

protection of the public health and safety.

(c) After receiving a request for a hearing, the Commission expeditiously shall either deny or grant the request. If the request is granted, the Commission shall determine, after considering petitioners' prima facie showing and any answers thereto, whether during a period of interim operation, there will be reasonable assurance of adequate protection of the public health and safety. If the Commission determines that there is such reasonable assurance, it shall allow operation during an interim period under the combined license.

(d) The Commission, in its discretion, shall determine appropriate hearing procedures, whether informal or formal adjudicatory, for any hearing under paragraph (a) of this section, and shall state its reasons therefor.

(e) The Commission shall, to the maximum possible extent, render a decision on issues raised by the hearing request within 180 days of the publication of the notice provided by paragraph (a) of this section or the anticipated date for initial loading of fuel into the reactor, whichever is later.

(f) A petition to modify the terms and conditions of the combined license will be processed as a request for action in accord with 10 CFR 2.206. The petitioner shall file the petition with the Secretary of the Commission. Before the licensed activity allegedly affected by the petition (fuel loading, low power testing, *etc.*) commences, the Commission shall determine whether any immediate action is required. If the petition is granted, then an appropriate order will be issued. Fuel loading and operation under the combined license will not be affected by the granting of the petition unless the order is made immediately effective.

(g) Prior to operation of the facility, the Commission shall find that the acceptance criteria of the ITAAC in the combined license are met, except for those ITAAC that the Commission found were met under § 52.227(a)(2). If the combined license is for a modular design, each reactor module may require a separate finding as construction proceeds.

(h) After the Commission has made the finding in paragraph (g) of this section, the ITAAC do not, by virtue of their inclusion in the design certification rule or combined license, constitute regulatory requirements either for licensees or for renewal of the license; except for specific ITAAC, which are the subject of a hearing under paragraph (a) of this section, their expiration will occur upon final

Commission action in such proceeding. However, subsequent changes to the facility or procedures described in the final safety analysis report (as updated) must comply with the requirements in § 52.227(c) or (d), as applicable.

Subpart H—Manufacturing Licenses

§ 52.241 Scope of subpart.

(a) Section 101 of the Atomic Energy Act of 1954, as amended, and § 50.10 of this chapter require a Commission license to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import or export any production or utilization facility. The regulations in 10 CFR part 50 require the issuance of a construction permit by the Commission before commencement of construction of a production or utilization facility, and the issuance of an operating license before operation of the facility. The provisions of 10 CFR part 50 relating to the facility licensing process are, in general, predicated on the assumption that the facility will be assembled and constructed on the site at which it is to be operated. In those circumstances, both facility design and site-related issues can be considered in the initial, construction permit stage of the licensing process.

(b) Under the Atomic Energy Act, a license may be sought and issued authorizing the manufacture of facilities but not their construction and installation at the sites on which the facilities are to be operated. Prior to the "commencement of construction," as defined in § 50.10(c) of this chapter, of a facility (manufactured under such a Commission license) on the site at which it is to operate—that is preparation of the site and installation of the facility—a construction permit, combined license, or duplicate plant license that, among other things, reflects approval of the site on which the facility is to be operated, must be issued by the Commission. This subpart sets out the particular requirements and provisions applicable to situations where nuclear power reactors to be manufactured under a Commission license and subsequently installed at the site under a Commission construction permit, combined license, or duplicate plant license, are of the type described in § 50.22 of this chapter.

§ 52.243 Relationship to other subparts.

(a) Referencing a manufacturing license. An application for a construction permit, operating license or combined license to construct a nuclear power plant which is to be manufactured under a manufacturing

license issued under this subpart need not contain the information or analyses that have been previously approved by the Commission in connection with the issuance of the manufacturing license. The application must reference the manufacturing license, and provide sufficient information to demonstrate that the site on which the reactor(s) is to be located and operated fits within the postulated site parameters specified in the manufacturing license.

(b) Amendment of manufacturing license to reflect final reactor design. The holder of a manufacturing license issued under this subpart shall submit to the Commission the final design of the nuclear power reactor(s) covered by the license as soon as such design has been completed. The submittal must be in the form of an application for amendment of the manufacturing license.

(c) Application for construction permit or combined license referencing a manufacturing license. An application for a permit to construct a nuclear power reactor(s) or a combined license that is the subject of an application for a manufacturing license pursuant to this subpart need not contain information or analyses that have previously been submitted to the Commission in connection with the application for a manufacturing license. However, the application must comply with §§ 50.34(a) and 50.34a of this chapter, and provide sufficient information to demonstrate that the site on which the reactor(s) is to be operated falls within the postulated site parameters specified in the relevant manufacturing license application.

(d) Approval of construction permit or combined license referencing a manufacturing license. The Commission may issue a permit to construct a nuclear power reactor(s) or a combined license that is the subject of an application for a manufacturing license pursuant to this subpart if the Commission—

(1) Finds that the site on which the reactor is to be operated falls within the postulated site parameters specified in the relevant application for a manufacturing license; and

(2) Makes the findings otherwise required by 10 CFR part 50. A construction permit or combined license may not be issued until the relevant manufacturing license has been issued.

(e) Approval of operating license referencing a manufacturing license. An operating license for a nuclear power reactor(s) that has been manufactured under a Commission license issued under this subpart may be issued by the Commission under 10 CFR 50.57 and