

which the site is located or, if the site is not located in a municipality, on the chief executive of the county.

#### **§ 52.46 Referral to the ACRS.**

The portion of the submittal containing information requested of applicants for construction permits by §§ 50.33 (a) through (c) and (e) and 50.34(a)(1) of this chapter will be referred to the ACRS for a review and report. There will be no referral to the ACRS unless early review of the site safety issues under § 50.34(a)(1) is requested.

#### **§ 52.47 Issuance of site report.**

(a) Upon completion of review by the NRC staff and, if appropriate, by the ACRS of a submittal under this subpart, the NRC staff shall prepare a Staff Site Report which identifies the location of the site, states the site suitability issues reviewed, explains the nature and scope of the review, states the conclusions of the staff regarding the issues reviewed and, states the reasons for those conclusions. Upon issuance of an NRC Staff Site Report, the NRC staff shall publish a notice of the availability of the report in the **Federal Register** and shall make available a copy of the report at the NRC Web site, <http://www.nrc.gov>. The NRC staff shall also send a copy of the report to the Governor of the State, local government bodies (county, municipality, or other political subdivision), and affected, Federally-recognized Indian Tribes.

(b) Any Staff Site Report prepared and issued in accordance with this subpart may be incorporated by reference, as appropriate, in an application for a construction permit, a combined license, or a duplicate design license for a utilization facility which is subject to § 51.20(b) of this chapter and is of the type specific in § 50.21(b)(2) or (3) or § 50.22 of this chapter or is a testing facility. The conclusions of the Staff Site Report will be reexamined by the staff where five years or more have elapsed between the issuance of the Staff Site Report and its incorporation by reference in an application.

(c) Issuance of a Staff Site Report does not constitute a commitment to issue a permit or license, to permit on-site work under § 50.10(e) of this chapter, or in any way affect the authority of the Commission, Atomic Safety and Licensing Board Panel, and other presiding officers in any proceeding under 10 CFR part 2 of this chapter.

#### **§ 52.49 Relationship to other subparts.**

The NRC staff will not conduct more than one review of site suitability issues with regard to a particular site prior to

the full construction permit, combined license, or duplicate design license review required by subpart A of part 51 of this chapter. The NRC staff may decline to prepare and issue a Staff Site Report in response to a submittal under this subpart where it appears that—

(a) In cases where no review of the relative merits of the submitted site and alternative sites under subpart A of part 51 of this chapter is requested, there is a reasonable likelihood that further staff review would identify one or more preferable alternative sites and the staff review of one or more site suitability issues would lead to an irreversible and irretrievable commitment of resources prior to the submittal of the analysis of alternative sites in the Environmental Report that would prejudice the later review and decision on alternative sites under subpart F and/or G of part 2 and subpart A of part 51 of this chapter; or

(b) In cases where, in the judgment of the staff, early review of any site suitability issue or issues would not be in the public interest, considering:

(1) The degree of likelihood that any early findings on those issues would retain their validity in later reviews;

(2) The objections, if any, of cognizant state or local government agencies to the conduct of an early review on those issues; and

(3) The possible effect on the public interest of having an early, if not necessarily conclusive, resolution of those issues.

#### **Subpart C—[Reserved]**

#### **Subpart D—Standard Design Certifications**

##### **§ 52.101 Scope of subpart.**

This subpart sets forth the requirements and procedures applicable to Commission issuance of rules granting standard design certification for nuclear power facilities separate from the filing of an application for a construction permit, duplicate design license, or combined license for such a facility.

##### **§ 52.103 Relationship to other subparts.**

(a) Subpart H of this part governs the issuance of licenses to manufacture nuclear power reactors to be installed and operated at sites not identified in the manufacturing license application. Subpart I of this part governs licenses to construct and operate nuclear power reactors of duplicate design at multiple sites. These subparts may be used independently of the provisions in this subpart unless the applicant also wishes to use a certified standard design approved under this subpart.

(b) Subpart E of this part governs the NRC staff review and approval of preliminary and final standard designs. An NRC staff approval under subpart E of this part in no way affects the authority of the Commission or the presiding officer in any proceeding under subpart G of 10 CFR part 2.

##### **§ 52.105 Filing of applications.**

(a)(1) Any person may seek a standard design certification for an essentially complete nuclear power plant design which is an evolutionary change from light water reactor designs of plants which have been licensed and in commercial operation before April 18, 1989.

(2) Any person may also seek a standard design certification for a nuclear power plant design which differs significantly from the light water reactor designs described in paragraph (a)(1) of this section or utilizes simplified, inherent, passive, or other innovative means to accomplish its safety functions.

(b) An application for certification may be filed notwithstanding the fact that an application for a construction permit, a duplicate design license, or a combined license for such a facility has not been filed.

(c) The applicant must comply with the filing requirements of 10 CFR 50.30(a) and 50.30(b) as these requirements would apply to an application for a nuclear power plant construction permit.

(d) The fees associated with the review of an application for the initial issuance or renewal of a standard design certification are set forth in 10 CFR part 170.

##### **§ 52.107 Contents of applications.**

(a) The requirements of this paragraph apply to all applications for design certification.

(1) An application for design certification must contain:

(i) The technical information required of applicants for construction permits and operating licenses by 10 CFR parts 20, 50 and its appendices, and 10 CFR parts 73 and 100, and that is technically relevant to the design and not site-specific;

(ii) Demonstration of compliance with any technically relevant portions of the Three Mile Island requirements set forth in 10 CFR 50.34(f);

(iii) The site parameters postulated for the design, and an analysis and evaluation of the design in terms of those site parameters;

(iv) Proposed technical resolutions of those Unresolved Safety Issues and medium- and high-priority Generic