIUC reactor design. This list of authorized users may be revised from time to time upon agreement of the Parties. The points of contact for the Parties, for the purpose of agreeing upon the list of authorized users, are UIUC’s Project Director (for UIUC) and the NRC’s Lead Project Manager for UIUC (for the NRC).
2. The Authorized NRC staff and contractors may use the online reference portal only to access UIUC documents, including Proprietary Information, and only in furtherance of

official duties and in accordance with any of UIUC's reasonable policies and procedures governing access and use. The Parties expressly recognize that UIUC reserves the right to revoke the NRC staff's access to the portal at any time.

3. The online reference portal will be available to the 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.
4. The Parties expressly acknowledge that documents placed into the online reference portal and made available to the authorized NRC staff and contractors are owned or under the control of UIUC. The NRC staff 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 UIUC makes Proprietary Information available to the NRC staff 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 as an indication that such information residing within the online reference portal is not "owned by," "under the control of," or "in the possession of" UIUC.
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 licensing responsibilities with respect to activities associated with the UIUC reactor design, the NRC staff will request that UIUC formally submit such information in accordance with 10 CFR § 50.4, "Written communications." UIUC shall abide by the requirements in 10 CFR § 2.390(b) when submitting such information to the NRC staff if UIUC 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 UIUC to the NRC in accordance with the affidavit requirements, such information shall be subject to disclosure only in accordance with the provisions of 10 CFR § 9.19, "Segregation of exempt information and deletion of identifying details."
6. Information made available to the 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 UIUC reactor design pursuant to applicable regulations contained in 10 CFR. UIUC 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. UIUC makes no warranty, guarantee, or representation as to the completeness or accuracy of information that the authorized NRC staff or contractors' access through the portal.

The NRC requirements governing completeness and accuracy of information apply to any information that UIUC submits to the NRC in accordance with NRC regulations, or information that UIUC is otherwise required to maintain or provide pursuant to statute, order, license, or regulation.

7. This Agreement may be modified at any time in 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:** \_\_\_\_\_

**Title:** Deputy Director, Division of Advanced Reactors and  
Non-power Production and Utilization Facilities

**Date:** September 12, 2023

**BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS**

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_