

the certified design, except those to which the modification has been rendered technically irrelevant by action taken under paragraphs (a)(3) or (b)(1) of this section.

(4) While a design certification rule is in effect under § 52.119 or § 52.125, unless

(i) a modification is necessary to secure compliance with the Commission's regulations applicable and in effect at the time the certification was issued, or to assure adequate protection of the public health and safety or the common defense and security, and

(ii) special circumstances as defined in 10 CFR 50.12(a) are present, the Commission may not impose new requirements by plant-specific order on any part of the design of a specific plant referencing the design certification rule if that part was approved in the design certification. In addition to the factors listed in 10 CFR 50.12(a), the Commission shall consider whether the special circumstances which 10 CFR 50.12(a)(2) requires to be present outweigh any decrease in safety that may result from the reduction in standardization caused by the plant-specific order.

(5) Except as provided in 10 CFR 2.758, in making the findings required for issuance of a combined license or operating license, or for any hearing under § 52.231, the Commission shall treat as resolved those matters resolved in connection with the issuance or renewal of a design certification rule.

(b)(1) An applicant or licensee who references a standard design certification rule may request an exemption from one or more elements of the design certification information. The Commission may grant such a request only if it determines that the exemption will comply with the requirements of 10 CFR 50.12(a). In addition to the factors listed in § 50.12(a), the Commission shall consider whether the special circumstances that § 50.12(a)(2) requires to be present outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption. The granting of an exemption on request of an applicant must be subject to litigation in the same manner as other issues in the operating license or combined license hearing.

(2) Subject to § 50.59, a licensee who references a standard design certification rule may make changes to the design of the nuclear power facility, without prior Commission approval, unless the proposed change involves a change to the design as described in the rule certifying the design. The licensee shall maintain records of all changes to

the facility and these records must be maintained and available for audit until the date of termination of the license.

(c) The Commission will require, prior to granting a construction permit, combined license, or operating license which references a standard design certification rule, that information normally contained in certain procurement specifications and construction and installation specifications be completed and available for audit if such information is necessary for the Commission to make its safety determinations, including the determination that the application is consistent with the certification information. This information may be acquired by appropriate arrangements with the design certification applicant.

Subpart E—Standard Design Approvals

§ 52.131 Scope of subpart.

This subpart sets out procedures for the filing, NRC 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 of this chapter or major portions thereof.

§ 52.133 Filing of applications.

(a) Any person may submit a proposed preliminary or final standard design for a nuclear power reactor of the type described in 10 CFR 50.22 to the NRC staff for its review. The 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.

(b) 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 of this chapter for license applications.

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

§ 52.135 Contents of applications.

The submittal for review of the standard design must include the information described in §§ 50.33 (a) through (d) of this chapter and the applicable technical information required by § 50.34 of this chapter, as appropriate (other than that required by 10 CFR 50.34(a)(6) and (10), 50.34(b)(1), (6)(i), (ii), (iv), and (v) and 50.34(b)(7) and (8)), 10 CFR 50.34a, and 52.107(a)(1)(i) through (v), and (vii). The submittal must 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) of this chapter, the submittal for review of a standard design must include the site parameters postulated for the design, and an analysis and evaluation of the design in terms of the postulated site parameters. The information submitted under § 50.34(a)(7) of this chapter, must 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. The information submitted under § 50.34(a)(9) of this chapter must be limited to the qualifications of the person submitting the standard design to design the reactor or major portion thereof. The submittal must also include information pertaining to design features that affect plans for coping with emergencies in the operation of the reactor or a major portion thereof.

§ 52.137 Referral to the ACRS.

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

§ 52.139 Staff approval of design.

(a) Upon completion of their review of a submittal under this subpart, the NRC staff shall publish a determination in the **Federal Register** as to whether or not the preliminary or final design is acceptable, subject to appropriate conditions, and make an analysis of the design in the form of a report available at the NRC Web site, <http://www.nrc.gov>.

(b) A standard design approval issued under this subpart is valid for 15 years from the date of issuance. A design approval continues to be valid beyond the date of expiration in any proceeding on an application for a construction permit or an operating license which references the design approval and is docketed before the date of expiration of the design approval.

§ 52.141 Finality of the design approval.

(a) An approved design must be used by and relied upon by the NRC staff and the ACRS in their review of any individual facility license application that incorporates by reference a design approved in accordance with this paragraph unless there exists significant new information that substantially affects the earlier determination or other good cause.

(b) The determination and report by the NRC staff do not constitute a commitment to issue a permit or