NUCLEAR INNOVATION ALLIANCE

February 28, 2025
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NIA Comments on NRC's Rulemaking on the Part 53, Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors (RIN-3150-AK31; NRC-2019-0062)

Dear U.S. Nuclear Regulatory Commission Staff:

The Nuclear Innovation Alliance (NIA) is a non-profit, non-partisan "think and do" tank pursuing the public's interest in new nuclear energy. We believe an effective risk-informed, performance-based, and technology-inclusive regulatory framework is critical to enable the deployment of advanced nuclear energy to meet U.S. energy security and climate goals.

The Nuclear Regulatory Commission (NRC) has worked diligently over the past five years to develop a risk-informed, performance-based, and technology-inclusive regulatory framework in 10 CFR Part 53 ("Part 53") for advanced reactors. We thank the NRC staff, management, and Commission for their efforts to create a usable rule that can enable the deployment of advanced nuclear energy.

Our comment provides the Nuclear Innovation Alliance's perspective and general comments on the proposed 10 CFR Part 53 rule and specific responses to the NRC staff's request for comments in the Federal Register notice (FRN).

This comment provides NIA's perspective that the proposed rule is flawed but fixable. As currently written, the proposed regulation will not enable the deployment of advanced reactors. To help satisfy societal demands for clean energy, we need a more flexible Part 53 rule that facilitates a range of different approaches to design, licensing, and operation; meets all stakeholder needs; and provides for predictable, performance-based, technology-inclusive, and risk-informed regulation of advanced reactors.

Our comments are based on our own review of the proposed Part 53 rule; congressional, NRC Commission and management direction; public meetings with NRC staff; and discussions with external industry and public stakeholders. NIA recommends the following high-level changes to the proposed Part 53 rule:

1. Eliminate unnecessary and duplicative requirements by moving details out of the rule language and into guidance where appropriate. A high-level rule that more heavily leverages regulatory guidance is consistent with Enclosure 3 in the Commission's direction to staff in SRM-SECY-23-0021. This will increase regulatory flexibility by allowing a wider variety of safety cases, enable greater regulatory predictability over time as applicants and staff gain experience with Part 53

and staff formalizes guidance, and facilitate on-going public stakeholder engagement through public involvement in the guidance development process.

2. Replace requirements for an "all hazards" probabilistic risk assessment (PRA) with requirements for a "risk evaluation" that enable the use of a wider range of different risk assessment methodologies to meet the regulatory requirements in the rule. This would align with the ADVANCE Act direction to use "alternatives to probabilistic risk assessments" and is consistent with Enclosure 2 in the Commission's direction to staff in SRM-SECY-23-0021, which stated that the risk evaluation requirement could be met by using either a PRA, or other qualitative or quantitative risk evaluation methods.
3. Clarify the use and role of comprehensive risk metrics in Part 53 to enable the use of a variety of different quantitative and qualitative metrics and evaluation methods. NIA believes that a comprehensive or cumulative risk metric is important in a performance-based regulatory framework to provide additional regulatory assurance of overall facility safety. While the comprehensive risk metric will not be (and should not be) the only regulatory metric used to evaluate safety, it demonstrates that plants licensed under Part 53 will have an overall risk profile that is as safe as existing nuclear power plants that meet the Commission's Safety Goals. This clarification will enable applicants to meet the intent of the comprehensive risk metrics without creating additional regulatory uncertainty or regulatory inefficiency.
4. Create clear pathways in Part 53 that enable applicants to transition from near-term licensing activities in 10 CFR Part 50 and Part 52 to Part 53 licensing activities in the future. Nearly all new reactor applicants currently engaging with the NRC are focused on the licensing processes currently available in Parts 50 and 52. If an applicant completes the licensing process under these parts or makes significant progress towards licensing (e.g., issuance of a construction permit or receipt of a safety evaluation report for a topical report), it's not clear if the applicant could transfer this licensing progress to licensing under Part 53. Without clear pathways for applicants to move from existing regulations to Part 53, applicants that are making progress on licensing today may not utilize Part 53 in the future.

These four recommendations advance the public interest by ensuring that the NRC develops a successful Part 53 rule that will be used and is useful. Other organizations and stakeholders (including the Nuclear Energy Institute) have submitted specific wording changes in separate public comments. NRC staff should carefully consider changes that enable the final rule to meet the four recommendations above to create

a Part 53 rule that allows new reactor license applicants to use a variety of technology-inclusive, risk-informed, and performance-based licensing approaches.

We again thank the NRC Commission, management, and staff for their on-going work to make Part 53 an effective regulatory framework that can enable the safe development and deployment of advanced reactors. If you have any questions, please contact me at pwhite@nuclearinnovationalliance.org.

Sincerely,

Patrick White
Research Director
Nuclear Innovation Alliance

NIA Public Comment on the Proposed 10 CFR Part 53 Rule

February 28th, 2025

Introduction

The 2019 Nuclear Energy Innovation and Modernization Act (NEIMA) initiated what is now known as the Part 53 rulemaking process. One major provision in NEIMA was the direction to the Nuclear Regulatory Commission (NRC) to "develop the expertise and regulatory processes necessary to allow innovation and the commercialization of advanced nuclear reactors."[1] This legislative direction was largely based on a desire by Congress to enable the development of advanced nuclear energy to help meet national energy security and clean energy needs. The existing regulatory processes for new nuclear reactor licensing in the United States were perceived as impeding the development and commercialization of innovative advanced nuclear energy technologies. NEIMA was intended to create new regulatory processes that would enable commercialization and deployment of advanced nuclear energy.

Over the past five years, NRC has worked to develop the new Part 53 regulatory framework for advanced reactors. The rulemaking process was novel for NRC and involved external stakeholders from an early stage. Public meetings hosted by NRC staff and publication of the preliminary draft rule enabled external stakeholders to provide input and feedback on the rule direction. Throughout the Part 53 rulemaking process, the Nuclear Innovation Alliance (NIA) has provided comments that highlight the importance of creating a new regulatory framework for advanced reactors that can:

- Enable the licensing of a diverse set of reactor technologies, use cases, and reactor sizes that may use innovative methods to either meet, or demonstrate compliance with, regulatory requirements.
- Be risk-informed and performance-based while enabling the efficient licensing of reactor technologies that range from reactor designs with tens of thousands of reactor-years of operating experience to reactor designs with minimal operating experience.
- Address the needs of diverse stakeholders including advanced reactor developers licensing first-of-a-kind demonstration (FOAK) reactors, utilities or industrial companies licensing subsequent standardized designs, and civil society, each with a range of different priorities on the safety, siting, and deployment of new nuclear reactors.

Development of a regulatory framework that meets the above criteria would help enable the effective, efficient, and predictable licensing of advanced reactors by creating a process for the repeatable licensing

[1] Public Law No: 115-439 (01/14/2019)

of novel nuclear technologies. This goal aligns with the initial Congressional direction in NEIMA and subsequent direction from Congress and the Commission through the Part 53 rulemaking process.

NIA General Comments on the Part 53 Regulatory Framework

NIA believes that the goals for Part 53 can be most effectively accomplished by creating a high-level performance-based regulatory framework that enables advanced reactor license applicants to justify their own safety case to satisfy a set of common, standard safety limits. This framework would maximize flexibility for applicants to utilize innovative design, evaluation, or programmatic methods to demonstrate compliance with safety limits. New regulatory guidance would provide predictability for applicants and create multiple, optional pathways for applicants to use to license their reactor technology. This flexible but predictable regulatory framework would allow applicants to utilize the regulatory pathway that best aligns with their specific technology, business case, and regulatory approach.

NIA has provided extensive public comments throughout the rulemaking process through formal comment submissions to the NRC, presentations to the Commission and at NRC public meetings, and through publication of reports and white papers discussing the Part 53 rulemaking process and key concepts. Past comments provided by NIA during Part 53 rulemaking process include:

- NIA submission of joint NGO public comments on Part 53: ML21207A223
- NIA submission of public comments on Part 53: ML21321A284
- NIA briefing to NRC Commissioners on Part 53: ML21337A139
- NIA public presentation at NRC NGO public meeting on Part 53: ML22038A000
- NIA submission of public comments on Part 53: ML22250A608
- NIA publication of white paper on Part 53: Bridging the Gap on Part 53
- NIA public presentation to the American Nuclear Society on Part 53 rulemaking process: Next steps on 10 CFR Part 53
- NIA publication of white paper on comprehensive risk metrics: Comprehensive Risk Metrics for Nuclear Reactor Regulation

These public comments, presentations, and publications document included:

- the history of the Part 53 rulemaking process;
- the conceptual basis for the initial development of Part 53 by NRC staff and the subsequent revisions to the proposed draft rule;
- NIA's perspective on how to change the proposed rule to best meet the intent of the Part 53 rulemaking process, the public interest, and the needs of applicants; and
- specific changes that could be made to the proposed draft rule.

These prior public comments are not reproduced here but are hyperlinked above and provide additional context for this NIA comment on Part 53.

Overall, NIA recommends restructuring the Part 53 rule to focus on applicant development and submission of a safety case that demonstrates compliance with high-level performance-based regulatory requirements. Specifically, applicants would submit a safety case that demonstrates compliance with performance-based regulatory requirements for normal and off-normal operation to protect workers, the public, and the environment, and would also propose and demonstrate compliance with an overall risk or safety metric. This metric would help ensure that the overall safety of the proposed nuclear power plant meets existing NRC Commission expectations for plant safety and risk.

This proposed restructuring of Part 53 is described in detail in NIA's public comments from November 2021 and closely aligns with Enclosure 3 in the Commission's 2024 vote (SRM-SECY-23-0021) on the proposed 10 CFR Part 53 rulemaking framework. NIA recommends that the NRC staff consider the regulatory structure in Enclosure 3 to the Part 53 SRM as the basis for additional structural changes to the Part 53 rule to create a high-level rule, supported by guidance, that can provide both the flexibility and predictability needed by applicants in a new regulatory framework.

NIA-Endorsed and Specific Comments on the Proposed Part 53 Rule

Absent major changes described above to the Part 53 rule to create a more performance-based regulatory framework for advanced reactors, NIA recommends that targeted changes to the regulatory framework are needed to create a more useful and usable rule. This includes recommendations that NIA has endorsed with other organizations and specific comments provided by NIA. NIA has co-signed and endorsed two sets of public comments to NRC staff on the proposed Part 53 rule that provide both high-level and specific comments and recommendations.

The first endorsed comment is a joint NGO public comment on Part 53 cosigned by The Breakthrough Institute, Clean Air Task Force, ClearPath, Good Energy Collective, Nuclear Innovation Alliance, and Third Way providing high-level comments on the most important issues to address in the proposed Part 53 regulatory framework. NIA believes that the three issues described in the joint NGO public comment are the most important issues that need to be addressed as part of the NRC staff resolution of public comments on the proposed Part 53 rule. Increasing regulatory flexibility and predictability is critical to developing a successful Part 53 rule that will be used and is useful. We believe that strong alignment by a wide range of NGOs on this public comment highlights the broad stakeholder agreement on the importance of these changes to the proposed Part 53. Please refer to the Part 53 public comment entitled "Joint NGO Comments on NRC's Rulemaking on the Part 53, Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors (RIN-3150-AK31; NRC-2019-0062)" for the specific comment and NIA-endorsed recommendations.

The second endorsed comment is a detailed public comment on Part 53 cosigned by NIA and The Breakthrough Institute. The endorsed comment was the outcome of a consensus process that included fifteen non-governmental organizations, government agencies, national laboratories, consultants, technology developers, and industry groups. The detailed comment focuses on select aspects of the proposed Part 53 rule where there was strong stakeholder consensus on changes or clarifications. The detailed discussion and resulting consensus on many important issues in this public comment highlight stakeholder agreement on the importance of these specific changes to the proposed Part 53. Please refer to the Part 53 public comment entitled "Stakeholder Consensus on Proposed Part 53 Major Topics (NRC–2019–0062, RIN 3150–AK31)" for the specific comments and NIA-endorsed recommendations.

In addition to these endorsed public comments, NIA also has additional perspectives on three specific topics in the proposed Part 53 rule: the role of probabilistic risk assessment, the implementation of comprehensive risk metrics, and the transferability of licensing activities under the existing regulatory frameworks in 10 CFR Part 50 and Part 52 to licensing under Part 53.

Role of Probabilistic Risk Assessment

In the NRC's Federal Register Notice for the proposed Part 53 rule, the NRC Specific Requests for Comment sought comments and supporting rationale on "Part 53, Subpart C—Probabilistic Risk Assessment." NIA

recommends that Part 53 be revised to allow for the use of an alternative risk evaluation to the probabilistic risk assessment methodology (PRA).

During the Part 53 development, stakeholders expressed interest in licensing processes that enabled different roles for PRA in the design and licensing process for advanced reactors. The proposed Part 53 uses PRA in a "leading" fashion, using the insights and results from the PRA to support the selection of licensing basis events, the safety significance classification of system, structure, and component (SSC), and the overall design of the facility. This use of PRA aligns with the role of PRA in the Licensing Modernization Project (LMP) as described in NEI 18-04 and endorsed by NRC in Reg Guide 1.233. While this is the preferred usage of PRA for some applicants, it is not the only way to use risk insights to support licensing. Throughout the public comment on the proposed draft rule, other stakeholders expressed the desire to have PRA required for licensing in a "confirmatory" or "trailing" fashion as is currently the case for reactors licensed under Part 52 or without the requirement to use PRA to support any formal licensing requirements, as is currently the case for reactors licensed under Part 50. There was a wide range of stakeholder perspectives on the role of PRA during the Part 53 development process.

As a result of this stakeholder feedback, during the rule development process, the NRC staff had created "Framework B", an alternative deterministic licensing pathway in Part 53 that would not require the use of PRA to license a new reactor. The Commission ultimately voted to remove Framework B from the rule in the SRM to NRC staff on Part 53 (SRM-SECY-23-0021) to reduce the rule's complexity, but the stakeholder concern about the use, scope, and role of PRA in Part 53 remains.

A systematic evaluation of safety and risk is prudent and essential. The proposed rule, however, unnecessarily limits applicants' use of different methods to evaluate risk by requiring that applicants use PRA. Part 53 needs to be technology-inclusive to license all kinds of reactors and provide flexibility for applicants to develop a safety case that best demonstrates the safety of their technology. Not all applicants may need or choose to use a PRA to demonstrate the safety of their reactor. Thus, applicants need flexible risk evaluation requirements, especially for a licensing framework developed to be inclusive of advanced reactors and microreactors. Specifically, ADVANCE Act Section 208, enacted in 2024, requires the NRC to develop strategies and guidance for risk analysis methods for microreactors, including alternatives to PRA. Part 53 is mandated by NEIMA to be a risk-informed performance-based framework and should include a risk-informed performance-based requirement that allows alternatives to PRA for all applicants – not just microreactors.

There are also recent demonstrations of how a reactor can be effectively, efficiently, and predictably licensed without a "leading" PRA. The Kairos-Hermes construction permit application was approved by NRC and did not use a strict PRA approach, indicating that developers and the NRC can successfully use alternative approaches. Requiring use of PRA in a "leading" fashion and with evaluation of "all hazards" and all plant conditions wastes applicant and NRC resources by creating requirements that are not needed by all applicants to demonstrate the safety case of their reactor, and does not align with past licensing decisions, the intent of NEIMA, or the goals of the ADVANCE Act.

NIA recommends that Part 53 be revised to allow for the use of alternative risk evaluations to the probabilistic risk assessment methodology (PRA) in all current and proposed licensing frameworks, based upon technologically and actuarially plausible risk parameters and reasonable uncertainty margins. NIA recommends replacing the term PRA throughout Part 53 with the term "risk evaluation," as suggested in Enclosure 2 to the Commission vote on Part 53 (SRM-SECY-23-0021), and that NRC staff make conforming

changes throughout Part 53 to describe how risk evaluations are used to support licensing. Applicants should be required to submit analyses and documentation that support their specific safety case and not evaluations that meet only a single approach to demonstrating safety.

Implementation of Comprehensive Risk Metrics

In the NRC's Federal Register Notice for the proposed Part 53 rule, the NRC Specific Requests for Comment sought input and supporting rationale on "Part 53, Subpart B—Comprehensive Risk Metrics." NIA recommends that comprehensive risk metrics are retained in the rule (with changes) because they are one of several key requirements that characterize the safety of a nuclear reactor in a performance-based regulatory framework. NIA also recommends that any comprehensive risk metrics that are proposed by applicants and approved by NRC staff have the option of being codified through NRC staff development of regulatory guidance, NRC staff endorsement of applicant reports, or NRC staff approval of topical reports that document the risk metrics.

As discussed in NIA's white paper on comprehensive risk metrics (Comprehensive Risk Metrics for Nuclear Reactor Regulation), a combination of prescriptive design, programmatic, analytic, and operational requirements have helped bound the safety of existing large light water reactors. Despite being licensed without use of formal risk evaluations, post-licensing probabilistic risk evaluations of existing large light water reactors suggest the plants have similar risk profiles and that these risk profiles meet NRC expectations for the safe operation of nuclear power plants. In future performance-based and technology-inclusive licensing frameworks where applicants can define their own safety case, it is unclear if demonstration of compliance with acute and chronic worker, public, and environmental regulatory limits alone would bound the overall safety of the reactor to acceptable levels. As a result, implementation of an additional risk metric would provide the additional assurance necessary that the reactor meets Commission expectations for "reasonable assurance of adequate protection."

In discussions with external stakeholders, NIA found there was some stakeholder confusion over the use of the term "risk metric" to describe a performance-based regulatory requirement. There was also concern that the term "risk metric" would unnecessarily limit applicant proposal of metrics and demonstration of compliance with metrics to numerical evaluations of risk and would exclude qualitative evaluations of safety that could enable the NRC to help reach the same finding of "reasonable assurance of adequate protection". The intent of the Part 53 rulemaking process is to create a flexible regulatory framework that enables the licensing of a wide range of different technologies that rely on different safety cases. NIA recommends changes to the proposed comprehensive risk metrics to better characterize their role in providing assurance of safety within the context of the Part 53 regulatory framework, and to provide flexibility in meeting this regulatory requirement.

Specific to the role of comprehensive risk metrics, NIA recommends:

1. Revise the terminology from a Comprehensive Risk Metric (CRM) to a Comprehensive Safety Metric (CSM) to emphasize that the purpose of the metric is to evaluate overall safety of the facility. This will also help emphasize that applicants have flexibility in how they meet safety objectives, and that the NRC takes an integrated view of the effects of all regulatory requirements on overall plant safety, rather than prescribing a specific metric or methodology (e.g., QHOs and PRA). Applicant compliance with the CSM could be demonstrated with either qualitative or quantitative evaluations of safety.

2. Define a "Comprehensive Safety Metric" (CSM) as the figure of merit that will be assessed during licensing and "Comprehensive Safety Assessment" (CSA) as the methodology or set of methodologies used to evaluate and demonstrate compliance with the figure of merit.
3. Clarify in the preamble to the Part 53 rule the intended relationship between existing NRC risk objectives, CSM, and CSA to establish a clear framework for assessing overall safety while ensuring that CSMs are not the sole basis for regulatory decision-making.
4. Emphasize that the overall goal of CSM is to help ensure the outcome of "adequate protection of public health and safety" when evaluating existing or proposed metrics.
5. Enable applicant definition and use of CSM to align with accepted industry practices for safety and risk evaluations completed during design and allow applicants to select metrics (e.g., QHOs, CDF, LERF) and evaluation methodologies (e.g., PRA, AERI) that meet the overall intent of the CSM.
6. Remove explicit references to QHOs in the rule text to prevent QHOs from becoming a de facto regulatory requirement. QHOs, however, should remain an acceptable option for applicants who choose to use them as their CSM.
7. Revise rule text (e.g., 53.220) to focus on applicant completion of an "Integrated Safety Assessment" rather than mandating specific evaluation methodologies (e.g., PRA) be used when demonstrating the overall safety of a facility.

These changes would help capture the intent of the comprehensive risk (or safety) metric as an important regulatory requirement within the Part 53 regulatory framework while also ensuring the flexibility within Part 53 to propose different regulatory metrics and use a variety of different analysis methods to meet the regulatory requirements.

Substantially more interaction on this topic (i.e., beyond the proposed rule comment period) is necessary and supported by the Commission in SRM-SECY-23-0021. Further interaction will ensure both staff and external stakeholders understand the intended development, use, and implementation of CSM, and ensure that this requirement will function as intended. Reducing uncertainty and ensuring alignment is essential to ensure the metric enables rather than limits the usefulness of the Part 53 licensing framework.

NIA believes that comprehensive risk metrics (or comprehensive safety metrics) are an important regulatory requirement that helps ensure that the overall safety of a nuclear power plant meets the intent of the performance-based regulatory framework in Part 53.

Transferability of Part 50/Part 52 to Part 53

One of the major challenges of developing a new regulatory framework for advanced reactors is that first-mover applicants are already using Parts 50 and 52 to license their initial reactor projects. Applicant familiarity with Parts 50 and 52, along with the regulatory certainty based on decades of licensing experience, make these existing licensing processes extremely attractive to near-term applicants. Additionally, the timeline for Part 53 development (i.e., completion of the rule by the end of 2027) does not accommodate business plans counting on submitting applications this decade.

Even once Part 53 is completed, applicants may continue to use Part 50 and Part 52 not because they are more effective or efficient licensing pathways, but because they are well established and therefore more predictable. The regulatory risk of novel approaches may limit the effectiveness of Part 53 as a tool to enable the more efficient and predictable licensing of advanced reactors using a technology-inclusive,

risk-informed, and performance-based regulatory framework. Hesitancy to license new reactors using Part 53 would prevent applicants from realizing its potential benefits. At the initial licensing stage, these benefits include reduced exemption requests to existing prescriptive regulatory requirements, while the benefits at the operating stage include increased programmatic flexibility and efficiency. It is important to create pathways that will enable applicants to transfer licensing decisions from Part 50 and Part 52 to licensing activities under Part 53 (where appropriate) to help reduce regulatory risk and enable applicants to gain experience with Part 53.

Two separate cases should be considered by NRC staff to improve the usability of Part 53 and transferability from Parts 50 and 52 to Part 53: use of preliminary regulatory approvals (i.e., regulatory approvals before an operating license or combined license approval) under Part 50 and Part 52 to support licensing decisions under Part 53, and conversion of final regulatory approvals (i.e., operating license or combined license) under Part 50 and Part 52 to an equivalent licensing decision under Part 53.

Regulatory decisions on early-stage licensing activities (e.g., early site permit, construction permit, standardized design approval and design certification) completed using existing processes in Part 50 or Part 52 should be usable by applicants to seek later-stage approvals (e.g., operating license [OL] and combined licenses [COL]) under Part 53. This transferability should be based on applicant compliance with any additional requirements in Part 53 that were not present in Part 50 and Part 52, but should maintain the regulatory finality of what was approved under Parts 50 and 52. For example, early site permits already exist or are being pursued by utilities. ESPs would rely on the same technical and licensing bases whether under Part 52 or 53 and therefore ought to be transferable without issue. Construction permits (CPs) issued under Part 50 (for example for advanced reactor applicants using an LMP-based licensing strategy) ought to enable applicants to pursue their OL under Part 53 without reopening any of the safety issues resolved as part of the CP review or other engagement. Similarly, applicants ought to be able to reference design certifications (DC) completed under Part 52 when applying for a Part 53 COL. NRC staff ought to recognize the regulatory finality of the Part 52 DC assuming that any differences in licensing bases between the Part 52 DC and the Part 53 COL are appropriately dispositioned. Finally, topical reports and other pre-application licensing activities under Part 50 or 52 should remain equally valid for meeting Part 53 requirements and there should be an efficient pathway for transferring those safety evaluations. Currently this transferability is precluded under Part 53 due to language in the proposed 10 CFR 53.1124 Relationship between sections. Resolving these gaps in transferability would greatly increase the usability of the rule, enabling early-mover applicants and licensees using Part 50 and Part 52 today to gain access to the flexibility allowed under Part 53 for Generally Licensed Reactor Operators (GLROs), security requirements, Fitness for Duty, Access Authorization and more.

The second case that could be considered by NRC staff in revising Part 53 would be the ability to convert final regulatory approvals (i.e., operating license or combined license) under Part 50 and Part 52 to an equivalent licensing decision under Part 53. This process would be more challenging due to the variety of different technical and regulatory requirements between the rules, but it should be possible if an applicant can demonstrate that the prescriptive safety case developed to meet the regulatory requirements in Part 50 and Part 52 would also meet the performance-based safety requirements in Part 53. This case could be considered during future updates to Part 53 after experience is gained with the Part 53 licensing process, but NRC should consider how transferability from Part 50 and Part 52 to Part 53 can be maximized to enable development of a rule that is both useful and used by applicants.