

**AFFIRMATION ITEM**

**RESPONSE SHEET**

**TO:** Brooke P. Clark, Secretary

**FROM:** Commissioner Wright

**SUBJECT:** SECY-22-0062: Final Rule: NuScale Small Modular  
Reactor Design Certification (RIN 3150-AJ98; NRC-  
2017-0029)

Approved  X  Disapproved       Abstain       Not Participating      

**COMMENTS:** Below       Attached  X  None      

**Entered in STAR**

Yes  X

No      

\_\_\_\_\_  
**Signature**

July 28, 2022

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

**Commissioner David A. Wright's Comments on SECY-22-0062, "Final Rule: NuScale Small Modular Reactor Design Certification (RIN 3150-AJ98; NRC-2017-0029)"**

I approve publication in the *Federal Register* of the final rule to amend Part 52 to certify the NuScale standard design, the first small-modular reactor design to be certified by the NRC. I commend the staff for its efforts to address and resolve the novel issues raised by NuScale's design to reach this milestone. I agree with the Chairman, that there are many lessons learned from this design certification review that should help ensure more effective and efficient reviews in the future.

The staff has already evaluated and documented several lessons learned (ADAMS Accession ML22088A161). The staff should continue to review and apply lessons learned, including reconsideration of a clearly defined appeal process to resolve disagreements between an applicant and staff. There were considerable resources expended on technical disagreements during this review that may have been resolved sooner if there was a process in place providing an opportunity to seek alternate safety perspectives. There are several formalized processes the NRC has instituted to evaluate differing views (from both internal and external stakeholders) to aid in resolving issues efficiently and effectively (e.g., the Nonconcurrency Process, the Differing Professional Opinion Program, the Enforcement Petition Process, the Significance and Enforcement Review Panel Process, letters contesting non-cited violations). However, the entry conditions for those processes do not generally apply to applicants seeking new positions and safety perspectives.

In some cases, applicants may not be able to fully address the context, necessity, or technical basis for its position on an issue in informal discussions. When an applicant believes that a different opinion would benefit the parties involved and all attempts to resolve the technical, legal, or policy issues informally have failed, a formal escalation process may be better suited and provide a more transparent basis and clear rationale for the staff's decision that applicants can then address in their applications. The IAB valve single failure criterion issue is one example that might have benefited from such a process before it was escalated and resolved by the Commission.