

**From:** [Cyril Draffin](#)  
**To:** [Taylor, Robert](#); [Shams, Mohamed](#)  
**Cc:** [Segala, John](#); [Reckley, William](#); [Valliere, Nanette](#); [Beall, Bob](#); [Cabbage, Amy](#); [Cyril Draffin](#)  
**Subject:** [External\_Sender] Comments regarding Part 53  
**Date:** Monday, February 22, 2021 12:57:44 PM

---

Rob and Mo,

U.S. Industry Council's thoughts on the current NRC Part 53 process are provided for your consideration:

1. We very much appreciate the tireless work that the NRC staff is putting into trying to craft an effective and transformative Part 53 program and we recognize the staff is trying to meet a very aggressive -- Commission imposed -- deadline for a final rule in 2024.
2. As a result of the deadline, the staff has taken a similarly aggressive approach to the timing of engaging with the industry, and rushing to put out waves of additional draft subparts before responding to industry questions and comments on the initial subpart language.
3. We believe the NRC staff proposed language increases the level of regulation on technologies, rather than simplifying the regulations and providing flexibility. The increased regulatory burden comes from adding requirements, and more prescription to other requirements, that do not exist in Part 50/52.
4. USNIC and its members, with our counterparts at NEI, have attempted multiple times to provide thoughtful comments and alternatives.
5. Yet, it appears that the NRC staff is only willing to make very cosmetic changes to their proposed subparts (e.g. B and C) based on industry comments. This is based on the apparent belief of NRC staff that the NRC proposal is the only appropriate approach, and the ACRS February 18 discussion that implied the revised rule language to be released is largely unchanged.
6. We further believe that it is critical that NRC senior management be actively involved in a thoughtful effort to resolve Subparts B and C before any further work is done on the rule.
7. If we cannot resolve this issue, we believe this effort will go off the tracks and that further efforts on Part 53 will result in a rule that will be neither used or nor useful for many advanced reactor

developers.

8. We are convinced that the current path of the NRC staff is contrary to the goals of NRC, Congress, and almost all other stakeholders, which is simply stated as a rule that is better than Part 50/52. A “better” rule is not one that the staff thinks is better, but in which almost all stakeholders agree is better.

9. We believe a meeting on Part 53 that is scheduled for March 4th should be postponed until the NRC has been able to fully incorporate stakeholder input and gain management buy in.

10. We urge the NRC to take a strategic pause on this effort until meaningful robust assessment can be made on Subparts B and C, which are the key building blocks of the rule. A successful resolution to Subparts B and C is critical to the success of the entire effort.

11. If the rulemaking schedule is a barrier to achieving a transformational rule that significantly improves the efficiency of the regulatory framework to protect the public, then it is the duty of the staff to inform the Commission. The Commission, Congress, and NEIMA do not want an incremental rule, and any delay in letting the Commission know that a transformational rule is not possible on the current schedule would be misleading.

12. We stand ready to engage in a different process that will result in a more effective rulemaking effort.

We can discuss if that would be helpful.

Cyril Draffin

Senior Fellow, Advanced Nuclear

United States Nuclear Industry Council (USNIC)

c: 301.233.4643