

been resolved at an earlier stage of the licensing process, unless there exists significant new information that substantially affects the conclusion(s) reached at the earlier stage or other good cause.

[38 FR 30253, Nov. 2, 1973, as amended at 49 FR 9404, Mar. 12, 1984; 49 FR 35754, Sept. 12, 1984; 50 FR 18853, May 3, 1985; 51 FR 40311, Nov. 6, 1986]

APPENDIX N TO PART 50—STANDARDIZATION OF NUCLEAR POWER PLANT DESIGNS: LICENSES TO CONSTRUCT AND OPERATE NUCLEAR POWER REACTORS OF DUPLICATE DESIGN AT MULTIPLE SITES

Section 101 of the Atomic Energy Act of 1954, as amended, and §50.10 of this part 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 this part require the issuance of a construction permit by the Commission before commencement of construction of a production or utilization facility, except as provided in §50.10(e), and the issuance of an operating license before operation of the facility.

The Commission's regulations in part 2 of this chapter specifically provide for the holding of hearings on particular issues separately from other issues involved in hearings in licensing proceedings (§2.761a, appendix A, section I(c)), and for the consolidation of adjudicatory proceedings and of the presentations of parties in adjudicatory proceedings such as licensing proceedings (§§2.715a, 2.716).

This appendix sets out the particular requirements and provisions applicable to situations in which applications are filed by one or more applicants for licenses to construct and operate nuclear power reactors of essentially the same design to be located at different sites.<sup>1</sup>

1. Except as otherwise specified in this appendix or as the context otherwise indicates, the provisions of this part applicable to construction permits and operating licenses, including the requirement in §50.58 for review of the application by the Advisory Committee on Reactor Safeguards and the holding of public hearings, apply to construction permits and operating licenses subject to this appendix N.

2. Applications for construction permits submitted pursuant to this appendix must include the information required by §§50.33,

50.33a, 50.34(a) and 50.34a (a) and (b) and be submitted as specified in §50.4. The applicant shall also submit the information required by §51.50 of this chapter.

For the technical information required by §§50.34(a) (1) through (5) and (8) and 50.34a (a) and (b), reference may be made to a single preliminary safety analysis of the design<sup>2</sup> which, for the purposes of §50.34(a)(1) includes one set of site parameters postulated for the design of the reactors, and an analysis and evaluation of the reactors in terms of such postulated site parameters. Such single preliminary safety analysis shall also include information pertaining to design features of the proposed reactors that affect plans for coping with emergencies in the operation of the reactors, and shall describe the quality assurance program with respect to aspects of design, fabrication, procurement and construction that are common to all of the reactors.

3. Applications for operating licenses submitted pursuant to this appendix N shall include the information required by §§50.33, 50.34(b) and (c), and 50.34a(c). The applicant shall also submit the information required by §51.53 of this chapter. For the technical information required by §§50.34(b)(2) through (5) and 50.34a(c), reference may be made to a single final safety analysis of the design.

[40 FR 2977, Jan. 17, 1975, as amended at 49 FR 9405, Mar. 12, 1984; 51 FR 40311, Nov. 6, 1986]

APPENDIX O TO PART 50—STANDARDIZATION OF DESIGN: STAFF REVIEW OF STANDARD DESIGNS

This appendix sets out procedures for the filing, staff review and referral to the Advisory Committee on Reactor Safeguards of standard designs for a nuclear power reactor of the type described in §50.22 or major portions thereof.

1. Any person may submit a proposed preliminary or final standard design for a nuclear power reactor of the type described in §50.22 to the regulatory staff for its review. Such a submittal may consist of either the preliminary or final design for the entire reactor facility or the preliminary or final design of major portions thereof.

2. The submittal for review of the standard design must be made in the same manner and in the same number of copies as provided in §§50.4 and 50.30 for license applications.

<sup>2</sup>As used in this appendix, the design of a nuclear power reactor included in a single referenced safety analysis report means the design of those structures, systems and components important to radiological health and safety and the common defense and security.

<sup>1</sup>If the design for the power reactor(s) proposed in a particular application is not identical to the others, that application may not be processed under this appendix and subpart D of part 2 of this chapter.

3. The submittal for review of the standard design shall include the information described in §50.33(a) through (d) and the applicable technical information required by §§50.34 (a) and (b), as appropriate, and 50.34a (other than that required by §§50.34(a) (6) and (10), 50.34(b)(1), (6)(i), (ii), (iv), and (v) and 50.34(b) (7) and (8)). The submittal shall also include a description, analysis and evaluation of the interfaces between the submitted design and the balance of the nuclear power plant. With respect to the requirements of §§50.34(a)(1), the submittal for review of a standard design shall include the site parameters postulated for the design, and an analysis and evaluation of the design in terms of such postulated site parameters. The information submitted pursuant to §50.34(a)(7) shall be limited to the quality assurance program to be applied to the design, procurement and fabrication of the structures, systems, and components for which design review has been requested and the information submitted pursuant to §50.34(a)(9) shall be limited to the qualifications of the person submitting the standard design to design the reactor or major portion thereof. The submittal shall also include information pertaining to design features that affect plans for coping with emergencies in the operation of the reactor or major portion thereof.

4. Once the regulatory staff has initiated a technical review of a submittal under this appendix, the submittal will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for a review and report.

5. Upon completion of their review of a submittal under this appendix, the NRC regulatory staff shall publish in the FEDERAL REGISTER a determination as to whether or not the preliminary or final design is acceptable, subject to such conditions as may be appropriate, and make available at the NRC Web site, <http://www.nrc.gov>, an analysis of the design in the form of a report. An approved design shall be utilized by and relied upon by the regulatory staff and the ACRS in their review of any individual facility license application which incorporates by reference a design approved in accordance with this paragraph unless there exists significant new information which substantially affects the earlier determination or other good cause.

6. The determination and report by the regulatory staff shall not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Panel, Atomic Safety and Licensing Panel, and other presiding officers in any proceeding under subpart G of part 2 of this chapter.

7. The Commission may, on its own initiative or in response to a petition for rule making, approve the design in a rulemaking proceeding and in that event, the approved

design will be subject to challenge only as provided in §2.758 of this chapter. An environmental impact statement may be prepared for such a rule making action in accordance with §§51.20(b)(13) and 51.85 of this chapter. If an environmental impact statement is prepared, the Commission may require the petitioner for rulemaking to submit information to the Commission to aid the Commission in the preparation of the environmental impact statement.

8. Information requests to the approval holder regarding an approved design shall be evaluated prior to issuance to ensure that the burden to be imposed on respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information. Each such evaluation performed by the NRC staff shall be in accordance with 10 CFR 50.54(f) and shall be approved by the Executive Director for Operations or his or her designee prior to issuance of the request.

[40 FR 2977, Jan. 17, 1975, as amended at 49 FR 9405, Mar. 12, 1984; 50 FR 38112, Sept. 20, 1985; 51 FR 40311, Nov. 6, 1986; 64 FR 48952, Sept. 9, 1999]

#### APPENDIX P TO PART 50 [RESERVED]

#### APPENDIX Q TO PART 50—PRE-APPLICATION EARLY REVIEW OF SITE SUITABILITY ISSUES

This appendix sets out procedures for the filing, Staff review, and referral to the Advisory Committee on Reactor Safeguards of requests for early review of one or more site suitability issues relating to the construction and operation of certain utilization facilities separately from and prior to the submittal of applications for construction permits for the facilities. The appendix also sets out procedures for the preparation and issuance of Staff Site Reports and for their incorporation by reference in applications for the construction and operation of certain utilization facilities. The utilization facilities are those which are subject to §51.20(b) of this chapter and are of the type specified in §50.21(b) (2) or (3) or §50.22 or are testing facilities. This appendix does not apply to proceedings conducted pursuant to subpart F of part 2 of this chapter.

1. Any person may submit information regarding one or more site suitability issues to the Commission's Staff for its review separately from and prior to an application for a construction permit for a facility. Such a submittal shall be accompanied by any fee required by part 170 of this chapter and shall consist of the portion of the information required of applicants for construction permits by §§50.33(a)-(c) and (e), and, insofar as it relates to the issue(s) of site suitability for which early review is sought, by §§50.34(a)(1)