

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

COMMISSIONERS:

Glenn T. Seaborg  
John G. Palfrey  
Gerald F. Tape  
James T. Ramey

In the Matter of  
GENERAL ELECTRIC COMPANY  
and  
SOUTHWEST ATOMIC ENERGY ASSOCIATES

(Journal)  
DOCKET NO. 50-231

1-11-66

MEMORANDUM AND ORDER

In this proceeding for a construction permit for an experimental reactor, the applicants General Electric Company and Southwest Atomic Energy Associates are associated with Gesellschaft fur Kernforschung, a non-profit corporation of the Federal Republic of Germany, the shareholders of which are the Federal Republic of Germany and the State of Baden-Wurttemberg. Gesellschaft fur Kernforschung is acting on behalf of itself and the European Atomic Energy Community, which is a financial contributor to the project.

An initial decision of an atomic safety and licensing board, issued on September 10, 1965, granted a provisional construction permit on condition that the applicants furnish certain additional information dealing with radiation safety,

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and concerning the relations among the participants as bearing upon the legality of issuance of the construction permit under Atomic Energy Act of 1954, Section 104(d), 42 USC Section 2134(d), dealing with foreign ownership, control or domination.

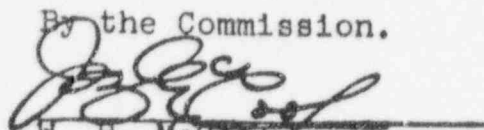
A supplemental initial decision of the board, issued on January 7, 1966, found the safety questions adequately resolved, but rescinded the construction permit on grounds based on Section 104(d). The applicants have now moved for a stay of the supplemental initial decision, pending review by the Commission.

In granting this stay in the exercise of our discretion, we have not ruled upon any of the substantive issues to be determined on review. The appeal raises questions of the interpretation of the Atomic Energy Act and has international implications, but involves no questions of public health and safety. The project is unclassified; thus, the appeal does not involve classified matters. The applicants proceed at their own financial risk pending the ultimate determination of the appeal. It is therefore

ORDERED that the supplemental initial decision of the atomic safety and licensing board dated January 7, 1966 be suspended pending the review of the supplemental initial decision by the Commission.

Dated: January 11, 1966

By the Commission.

  
W. B. McCool  
Secretary



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CERTIFICATE OF SERVICE

I hereby certify that copies of the Commission's Order dated January 11, 1966 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 11th day of January, 1966:

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Dr. James T. Herron  
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Office of the Secretary