

PUBLIC SUBMISSION

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Docket: NRC-2019-0062

10 CFR Part 53: Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors

Comment On: NRC-2019-0062-0012

Preliminary Proposed Rule Language: Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors

Document: NRC-2019-0062-DRAFT-0186

Comment on FR Doc # 2020-24387

Submitter Information

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Organization: Hybrid Power Technologies LLC

General Comment

Attached is Hybrid Power Technologies LLC letter on the revised comment period end-date

Attachments

Hybrid Pwr to NRC ltr Nov 10 2021 re Schedule

Michael F. Keller
President
Hybrid Power Technologies LLC



November 10, 2021
10CFR53: Revised Comment Submittal Date

Mr. John Tappert
Director, Division of Rulemaking, Environmental, and Financial Support
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Hybrid Power Technologies LLC Input on the NRC Rulemaking Plan on, Risk-Informed, Technology-Inclusive Regulatory Framework; Proposed 10CFR53.

Mr. Tappert:

A notice was posted in the Federal Register (2021-24329) on November 8, 2021 stating that the comment submittal end-date for the proposed 10CFR53 has been extended to January 31, 2022. We note the following:

1. As contained in regulations.gov under docket NRC-2019-0062, there are a massive number (several hundred pages) of unresolved formal public and stakeholder comments, questions, and concerns on the proposed 10CFR53.
2. The proposed 10CFR53 is a massive document, with a number of proposed sections only recently having been submitted for public/stakeholder review and comment.
3. The various proposed 10CFR53 drafts contained the following disclaimer:
“THIS PRELIMINARY RULE LANGUAGE IS BEING RELEASED TO SUPPORT INTERACTIONS WITH STAKEHOLDERS AND THE ADVISORY COMMITTEE ON REACTOR SAFEGUARDS (ACRS). THIS LANGUAGE HAS NOT BEEN SUBJECT TO COMPLETE NRC MANAGEMENT OR LEGAL REVIEW, AND ITS CONTENTS SHOULD NOT BE INTERPRETED AS OFFICIAL AGENCY POSITIONS. THE NRC STAFF PLANS TO CONTINUE WORKING ON THE CONCEPTS AND DETAILS PROVIDED IN THIS PRELIMINARY RULE LANGUAGE AND WILL CONTINUE TO PROVIDE OPPORTUNITIES FOR PUBLIC PARTICIPATION AS PART OF THE RULEMAKING ACTIVITIES. ... ”

In our opinion, there is a very high probability that the finalized version of 10CFR53 is highly unlikely to emerge for some time and that version must move through a proper public/stakeholder review/comment cycle. The January 31, 2022 comment period end-date is utterly unrealistic.

A pragmatic revised rule-making schedule should be issued by the NRC, including the date for submittal to the NRC Commissioners.

In closing, we are of the opinion that this significant and painfully disturbing schedule slippage is the direct result of the NRC staff’s decision to create a completely new Code of Federal Regulation for advanced reactors, as opposed to simply altering/adapting the 10CFR50 framework to conform to the REF. (1) law. We recommended this easier, more efficient, and more practical approach over a year ago. We have made this same recommendation a number of times over the last year.

The NRC staff needs to stop using 10CFR53 as a mechanism for long held desires and how-to guidance. 10CFR53 must simply and clearly delineate what is required under the REF. (1) law.

Michael F. Keller
President
Hybrid Power Technologies LLC

November 10, 2021
10CFR53: Revised Comment Submittal Date



We are somewhat hopeful that a proper 10CFR53 will be the end result of the development effort.

Regards,

Michael F Keller

Michael F. Keller Professional Engineer – State of Kansas
President
Hybrid Power Technologies LLC

References:

- (1) Nuclear Energy and Modernization Act, S512 enacted into law.