



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

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FEDERALLY RECOGNIZED INDIAN TRIBES

PROPOSED RULE FOR THE NUSCALE SMALL MODULAR REACTOR DESIGN
CERTIFICATION RULEMAKING (STC-21-043)

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

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

Discussion: The NRC published a proposed rule for the certification of the NuScale standard design in the *Federal Register* on July 1, 2021 (86 FR 34999). Comments on the proposed rule are due by August 30, 2021. The *Federal Register* notice contains details on how to submit comments. 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 focus of this assessment is 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. There are currently no planned license applications or identified sites for the NuScale standard design in the United States. However, the NRC is informing states and federally recognized Indian Tribes given the potential that NuScale design could be referenced by a utility requesting an NRC license.

The NRC is using the notice and comment rulemaking process. The public has the opportunity to comment on the proposed rule during the associated public comment period. The NRC would revise the proposed rule to address public comments, if warranted, and publish it as a final rule in the *Federal Register*.

For more general information about the NRC, what we regulate, how we regulate, and our rulemaking process, please visit our Web site 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,



Signed by Coyne, Kevin
on 07/02/21

Kevin Coyne, Deputy Director
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