

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
John H. Frye, III, Chairman
Dr. Harry Foreman
Mr. Gustave A. Linenberger

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In the Matter of
GENERAL ELECTRIC COMPANY
(GETR Vallecitos)

Docket No. 50-70-OLR/70-754-SNMR
ASLBP No. 83-481-01 OLR

MEMORANDUM AND ORDER

On September 15, 1977, there was published in the Federal Register (42 Fed.Reg. 46427) a notice that the NRC had under consideration applications to renew the operating license for the General Electric Test Reactor (GETR) at the Vallecitos Nuclear Center and the special nuclear materials license for the Vallecitos Nuclear Center. That notice provided an opportunity for interested persons to file requests for hearing by October 17, 1977.

A timely request and petition to intervene was filed by Jed Somit, Esq., on behalf of Nancy L. Lyon, Jack Turk, Alameda County Citizens Against Vallecitos, Joseph Buhowsky Jr., East Bay Women for Peace, and California Public Interest Research Group. Applicant, General Electric Company (GE), and NRC Staff filed responses to this petition. An Atomic Safety and Licensing Board was established to rule on the petition on October 21, 1977. That Board has since been reconstituted

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three times, most recently on October 14, 1982. That Board, whose members at that time were also members of the Board presiding in the related show cause proceeding on the GETR, orally granted the petition at a Prehearing Conference of March 16, 1978 (Tr. 5-6). However, no written ruling was ever issued, nor were acceptable contentions identified.

The related show cause proceeding was initiated by an Order to Show Cause issued by the Staff on October 27, 1977. That Order required that the GETR be placed in a cold shutdown condition and that GE show cause why its operating license should not be suspended. A hearing was held on this Order and an Initial Decision (LBP-82-64, 16 NRC ___, August 16, 1982) issued which authorized GETR to be restarted after certain modifications were made. The proceedings on this Order, and the modifications required by the Board, are concerned with the ability of GETR to withstand seismic events. The persons who filed the **petition** in this license renewal proceeding were not parties to the proceeding on the Order to Show Cause, although many of their contentions are related to the subject matter of the latter proceeding.

In light of the amount of time that has passed and the intervening Initial Decision in the show cause proceeding, the Board wishes to be advised by GE of its intentions with respect to the applications here in question. Following receipt of that advice, the Board will, if necessary, initiate procedures to identify

acceptable contentions and expeditiously conclude this proceeding.


ORDER

In consideration of the foregoing, it is this 21st day of October, 1982,
ORDERED

that within 15 days of the date of service of this Memorandum and Order,
GE is to respond to this Order indicating its intentions with regard
to its applications to renew its operating license for the GETR and its
special nuclear materials license for the Vallecitos Nuclear Center.

Judges Foreman and Linenberger concur.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



John H. Frye, III, Chairman
ADMINISTRATIVE JUDGE