

certification is in effect under §§ 52.55 or 52.61, 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.

(4) An applicant or licensee who references the design certification may request an exemption from Tier 2 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). The granting of an exemption on request of an applicant must be subject to litigation in the same manner as other issues in the construction permit, operating license, or combined license hearing.

(5)(i) An applicant or licensee who references the design certification may depart from Tier 2 information, without prior NRC approval, unless the proposed change involves a change to Tier 1 or Tier 2* information, as identified in the DCD, the technical specifications, or an unreviewed safety question as defined in paragraphs (b)(5)(ii) or (b)(5)(iii) of this section. When evaluating the proposed change, an applicant or licensee shall consider all matters described in the DCD, including generic issues and shutdown risk for all postulated accidents including severe accidents. These changes will no longer be considered "matters resolved in connection with the issuance or renewal of a design certification" within the meaning of 10 CFR 52.63(a)(4).

(ii) A proposed departure from Tier 2 information, other than severe accident issues identified in Section 19.11 of the DCD, including appendices 19.11A through 19.11L, must be deemed to involve an unreviewed safety question if:

(A) The probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the DCD may be increased;

(B) A possibility for an accident or malfunction of a different type than any evaluated previously in the DCD may be created; or

(C) The margin of safety as defined in the basis for any technical specification is reduced.

(iii) A proposed departure from information associated with severe accident issues identified in Section 19.11 of the DCD, including appendices 19.11A through 19.11L, must be deemed to involve an unreviewed safety question if:

(A) There is a substantial increase in the probability of a severe accident such that a particular severe accident previously reviewed and determined to be not credible could become credible; or

(B) There is a substantial increase in the consequences to the public of a particular severe accident previously reviewed.

(iv) Departures from Tier 2 information made in accordance with Section 8(b)(5) above do not require an exemption from this design certification rule.

(c) Other requirements of this design certification rule.

An applicant or licensee who references the design certification may not depart from this rule's requirements, other than Tier 1 or 2 information, other than by an exemption in accordance with 10 CFR 50.12.

9. Records and Reports.

(a) Records.

(1) The applicant for this design certification shall maintain a copy of the DCD that includes all generic changes to Tier 1 and Tier 2 information.

(2) An applicant or licensee that references this design certification shall maintain records of all changes to and departures from the DCD pursuant to Section 8 of this appendix. Records of changes made pursuant to Section 8(b)(5) must include a written safety evaluation which provides the bases for the determination that the proposed change does not involve an unreviewed safety question, a change to Tier 1 or Tier 2* information, or a change to the technical specifications.

(b) *Reports.* An applicant or licensee that references this design certification shall submit a report to the NRC, as specified in 10 CFR 50.4, containing a brief description of any departures from the DCD, including a summary of the safety evaluation of each. An applicant or licensee shall also submit updates to the DCD to ensure that the DCD contains the latest material developed for both Tier 1 and 2 information. The requirements of 10 CFR 50.71 for safety analysis reports must apply to these updates. These reports and updates must be submitted at the frequency specified below:

(1) During the interval from the date of application to the date of issuance of either a construction permit under 10 CFR part 50 or a combined license under 10 CFR part 52, the report and any updates to the DCD may be submitted along with amendments to the application.

(2) During the interval from the date of issuance of either a construction permit under 10 CFR part 50 or a combined license under 10 CFR part 52 until the applicant or licensee receives either an operating license under 10 CFR part 50 or the Commission makes its findings under 10 CFR 52.103, the report must be submitted quarterly. Updates to the DCD must be submitted annually.

(3) Thereafter, reports and updates to the DCD may be submitted annually or along with updates to the safety analysis report for the facility as required by 10 CFR 50.71, or at such shorter intervals as may be specified in the license.

(c) *Retention period.* The DCD and the records of changes to and departures from the DCD must be maintained until the date of termination of the construction permit or license.

Dated at Rockville, MD, this 31st day of March, 1995.

For the Nuclear Regulatory Commission.

John C. Hoyle,
Secretary of the Commission.

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10 CFR Part 52

Standard Design Certification for the U.S. Advance Boiling Water Reactor and the System 80+ Standard Designs; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) will conduct a meeting on May 11, 1995, to discuss proposed design certification rules (DCRs) for the U.S. Advanced Boiling Water Reactor (ABWR) and System 80+ Standard Designs. The applicant for certification of the U.S. ABWR design is GE Nuclear Energy and the applicant for certification of the System 80+ design is Combustion Engineering, Inc. The purpose of the public meeting is to discuss the meaning and intent of the proposed DCRs, in order to facilitate written comments.

DATES: The meeting will be held on Thursday, May 11, 1995.

ADDRESSES: The meeting will be held in the NRC Auditorium. The NRC Auditorium is located on an underground level between the One White Flint North Building and the Two White Flint North Building at 11545 Rockville Pike, Rockville, Maryland 20852. The NRC buildings are located across the street from the White Flint Metro Station. The entrance to the auditorium is located underneath the glass pyramid, near the Two White Flint North Building.

The proposed DCRs, the design control documents that are incorporated by reference into the DCRs, and the environmental assessments for each design are available for examination and copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC, between the hours of 7:45 a.m. and 5:15 p.m. on Federal workdays.

FOR FURTHER INFORMATION CONTACT: Jerry N. Wilson or Dino C. Scaletti, Office of Nuclear Reactor Regulation, Mail Stop O-11 H-3, U.S. NRC, Washington, DC 20555-0001, telephone (301) 415-3145 or (301) 415-1104, respectively.

SUPPLEMENTARY INFORMATION: The NRC's regulations in subpart B to 10 CFR part 52 provide the requirements applicable to issuing a design certification for a standard nuclear power plant design. The NRC has issued two proposed DCRs pursuant to Subpart B in this issue of the **Federal Register**. These rules will be added as separate appendices to 10 CFR part 52. The NRC is seeking public participation in the development of

these DCRs and the supporting documents identified below. In order to explain the proposed approach and to facilitate written comments on the DCRs, the NRC is holding a public meeting on this topic. The NRC will also answer questions on the process for requesting an informal hearing on the DCRs. The meeting will begin at 9 a.m. and end after all questions and comments have been accommodated.

Agenda for May 11, 1995

8:30 a.m.—Registration.

9 a.m.—Introduction and Background.

9:30 a.m.—NRC panel responds to questions on proposed DCRs.

Dated at Rockville, MD, this 27th day of March, 1995.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

*Director, Standardization Project Directorate,
Associate Directorate for Advanced Reactors
and License Renewal, Office of Nuclear
Reactor Regulation.*

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