

PUBLIC SUBMISSION

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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-0176

Comment on FR Doc # 2020-24387

Submitter Information

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Organization: Hybrid Power Technologies LLC

General Comment

Hybrid Power Technologies LLC letter of October 31, 2021 to NRC, Expiration of 10CFR53 Comment Period

Attachments

Hybrid Pwr to NRC ltr Oct 31 2021 re Comment Period

Michael F. Keller
President
Hybrid Power Technologies LLC



October 31, 2021
10CFR53: Pending Ending of Comment Period

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:

As noted in a December 6, 2020 notice in the Federal Register, the 10CFR53 comment period expires on November 5, 2021.

The latest sections of the proposed 10CFR53 were presented at public meetings held on October 26 and 28 of 2021 with more material to be discussed on November 3, 2021.

There have been extensive public and stakeholder comments and questions raised over the course of the last year or so. No formal NRC staff response to any of these formal public and stakeholder submittals has ever been issued by the NRC staff. The NRC staff claimed during a very recent public meeting that the legal basis for not responding in a timely fashion lies with a November 6, 2020 notice in the Federal Register. We can find nothing in that notice to support the NRC staff's claim. The NRC staff further claims that the public and stakeholder concerns will be addressed (apparently broadly) before the final 10CFR53 is presented to the NRC Commissioners, scheduled for May 2022. Given the serious nature of many of the concerns, including legal issues, the NRC staff's resolution time frame is both exceptionally unhelpful and flatly unacceptable. Such a delay in issue resolution is a clear danger to deployment of advanced reactors in the US and such a deployment delay is a threat to the nation's energy security as well as efforts to reduce CO2.

The NRC staff appears to justify their complicated and unwarranted 10CFR53 approach by citing the November 6, 2020 notice in the Federal Register. In November 2020, no one could have possibly reasonably anticipated the depth of the NRC staff's massive and unwarranted actions, particular as they relate to ignoring the REF. (1) enabling Act. Attempting to reasonably resolve this complex knot of problems created by the NRC staff cannot occur by November 5, 2021.

The NRC staff's collective actions suggest a stealth attempt by the NRC staff to stifle (and perhaps retaliate against) those public and stakeholders who object to the NRC staff's approach.

As we advised during the October 28, 2021 meeting, we are in the process of preparing a complaint with the Inspector General's office to the effect that the NRC staffs actions are an abuse of regulatory authority. Please note that early in the review process, we advised we were considering such an action (see regulations.gov). However, we deferred in the hopes the NRC staff would pursue a more reasonable path. That has clearly not happened. We consider that our notice of a pending IG complaint overrides the November 5, 2021 end date for comments.

Michael F. Keller
President
Hybrid Power Technologies LLC



October 31, 2021
10CFR53: Pending Ending of Comment Period

Given the ramifications of the numerous issues associated with the proposed 10FR53, the comment submittal date must be extended. Further, the NRC management must direct the NRC staff to provide timely and clear-cut responses to formal public and stakeholder concerns and questions. Such actions will resuscitate the seriously endangered 10CFR53 development effort.

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.