

Nuclear Regulatory Commission

§ 50.30

an enemy of the United States, whether a foreign government or other person, or (b) use or deployment of weapons incident to U.S. defense activities.

[32 FR 13445, Sept. 26, 1967]

CLASSIFICATION AND DESCRIPTION OF LICENSES

§ 50.20 Two classes of licenses.

Licenses will be issued to named persons applying to the Commission therefor, and will be either class 104 or class 103.

§ 50.21 Class 104 licenses; for medical therapy and research and development facilities.

A class 104 license will be issued, to an applicant who qualifies, for any one or more of the following: to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, or use.

(a) A utilization facility for use in medical therapy; or

(b)(1) A production or utilization facility the construction or operation of which was licensed pursuant to subsection 104b of the Act prior to December 19, 1970;

(2) A production or utilization facility for industrial or commercial purposes constructed or operated under an arrangement with the Administration entered into under the Cooperative Power Reactor Demonstration Program, except as otherwise specifically required by applicable law; and

(3) A production or utilization facility for industrial or commercial purposes, when specifically authorized by law.

(c) A production or utilization facility, which is useful in the conduct of research and development activities of the types specified in section 31 of the Act, and which is not a facility of the type specified in paragraph (b) of this section or in § 50.22.

[21 FR 355, Jan. 19, 1956, as amended at 31 FR 15145 Dec. 2, 1966; 35 FR 19659, Dec. 29, 1970; 38 FR 11446, May 8, 1973; 43 FR 6924, Feb. 17, 1978]

§ 50.22 Class 103 licenses; for commercial and industrial facilities.

A class 103 license will be issued, to an applicant who qualifies, for any one

or more of the following: To transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, or use a production or utilization facility for industrial or commercial purposes; *Provided, however,* That in the case of a production or utilization facility which is useful in the conduct of research and development activities of the types specified in section 31 of the Act, such facility is deemed to be for industrial or commercial purposes if the facility is to be used so that more than 50 percent of the annual cost of owning and operating the facility is devoted to the production of materials, products, or energy for sale or commercial distribution, or to the sale of services, other than research and development or education or training.

[38 FR 11446, May 8, 1973, as amended at 43 FR 6924, Feb. 17, 1978]

§ 50.23 Construction permits.

A construction permit for the construction of a production or utilization facility will be issued prior to the issuance of a license if the application is otherwise acceptable, and will be converted upon due completion of the facility and Commission action into a license as provided in § 50.56 of this part. A construction permit for the alteration of a production or utilization facility will be issued prior to the issuance of an amendment of a license, if the application for amendment is otherwise acceptable, as provided in § 50.91.

[21 FR 355, June 19, 1956, as amended at 35 FR 11461, July 17, 1970]

APPLICATIONS FOR LICENSES, FORM, CONTENTS, INELIGIBILITY OF CERTAIN APPLICANTS

§ 50.30 Filing of application for licenses; oath or affirmation.

(a) *Serving of applications.* (1) Each filing of an application for a license to construct and/or operate a production or utilization facility (including amendments to the applications) must be submitted to the U.S. Nuclear Regulatory Commission in accordance with § 50.4.

(2) The applicant shall maintain the capability to generate additional copies of the general information and the

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safety analysis report, or part thereof or amendment thereto, for subsequent distribution in accordance with the written instructions of the Director, Office of Nuclear Reactor Regulation, or the Director, Office of Nuclear Material Safety and Safeguards, as appropriate.

(3) Each applicant shall, upon notification by the Atomic Safety and Licensing Board appointed to conduct the public hearing required by the Atomic Energy Act for the issuance of a construction permit, update the application and serve the updated copies of the application or parts of it, eliminating all superseded information, together with an index of the updated application, as directed by the Atomic Safety and Licensing Board. In addition, at that time the applicant shall serve a copy of the updated application on the Atomic Safety and Licensing Appeal Panel. Any subsequent amendment to the application must be served on those served copies of the application and must be submitted to the U.S. Nuclear Regulatory Commission as specified in § 50.4.

(4) The applicant must make a copy of the updated application available at the public hearing for the use of any other parties to the proceeding, and shall certify that the updated copies of the application contain the current contents of the application submitted in accordance with the requirements of this part.

(5) At the time of filing an application, the Commission will make available at the NRC Web site, <http://www.nrc.gov>, a copy of the application, subsequent amendments, and other records pertinent to the facility for public inspection and copying.

(6) The serving of copies required by this section must not occur until the application has been docketed pursuant to § 2.101(a) of this chapter. Copies must be submitted to the Commission, as specified in § 50.4, to enable the Director, Office of Nuclear Reactor Regulation, or the Director, Office of Nuclear Material Safety and Safeguards, as appropriate, to determine whether the application is sufficiently complete to permit docketing.

(b) *Oath or affirmation.* Each application for a license, including whenever

appropriate a construction permit, or amendment of it, and each amendment of each application must be executed in a signed original by the applicant or duly authorized officer thereof under oath or affirmation.

(c) [Reserved]

(d) *Application for operating licenses.* The holder of a construction permit for a production or utilization facility shall, at the time of submission of the final safety analysis report, file an application for an operating license or an amendment to an application for a license to construct and operate a production or utilization facility for the issuance of an operating license, as appropriate. The application or amendment shall state the name of the applicant, the name, location and power level, if any, of the facility and the time when the facility is expected to be ready for operation, and may incorporate by reference any pertinent information submitted in accordance with § 50.33 with the application for a construction permit.

(e) *Filing fees.* Each application for a production or utilization facility license, including, whenever appropriate, a construction permit, other than a license exempted from part 170 of this chapter, shall be accompanied by the fee prescribed in part 170 of this chapter. No fee will be required to accompany an application for renewal, amendment or termination of a construction permit or operating license, except as provided in § 170.21 of this chapter.

(f) *Environmental report.* An application for a construction permit or an operating license for a nuclear power reactor, testing facility, fuel reprocessing plant, or such other production or utilization facility whose construction or operation may be determined by the Commission to have a significant impact on the environment shall be accompanied by any Environmental Report required pursuant to subpart A of part 51 of this chapter.

[23 FR 3115, May 10, 1958, as amended at 33 FR 10924, Aug. 1, 1968; 34 FR 6307, Apr. 3, 1969; 35 FR 19660, Dec. 29, 1970; 37 FR 5749, Mar. 21, 1972; 51 FR 40307, Nov. 6, 1986; 64 FR 48951, Sept. 9, 1999; 68 FR 58809, Oct. 10, 2003]