

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-0257

Comment on FR Doc # 2020-24387

Submitter Information

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Organization: Hybrid Power Technologies LLC

General Comment

Enclosed is a Hybrid Power Technologies LLC letter of July 6, 2022 disputing an NRC claim made during the June 30, 2022 Advanced Reactor Stakeholders Meeting.

We are also stating that the NRC is flatly not complying with the Nuclear Energy Innovation and Modernization Act of January 2019. We seriously doubt that Congress, in fact, intended to confer on the NRC wholesale restructuring of the nuclear regulatory process.

Attachments

HybPwr to NRC July 6 2022 10CFR53 Staff Claims

Michael F. Keller
President
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July 6, 2022
Proposed 10CFR53: Claims by NRC Staff – June 30 Meeting

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 - NRC Rulemaking Plan Proposed 10CFR53.

Mr. Tappert:

The purpose of this letter is to formally dispute a claim made by the NRC staff during a June 30, 2022 Advanced Reactor Stakeholder Meeting.¹

Specifically, the NRC staff claimed that “only crickets were heard” during the early stages of the proposed 10CFR53 development effort. That claim is categorically false and a number of organizations took sharp issue with the statement during the stakeholder meeting.

By way of a historical perspective, the proposed 10CFR53 effort was precipitated by the *Nuclear Energy Innovation and Modernization Act* signed into law in January 2019

In point of fact, the public record clearly demonstrates all manner of formal correspondence was forwarded to the NRC early during the development effort, as demonstrated by a review of Regulations.gov history under docket NRC-2019-0062.² Included were a number of formal letters from Hybrid Power Technologies stating that the proposed NRC approach was seriously flawed and ill-advised.

As we noted early-on (fall of 2020), the most efficient, rapid, and cost effective method to meet the *Modernization Act* was to simply adapt the existing 10CFR50/52 currently used to license nuclear reactors. Numerous parties have repeatedly advised and proven that the existing 10CFR50/52 are flexible, predictable, and easily adjusted to accommodate the *Modernization Act*. Instead, the NRC staff embarked on a massive re-construction of nuclear regulations.

The proposed 10CFR53 is riddled with complicated, prescriptive, and convoluted new requirements buried throughout the regulation. Comment submittals by others collectively run several hundreds of pages. There is scant evidence that public and industry inputs have been considered, as observed by both the public and industry.

In our opinion, the existing 10CFR50/52 could have been readily upgraded in a few months. Instead, we are now over 3-1/2 years into an incomplete, long-drawn out, complex, and grossly inefficient process. The NRC staff’s approach has seriously undermined the development and deployment of U.S. advanced reactors, contrary to the *Modernization Act*.

The proposed 10CFR53 will create unwarranted, convoluted and problematic new requirements that will cause significant adverse impacts on U.S. competition, employment, investment, productivity,

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July 6, 2022

Proposed 10CFR53: Claims by NRC Staff – June 30 Meeting

innovation, and the ability of U.S. firms (including Hybrid Power Technologies LLC, a small U.S. business) to compete with foreign-based enterprises in domestic and export markets.

The proposed 10CFR53 is painfully voluminous, overly complex, and frequently inconsistent with existing regulations while creating numerous serious strategic concerns. The proposed regulation is the antithesis of modernization which is, ironically, the title of the law that precipitated the 10CFR53 effort.

In our view, the proposed 10CFR53 flatly does not comply with the *Modernization Act*. Further, we seriously doubt that Congress, in fact, intended to confer on the NRC wholesale restructuring of the nuclear regulatory process.

In closing, the NRC is an independent agency. However, no independent agency is above the Congressional and Executive branches of the Government, as the Supreme Court has ruled on a number of occasions. Simply put, the NRC is required to comply with the law.

Michael F Keller

Michael F. Keller Professional Engineer – State of Kansas

President

Hybrid Power Technologies LLC

A small US Business of the State of Kansas.

Endnotes

1. ML2217A365 6/30/2022, *Advanced Reactor Periodic Stakeholders Meeting*.
2. *Regulations.gov was not active until the fall of 2020. Prior to that time frame, the ability of the public to participate in the 10CFR53 effort was more or less ad hoc; there was no consistent NRC process. The initial version of the proposed 10CFR53 was publically issued in November, 2020.*