

subpart A of part 51 of this chapter except that the Commission shall find, under 10 CFR 50.57(a)(1), that construction of the reactor(s) has been substantially completed in conformity with both the manufacturing license and the construction permit and the applications therefor, as amended, and the provisions of the Act, and the rules and regulations of the Commission. Notwithstanding the other provisions of this paragraph, no application for an operating license for a nuclear power reactor(s) that has been manufactured under a Commission license issued under this subpart will be docketed until the application for an amendment to the relevant manufacturing license required by § 52.249 has been docketed.

(f) Prohibition against transport of nuclear power reactor manufactured under this subpart. The prohibition in § 50.10(c) of this chapter against commencement of construction of a production or utilization facility prior to issuance of a construction permit applies to the transport of a nuclear power reactor(s) manufactured pursuant to this subpart from the manufacturing facility to the site at which the reactor(s) will be installed and operated. In addition, such nuclear power reactor(s) may not be removed from the manufacturing site until the final design of the reactor(s) has been approved by the Commission in accordance with § 52.249.

§ 52.245 Filing and contents of applications.

(a) An application for a manufacturing license under this subpart must be submitted, as specified in § 50.4 of this chapter and meet all the requirements of §§ 50.34(a)(1)–(9) and 50.34a(a) and (b) of this chapter except that the preliminary safety analysis report must be designated as a “design report” and any required information or analyses relating to site matters must be predicated on postulated site parameters which must be specified in the application. The application must also include information pertaining to design features of the proposed reactor(s) that affect plans for coping with emergencies in the operation of the reactor(s).

(b) An applicant for a manufacturing license under this subpart shall submit with the application an environmental report as required of applicants for construction permits in accordance with subpart A of part 51 of this chapter. However, the report must be directed at the manufacture of the reactor(s) at the manufacturing site; and, in general terms, at the construction and operation of the reactor(s) at a hypothetical site or sites having characteristics that fall

within the postulated site parameters. The related draft and final environmental impact statement prepared by the NRC staff will be similarly directed.

(c) The financial information submitted under § 50.33(f) of this chapter and Appendix C of part 50 must be directed at a demonstration of the financial qualifications of the applicant for the manufacturing license to carry out the manufacturing activity for which the license is sought.

(d) The fees associated with the filing and review of the application are set forth in 10 CFR part 170.

§ 52.247 Standards for review of application.

Applications filed under this subpart will be reviewed for compliance with the standards set out in 10 CFR part 20, part 50 and its appendices, and parts 73 and 100 as they apply to applications for construction permits and operating licenses for nuclear power plants, except as otherwise specified in this subpart or as the context otherwise indicates. The requirement in § 50.58 of this chapter for review of the application by the Advisory Committee on Reactor Safeguards and the holding of a public hearing, apply in context, with respect to matters of radiological health and safety, environmental protection, and the common defense and security, to licenses under this subpart to manufacture nuclear power reactors (manufacturing licenses) to be operated at sites not identified in the license application.

§ 52.249 Applicability of NRC requirements.

An applicant shall comply with all requirements in this chapter of Title 10 applicable to applicants for construction permits and operating licenses under this chapter of Title 10, except §§ 50.10(b) and (c), 50.12(b), 50.23, 50.30(d), 50.34(a)(10), 50.34a(c), 50.35(a) and (c), 50.40(a), 50.45, 50.55(d), 50.56 of this chapter and Appendix J of 10 CFR part 50 do not apply to manufacturing licenses. Appendices E and H of 10 CFR part 50 apply to manufacturing licenses only to the extent that the requirements of these appendices involve facility design features.

§ 52.251 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 which concern safety.

§ 52.253 Issuance of manufacturing license.

(a) The Commission may issue a license to manufacture one or more nuclear power reactors to be operated at sites not identified in the license application if the Commission finds that:

(1) The applicant has described the proposed design of and the site parameters postulated for the reactor(s), including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features of components incorporated therein for the protection of the health and safety of the public.

(2) Further technical or design information that may be required to complete the design report and which can reasonably be left for later consideration, will be supplied in a supplement to the design report.

(3) Safety features or components, if any, that require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with the features of components; and

(4) On the basis of the foregoing, there is reasonable assurance that:

(i) Such safety questions will be satisfactorily resolved before any of the proposed nuclear power reactor(s) are removed from the manufacturing site; and

(ii) Taking into consideration the site criteria contained in part 100 of this chapter, the proposed reactor(s) can be constructed and operated at sites having characteristics that fall within the site parameters postulated for the design of the reactor(s) without undue risk to the health and safety of the public.

(5) The applicant is technically and financially qualified to design and manufacture the proposed nuclear power reactor(s).

(6) The issuance of a license to the applicant will not be inimical to the common defense and security or to the health and safety of the public.

(7) On the basis of the evaluations and analyses of the environmental effects of the proposed action required by subpart A of part 51 of this chapter and § 52.245(b), the action called for is the issuance of the license.

(b) When an applicant has supplied initially all of the technical information required to complete the application, including the final design of the reactor(s), the findings required for the issuance of the license will be