

# 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-0164

Comment on FR Doc # 2020-24387

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## Submitter Information

**Email:** m.keller@hybridpwr.com

**Organization:** Hybrid Power Technologies LLC

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## General Comment

Correction to our earlier summary assessment letter concerning 10CFR53

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## Attachments

Hybrid Pwr to NRC 10CFR53 Oct 22 2021 R1

Michael F. Keller  
President  
Hybrid Power Technologies LLC



October 22, 2021  
10CFR53: Overall Assessment

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:

With the 10CFR53 comment period winding down, we are providing an overall summary of our numerous comments submitted through regulations.gov. In short, the current form of the proposed 10CFR53 (~June 2021 version) is significantly overly prescriptive, represents grossly improper regulatory overreach, fails to comply with the source Congressional Act, and further fails to meet the standards for altering the Code of Federal Regulation.

Relative to the current Code of Federal Regulation governing nuclear reactors (10CFR50 and 52), the proposed 10CFR53 is vastly more complicated. There is no doubt the NRC staff has seized upon the licensing modernization Act (REF. 1) as a means to add all manner of desires, wishes, and guidance into fundamental regulations that have historically been high-level in nature. This overly prescriptive mentality extends into the numerous associated NRC staff position papers, draft regulatory guides and allied documents. The NRC staff appears intent on dictating all facets of advanced reactor and power plant design, construction, and operation. There is no legal basis for such an approach nor is the NRC staff qualified to dictate such particulars. The NRC staff should primarily concentrate on applicant compliance with those elements of the Code of Federal Regulations involving protection of the public from hazardous radiation.

As we have advised on numerous occasions, the most efficient and cost effective method to implement the Congressional Act (REF.1) is to employ the fundamental relevant elements of the existing 10CFR50 (and/or 52) while providing high-level requirements necessary to properly and simply delineate high-level risk informed considerations. This is not a complicated undertaking and could have been quickly accomplished a year ago, as we previously advised. The approach we recommend readily complies with the precepts for altering the Code of Federal Regulations. The existing NRC staff approach does not.

We remain hopeful that a proper 10CFR53 will be the end result of the ongoing development efforts.

Regards,

*Michael F Keller*

Michael F. Keller      Professional Engineer – State of Kansas

Michael F. Keller  
President  
Hybrid Power Technologies LLC

October 22, 2021  
10CFR53: Overall Assessment



President  
Hybrid Power Technologies LLC

**References:**

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