

# PUBLIC SUBMISSION

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Advanced Reactor Content of Application Project, “Risk-informed Inservice Inspection/Inservice Testing”

Comment (1)  
Publication Date: 5/25/2023  
Citation: 88 FR 33938

**Comment On:** NRC-2022-0080-0001

Draft Interim Staff Guidance: Advanced Reactor Content of Application Project, “Risk-informed Inservice Inspection/Inservice Testing”

**Document:** NRC-2022-0080-DRAFT-0002

Comment on FR Doc # 2023-11180

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## Submitter Information

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**Organization:** Hybrid Power Technologies LLC

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## General Comment

See our attached letter of June 8, 2023

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## Attachments

Hybrid PWR to NRC June 8 2023

Michael F. Keller  
President  
Hybrid Power Technologies LLC

June 8, 2023  
Regulations.gov NRC-2022-0073 thru 0082



Mr. John W. Lubinski  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Hybrid Power Technologies LLC Input on  
DANU-ISG-2022-01 thru 09

Mr. Lubinski:

The NRC recently (May 25, 2023) issued a number of Federal Register notices soliciting comments on various draft Interim Staff guidance documents involving advanced reactors. These notices involved ten regulations.gov docket numbers (NRC-2022-0073 thru 0082) and nearly **100** separate documents subject to comment solicitations. The public has never been afforded the opportunity to comment on these documents (many of which are new) as there was no earlier mechanism to submit comments. None of the documents are contained within regulations.gov, thus forcing reviewers to use the NRC ADAMs system to find the documents. This is highly unusual and atypical for regulations.gov, as documents being solicited for comment are normally included in regulations.gov as downloadable files. The NRC has requested that public comments be provided within 45 days. These NRC actions stymie public reviews and comments.

At face value, the NRC staff actions are following a disturbing pattern. As amply demonstrated by events surrounding the proposed 10CFR53, the nuclear industry is deeply concerned over apparent NRC staff attempts to invent new and unnecessary regulatory elements, including those well beyond Congress's explicit direction contained in the Nuclear Modernization Act of 2019.

In our view, the NRC staff is attempting to stampede industry acquiesces with thinly veiled overregulation.

During the June 7, 2023 Stake Holders Meeting, the NRC's stated reason for haste was to accommodate NRC staff review actions in support of a few advanced reactor developer submittals. In point of fact, industry codes and standards are the drivers for these submittals – see Modernization Act. Nuclear Energy Institute (NEI) documents (in place for some time) are the key vehicles needed to support developer submittals. These codes/standards have been the subject of extensive NRC Staff/NEI interactions, although public involvement has been somewhat muted owing to the lack of defined mechanisms to support meaningful comment submittal and resolution.

In passing, we note that during the June 7, 2023 meeting, the NRC staff claimed that industry code/standards must be endorsed by the NRC. We know of no such legal requirement, particularly when viewed in the context of the numerous industry codes/standards employed for the design, construction, and operation of power plants. Only a small fraction of the codes/standards in this vast armada have been endorsed by the NRC staff. The NRC staff should refrain from de facto back fitting of new regulatory elements using "guides" to impose regulatory desires, as opposed to delineating specifics to address perceived major shortfalls in code/standard used in conjunction with nuclear safety functions. Such functions vary in terms safety significance and importance.

Michael F. Keller  
President  
Hybrid Power Technologies LLC

June 8, 2023  
Regulations.gov NRC-2022-0073 thru 0082



As a small business developing U.S. patented advanced reactor power plants, we stand to be seriously financially harmed by excessive overregulation. We reserve all our rights afforded by various Congressional Acts, particularly those involving protection of small business from undue regulations.

In closing, we are formally requesting that the NRC take the following actions:

- (1) Include in regulations.gov, as downloadable files, all documents for which public comments are being solicited.
- (2) Alter the Federal Register notices to establish a reasonable, staggered schedule for document review and comment by the public.

Private industry could accomplish this administrative task in a matter of days.

Regards,

*Michael F Keller*

Michael F. Keller      Professional Engineer – State of Kansas  
President  
Hybrid Power Technologies LLC

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