

5/28/65

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

IN THE MATTER OF

GENERAL ELECTRIC COMPANY  
SOUTHWEST ATOMIC ENERGY ASSOCIATES

SOUTHWEST EXPERIMENTAL FAST  
OXIDE REACTOR

DOCKET NO. 50-231

Application for Provisional  
Construction Permit

*(forward)*

ORDER AND NOTICE OF PREHEARING CONFERENCE

In Fayetteville, Arkansas on June 29, 1965 a hearing upon stated issues concerning the above application will be commenced. The notice of hearing which was published at 30 Fed. Reg. 7199 (May 28, 1965) described and identified certain hearing procedures and information concerning public participation therein. The Commission's Rules of Practice (10 CFR Part 2) and its duly published policy statements contemplate additional useful procedural steps which are now invoked.

Proceedings before Atomic Safety and Licensing Boards were discussed in the Commission's Statement of Considerations, published on December 8, 1962 at 27 Fed. Reg. 12184. Attention is invited to the discussions therein of prehearing procedures, including the prehearing conference, a step authorized by 10 CFR § 2.752. This Board finds that: a prehearing conference is appropriate to the accomplishment of the purposes of this proceeding; such a conference should be publicly conducted, upon notice and near the location of the proposed facility; a transcript record of the conference should

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<sup>1/</sup> be made; and the parties should then be prepared to focus attention on the important questions involved in this proceeding so as to assist the Board members in developing that understanding of the proposed facility's technical design features which is essential to making informed judgments upon the safety issues under inquiry. Counsel for the applicants has informally expressed consent to the time and place for the prehearing conference. ACCORDINGLY,

IT IS ORDERED this 28th day of May 1965, pursuant to 10 CFR §§ 2.721 and 2.752 that the parties or their counsel shall appear at a prehearing conference to be convened at 10 a.m. local time on Tuesday, June 8, 1965 in the Courtroom of the Washington County Courthouse, College and Center Avenues, Fayetteville, Arkansas to consider:

- (a) Simplification, clarification and meaningful definitions of the issues, including but not limited to a delineation of the scope of the inquiry to be made and the nature of the evidence to be offered under the several parts of Issue No. 1;
- (b) Procedures to govern the prior notification and submission in evidence of written testimony and exhibits;

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<sup>1/</sup> It is emphasized that informal and off-the-record discussions are not proscribed. On the contrary, as pointed out in 10 CFR § 2.756, that method of exchanging information and achieving better understanding is expected to be employed as extensively as needed, but with a mutually shared obligation upon all participants to see that the transcript record includes statements or summaries of such non-record discussions as may be of procedural or substantive significance in the adjudicatory process, of which the conference is a part.

- (c) The order and methods of presenting hearing evidence and statements on behalf of the parties and of other participants, if any;
- (d) Schedules for the submission of posthearing pleadings; and
- (e) Such other matters as may aid in the orderly disposition of the proceeding.

IT IS FURTHER ORDERED that this Order and Notice of Prehearing Conference be promptly published in the Federal Register.

ATOMIC SAFETY AND LICENSING BOARD

A. Dixon Callihan

Thomas H. Pigford

  
J. D. Bond, Chairman

Issued:  
May 28, 1965  
Germantown, Maryland

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ATOMIC ENERGY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the ORDER AND NOTICE OF HEARING CONFERENCE issued on May 28, 1965, in the captioned matter have been served on the following by deposit in the United States Mail, first class or air mail, this 28th day of May, 1965:

Dr. A. Dixon Callihan  
Oak Ridge National Laboratory  
P. O. Box Y  
Oak Ridge, Tennessee

Dr. Thomas H. Pigford  
Professor of Nuclear Engineering  
University of California  
Berkeley, California

Troy Conner, Esq.  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Southwest Atomic Energy Associates  
306 Pyramid Building  
Little Rock, Arkansas  
Attention: Mr. J. Robert Welsh

General Electric Company  
Atomic Power Equipment Department  
175 Curtner Avenue  
P. O. Box 254  
San Jose, California  
Attention: Jules Pearlman, Esq.

Hon. Gene Thrasher  
County Court House  
Fayetteville, Arkansas

Dr. James T. Herron  
State Health Officer  
Arkansas State Board of Health  
Little Rock, Arkansas

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U.S. ATOMIC ENERGY COMMISSION  
REGULATORY  
MAIL SECTION

cc: J. D. Bond, Chairman, AS&L Board  
Troy Conner  
Reba Diggs

  
Office of the Secretary