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UNITED STATES OF AMERICA

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ATOMIC ENERGY COMMISSION

In the matter of the application by

GENERAL ELECTRIC COMPANY

and

SOUTHWEST ATOMIC ENERGY ASSOCIATES

For a Provisional Construction Permit  
for the Southwest Experimental Fast  
Oxide Reactor (SEFOR)

DOCKET NO. 50-231

*(formal)*  
File Copy

ORDER

1. The Applicants have submitted various documents as additional evidence concerning certain matters reserved for further consideration in this Board's Initial Decision which was issued on September 10, 1965. Among these papers are Exhibits A, B, C and D which are identified in the accompanying unverified pleading as "true copies . . . of all or part" of four SAEA contracts with AEC, Gesellschaft and GE (2); the pleading states that the second of these is the complete contract and

1/ The pleading is entitled "SUPPLEMENTAL INFORMATION, APPLICATION FOR WITHHOLDING DOCUMENTS FROM PUBLIC DISCLOSURE AND COMMENTS ON THE INITIAL DECISION". Under consideration at this time is only the application for withholding documents. However, it is now pointed out--and the parties may wish to respond--that the Initial Decision (¶ 43) contemplated "additional evidence by way of verified written statements". Under § 7 of the Administrative Procedure Act the decision in this proceeding must be "supported by and in accordance with the reliable, probative, and substantial evidence."

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that the other exhibits include "only those portions of the contracts which Applicants believe have some relation to the national security and alien control implications", a matter reserved for further consideration.

2. Applicants' pleading requests that, pursuant to § 2.790 of the Commission's Rules of Practice, Exhibits A through D as described above be withheld from public disclosure for the reason that the documents are private contracts the public inspection of which, to the Applicants' disadvantage, would reveal matters of commercial significance. The AEC Regulatory Staff has filed a document expressing its consent to the withholding of the foregoing documents and stating its view that disclosure "is not required in the public interest and would adversely affect the interest of the applicants."

3. The Board finds that the Applicants have complied with, and made the showing required by, § 2.790(b) of the rules and accordingly concludes that the Applicants' request for withholding documents from the public records and from public inspection should be granted.<sup>2/</sup> However, it is expressly declared that the documents which are the subject of that request and of this Order are a part of the decisional record in this proceeding. Unless otherwise determined for good cause shown as herein provided, portions of these documents deemed significant may be either summarized or paraphrased or directly quoted in the supplemental decision later to be issued and published in this proceeding. Objections

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<sup>2/</sup> Under the applicable rule the right of any person "properly and directly concerned" to inspect these documents is not affected by this action.

to this intended procedure, with supporting reasons and arguments, may be submitted within twenty (20) days after the issuance of this Order.

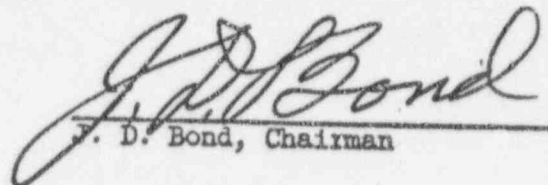
ACCORDINGLY,

IT IS ORDERED this 19th day of November 1965 that, pursuant to § 2.790 of the Commission's Rules of Practice, Exhibits A, B, C and D as separately submitted with the Applicants' supplemental information filing dated November 5, 1965 (received November 12, 1965) shall be withheld from public disclosure and not available for public inspection as provided in the cited rule.

ATOMIC SAFETY AND LICENSING BOARD

A. Dixon Callihan

Thomas H. Pigford

  
J. D. Bond, Chairman

Issued:  
November 19, 1965  
Germantown, Maryland

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UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of

GENERAL ELECTRIC COMPANY  
SOUTHWEST ATOMIC ENERGY ASSOCIATES

Docket No. 503231

*(final)*  
File Copy

CERTIFICATE OF SERVICE

I hereby certify that copies of the ORDER issued November 19, 1965 in the captioned matter have been served on the following by deposit in the United States Mail, first class or air mail, this 19th day of November, 1965:

Dr. A. Dixon Callihan  
Oak Ridge National Laboratory  
P. O. Box Y  
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Southwest Atomic Energy Associates  
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Attention J. Robert Welsh

Dr. Thomas E. Pigford  
Professor of Nuclear Engineering  
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San Jose, California  
Attention Jules Pearlman, Esq.

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


Hon. Gene Thrasher  
County Courthouse  
Fayetteville, Arkansas

Dr. James T. Herron  
State Health Officer  
Arkansas State Board of Health  
Little Rock, Arkansas 72200

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Office of the Secretary

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