



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 5, 2022

Ms. Rani Franovich  
Senior Policy Advisor  
Nuclear Energy Innovation  
Breakthrough Institute

Mr. Stephen Burns  
Senior Visiting Fellow  
Climate and Energy Program  
Third Way

Dear Ms. Franovich and Mr. Burns:

On behalf of the U.S. Nuclear Regulatory Commission (NRC) staff, I would like to thank the Breakthrough Institute and Third Way for your continued engagement on our approach to developing a risk-informed, technology-inclusive regulatory framework for advanced reactors (the Part 53 rule) and other advanced reactor, and for your letter dated July 22, 2022, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22206A212) regarding the NRC's regulatory engagement on the development of the Part 53 rule.

The NRC staff provided additional opportunities for further engagement on the Part 53 rule at the advanced reactor stakeholder meetings on June 30, 2022, and August 18, 2022. The purpose of these meetings was to provide time for open dialogue and feedback on various technical topics covered by the Part 53 rule. The NRC staff also held a public meeting on July 28, 2022, to discuss feedback received on the draft preliminary proposed rule language for Part 53 Framework B and to provide an open forum to receive additional feedback on the entire rule. During these meetings, the NRC staff encouraged the Breakthrough Institute, Third Way, American Nuclear Society, and other stakeholders to provide specific feedback on the preliminary proposed rule language, including specific proposals that could be used to improve the draft preliminary proposed rule text. The NRC staff appreciates the feedback given by stakeholders during these and prior meetings and also as part of the written comments on the preliminary proposed rule language. This feedback has covered topics such as fire protection, as low as reasonably achievable dose considerations, quality assurance, quantitative health objectives, the facility safety program, and the structure of the rulemaking. While the NRC staff will not provide specific written responses to these comments, we have found this input to be valuable in identifying areas for potential further development of the preliminary proposed rule.

On September 30, 2022, the NRC staff released the draft proposed Part 53 rule package (ADAMS Accession No. ML22272A034), including the statements of consideration, to support scheduled Advisory Committee on Reactor Safeguards meetings. The current rule language reflects the NRC staff's consideration of stakeholder feedback and represents the staff's approach to establishing a predictable, risk-informed, and performance-based regulatory

framework for commercial nuclear plants. For example, some reactor designers preferred a more traditional licensing framework like that found in Parts 50 and 52 due to its similarities to regulatory systems in other countries and standards and guidance issued by the International Atomic Energy Agency (IAEA). As such, the staff developed Framework B to provide a traditional, yet technology-inclusive option within the Part 53 rule. The NRC staff plans to discuss the latest version of the draft proposed Part 53 rule package at the periodic Advanced Reactor Stakeholder Public Meeting on October 12, 2022.

The Part 53 rule will continue to evolve as the staff continues its assessment of the recent public comments received and future public interactions of the NRC staff with stakeholders, the Advisory Committee on Reactor Safeguards, and the Commission. The staff will continue to engage with stakeholders over the coming months as it prepares the draft proposed rulemaking package for Commission consideration by February 2023. If approved by the Commission, the proposed rule will be formally issued for public comment. The staff will engage stakeholders during the public comment period and also as it prepares the draft final rule for Commission decision. We look forward to your continued engagement on this rulemaking and other important advanced reactor initiatives. We welcome additional feedback on how to improve this rulemaking at future NRC public meetings and as part of the formal public comment period on the proposed rule, should it be approved by the Commission.

The NRC staff is confident that the opportunities provided to date for public engagement on the rulemaking, as well as the future opportunities that will be provided, will afford all stakeholders an opportunity to fully participate in the NRC's rulemaking process. As such, the NRC staff does not plan to conduct workshops at this time but will continue to assess the best approaches to engage with stakeholders as this rulemaking progresses.

If you have any questions or need additional information, please contact me or Steven Lynch at [Steven.Lynch@nrc.gov](mailto:Steven.Lynch@nrc.gov).

Sincerely,



Signed by Veil, Andrea  
on 10/05/22

Andrea D. Veil, Director  
Office of Nuclear Reactor Regulation

SUBJECT: RESPONSE TO BREAKTHROUGH INSTITUTE AND THIRD WAY LETTER  
REGARDING STAKEHOLDER ENGAGEMENT ON PART 53, DATED:  
OCTOBER 5, 2022

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**NRR-106**

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