

DEC 5 8 40 AM

A. E. Luadenko
General Manager

H. L. Price, Director
Division of Licensing and Regulation

AMENDMENT TO PART 30 - "TESTING FACILITY"

RECEIVED
and
Dispatched

Attached for your signature are an amendment to 10 CFR Part 30 and a letter informing the JCRC of its issuance. The amendment defines a "testing facility" and implements statutory provisions regarding ACRS review and hearings on power and test reactor license applications.

The amendment was approved for publication as a proposed rule for public comment at Regulatory Meeting 39, held March 18, 1959. At that meeting the Commission approved the publication of the amendment in final form if it should appear that as a result of public comments received there is no need for substantial change.

Only one organization submitted comments on the proposed amendment. The comments pointed out that the definition could include as a "testing facility" a research reactor which normally operates at a relatively low thermal power level, but which may also operate for fractions of a second at a time at thermal power levels of a megawatt or more. The Office of the General Counsel advised that the matter could best be handled by interpretation and the commenting organization was informed that the definition was not intended to include such a reactor.

Since the text of the attached amendment is identical to that of the proposed rule, resubmission to the Commission for approval is not deemed necessary.

In view of the foregoing, we recommend that you approve the attached amendment for issuance as an effective rule.

An appropriately revised version of the press release attached as Appendix "B" to AEC-R 2/5 is also attached for your signature.

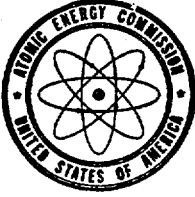
Attachments:
As Stated

- CC's: Chairman
- General Manager
- Congressional (2)
- BIS - Attn. W. Hughes
- OCC - Attn. E. Levenstein
- Secretariat
- ACRS
- BLD

Concurrence:

Office of the General Counsel

6/4



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON 25, D. C.

CRM 12/30/59
JBG
JOS 12/30/59

Dr. C. Rogers McCullough
Chairman, Advisory Committee on
Reactor Safeguards
United States Atomic Energy Commission
Washington 25, D. C.

*Called Price's attention
to phrasing of regulation
50.21(c) etc*

Dear Dr. McCullough:

In accordance with Mr. Fraley's request, we are enclosing for the information of the Committee a copy of amendments to 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which incorporate in Part 50 a definition of a "testing facility" and add provisions for review by the Committee and hearings on license applications for power and test reactors.

Following approval by the General Manager, the amendments will be published in the Federal Register to become effective thirty days after the date of publication.

Sincerely yours,

Eber R. Price
Assistant Director
Division of Licensing
and Regulation

Enclosure:
Part 50 Amendment

[Faint, illegible markings and stamps at the bottom of the page]

TITLE 10 - ATOMIC ENERGY

Chapter 1 - Atomic Energy Commission

PART 50 - LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

DEFINITION OF "TESTING FACILITY," HEARING AND REPORTS

The following amendments implement subsections 182b. and 189a. of the Atomic Energy Act of 1954, as amended, by incorporating in 10 CFR 50 a definition of "testing facility" and the statutory requirement of review by the Advisory Committee on Reactor Safeguards and formal hearings on license applications for power and test reactors.

Notice of proposed issuance of these amendments was published in the Federal Register on March 28, 1959 (24 F.R. 2449).

Effective 30 days after publication in the Federal Register, 10 CFR 50 is hereby amended as follows:

1. Paragraph (r) of Section 50.2 is redesignated paragraph (a).
2. The following new paragraph is added to Section 50.2:

"(r) 'Testing facility' means a nuclear reactor which is of a type described in Section 50.21 (c) of this part and for which a license has been applied for authorizing operation at:

"(1) a thermal power level in excess of 10 megawatts; or

"(2) a thermal power level in excess of 1 megawatt, if

the reactor is to contain:

"(i) a circulating loop through the core in which the applicant proposes to conduct fuel experiments;

or

"(ii) a liquid fuel loading; or

"(iii) an experimental facility in the core in excess of 16 square inches in cross-section."

*3 licenses
Reactor for
comm. research
purpose of a
std type*

3. The following new section is added:

"§50.57 Hearing and Reports of the Advisory Committee on Reactor Safeguards. (a) Each application for a license for a production or utilization facility which is of a type described in section 50.21 (b) or 50.22 of this part, and each application for a license for a testing facility shall, and any application for a production or utilization facility which is of a type described in Section 50.21 (a) or 50.21 (c) of this part may, be referred to the Advisory Committee on Reactor Safeguards for review and report thereon. Such report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

(b) The Commission will hold a hearing after 30 days' notice and publication once in the Federal Register on each application for a license for a production or utilization facility which is of a type described in Section 50.21 (b) or 50.22 of this part, and on each application for a license for a testing facility.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Germantown, Maryland, this _____ day of _____ 1959.

For the Atomic Energy Commission.

General Manager

*109 license
Production or utilization
facility to demonstrate
practical value for
comm. purposes.*

*109 license
Medical therapy*

*109 license
[unclear]*

