

performed and the acceptance criteria met, the facility has been constructed and will operate in conformity with the combined license, the provisions of the Atomic Energy Act, and the NRC's regulations.

(1) If the application references a certified standard design, the inspections, tests, analyses, and acceptance criteria contained in the certified design must apply to those portions of the facility design that are covered by the design certification.

(2) The application may include a notification that a required inspection, test, or analysis in the ITAAC has been successfully completed and that the corresponding acceptance criterion has been met. The **Federal Register** notification required by § 52.217 must indicate that the application includes this notification.

(d) The application must contain emergency plans that provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the site.

(1) If the application references an early site permit, the application may incorporate by reference emergency plans, or major features of emergency plans, approved in connection with the issuance of the permit. If the application incorporates by reference an emergency plan or major features of such a plan, the application must include information that updates and corrects the information previously provided under § 52.17(b), and discuss whether the new information materially changes the bases for compliance with the applicable requirements. New information that materially changes the bases for the Commission's determination on the matters in § 52.17(b) must be subject to litigation during the combined license proceeding in the same manner as other issues material to those proceedings.

(2)(i) If the application does not reference an early site permit, or if no emergency plans were approved in connection with the issuance of the permit, the applicant shall make good faith efforts to obtain certifications from the local and State governmental agencies with emergency planning responsibilities that:

(A) The proposed emergency plans are practicable;

(B) These agencies are committed to participating in any further development of the plans, including any required field demonstrations; and

(C) These agencies are committed to executing their responsibilities under the plans in the event of an emergency.

(ii) The application must contain any certifications that have been obtained. If these certifications cannot be obtained, the application must contain information, including a utility plan, sufficient to show that the proposed plans nonetheless provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the site.

#### **§ 52.213 Standards for review of applications.**

Applications filed under this subpart will be reviewed according to the standards set out in 10 CFR parts 20, 50, 51, 55, 73, and 100 as they apply to applications for construction permits and operating licenses for nuclear power plants, and as those standards are technically relevant to the design proposed for the facility.

#### **§ 52.215 Applicability of NRC requirements.**

(a) An applicant shall comply with all requirements in 10 CFR Chapter I applicable to applicants for construction permits and limited work authorizations under 10 CFR 50.10.

(b) After a combined license is issued but before the Commission has authorized operation under § 52.231, the licensee shall comply with all requirements in this chapter of Title 10 applicable to holders of construction permits for nuclear power reactors.

(c) After the Commission has authorized operation under § 52.231, the licensee shall comply with all requirements in 10 CFR Chapter I applicable to holders of operating licenses for nuclear power reactors. Any limitations contained in 10 CFR part 50 regarding applicability of the provisions to certain classes of facilities continue to apply. Provisions of 10 CFR part 50 that do not apply to holders of combined licenses issued under this subpart include §§ 50.55(a), (b) and (d), and 50.58(a).

#### **§ 52.217 Administrative review of applications.**

A proceeding on a combined license is subject to all applicable procedural requirements contained in 10 CFR part 2, including the requirements for docketing (§ 2.101) and issuance of a notice of hearing (§ 2.104). If an applicant requests a Commission finding on certain ITAAC with the issuance of the combined license, then those ITAAC will be identified in the notice of hearing. All hearings on combined licenses are governed by the procedures contained in 10 CFR part 2.

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

The Commission shall refer a copy of the application to the Advisory Committee on Reactor Safeguards (ACRS). The ACRS shall report on those portions of the application that concern safety and shall apply the criteria set forth in § 52.213, in accordance with the finality provisions of this part.

#### **§ 52.221 Environmental review.**

If the application references an early site permit and/or a design certification rule, the environmental review must focus on whether the design of the facility falls within the site parameters specified in the early site permit and any other significant environmental issue not considered in any previous proceeding on the site or the design. If the application does not reference an early site permit, the environmental review procedures set out in 10 CFR part 51 with respect to a construction permit must be followed, including the issuance of a final environmental impact statement, but excluding the issuance of a supplement under 10 CFR 51.95(a).

#### **§ 52.223 Authorization to conduct site activities.**

(a)(1) If the application references an early site permit that contains a site redress plan as described in § 52.17(c) the applicant is authorized by § 52.25 to perform the site preparation activities described in 10 CFR 50.10(e)(1).

(2) If the application does not reference an early site permit which contains a redress plan, the applicant may not perform the site preparation activities allowed by 10 CFR 50.10(e)(1) without first submitting a site redress plan in accord with § 52.211(a)(3) and obtaining the separate authorization required by 10 CFR 50.10(e)(1). Authorization may be granted only after the presiding officer in the proceeding on the application has made the findings and determination required by 10 CFR 50.10(e)(2) and has determined that the site redress plan meets the criteria in § 52.17(c).

(3) Authorization to conduct the activities described in 10 CFR 50.10(e)(3)(i) may be granted only after the presiding officer in the combined license proceeding makes the additional finding required by 10 CFR 50.10(e)(3)(ii).

(b) If, after an applicant for a combined license has performed the activities permitted by paragraph (a) of this section, the application for the license is withdrawn or denied, and the early site permit referenced by the application expires, then the applicant shall redress the site in accord with the