



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

January 20, 2023

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FINAL RULE FOR THE NUSCALE SMALL MODULAR REACTOR DESIGN
CERTIFICATION RULEMAKING (STC-22-041)

Purpose: To provide information on the U.S. Nuclear Regulatory Commission's (NRC) publication of the final rule for the certification of the NuScale small modular reactor standard design.

Background: NuScale Power, LLC, submitted an application to the NRC by letter dated December 31, 2016, to certify the NuScale small modular reactor standard design for use in the United States. More information about the [NuScale small modular reactor standard design](#) is available on the NRC's website.

Discussion: The NRC published a proposed rule for the certification of the NuScale small modular reactor standard design in the *Federal Register* on July 1, 2021 (86 FR 34999). The proposed rule public comment period was originally scheduled to close on August 30, 2021. Subsequently, the NRC extended the comment period by 45 days (86 FR 47251; August 24, 2021), providing a total comment period of 105 days. The public comment period closed on October 14, 2021. The feedback from the public comments informed the development of this final rule. The NRC published the final rule for the certification of the NuScale standard design in the *Federal Register* on January 19, 2023 (88 FR 3287). The *Federal Register* notice and documents related to this rulemaking are posted on the Federal eRulemaking Portal <https://www.regulations.gov> under Docket ID [NRC-2017-0029](#).

Design certifications are valid for 15 years and can be referenced by a license applicant. The NRC has certified six designs. These certifications are appendices to Title 10 of the *Code of Federal Regulations*, Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." The Commission's approval of this design certification does not grant approval for the construction of any NuScale nuclear power plant. However, after the effective date of this rule, an applicant may reference the standard design when applying for a Construction Permit, Operating License, or Combined License to build and operate a nuclear power plant. Matters resolved in a design certification rulemaking are final and would not be reopened during a future reactor construction or licensing proceeding. As part of the review, the NRC conducts an environmental assessment. The assessment focuses on the applicant's evaluation of design alternatives that could prevent or mitigate severe accidents. For design certifications, there will be no impact to the environment since the applicant is seeking to certify a standard design, rather than seeking to build a nuclear power plant. Currently, there are no planned license applications or identified sites for the NuScale standard design in the United States. However, given the potential for an utility to reference the NuScale design in a license request, the NRC is informing states and Federally recognized Indian Tribes.

For more general information about the NRC, what we regulate, how we regulate, and our rulemaking process, please visit our Website at <https://www.nrc.gov> or view our Information Digest NUREG-1350 (<https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1350/>). For more specific information about the rulemaking process, please visit our Rulemaking Web site (<https://www.nrc.gov/about-nrc/regulatory/rulemaking/rulemaking-process.html>). If you have any questions regarding the NuScale design certification rulemaking or this correspondence, please contact the individuals named below:

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Sincerely,

Tara Inverso

on behalf of

Christopher M. Regan, Director
Division of Rulemaking, Environmental and
Financial Support
Office of Nuclear Material Safety
and Safeguards

STC-22-041 – Final Rule for the NuScale Small Modular Reactor Design Certification Rulemaking, DATE January 20, 2023

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