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TITLE: PRM-050-007 - 38FR18483 - LICENSING OF PRODUCTION
AND UTILIZATION FACILITIES. (GENERAL ELECTRIC CO.)

CASE REFERENCE: PRM-050-007
38FR18483

KEY WORD: RULEMAKING COMMENTS

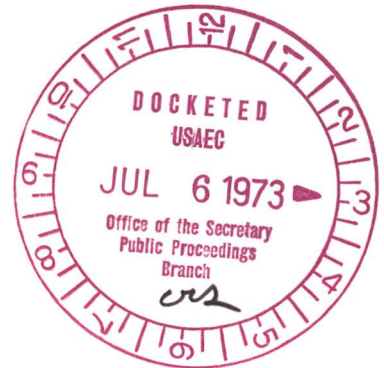
Document Sensitivity: Non-sensitive - SUNSI Review Complete

ATOMIC ENERGY COMMISSION

[Docket No. PRM-50-7]

General Electric Company

Notice of Filing of Petition
For Rule Making



Notice is hereby given that General Electric Company, Vallecitos Nuclear Center, Pleasanton, California, by letter dated June 15, 1973, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50.

The petitioner requests that the Commission amend the exception to the definition of "production facility" set out in §50.2(a)(3)(iii). The exception in § 50.2(a)(3)(iii) applies to facilities in which processing of irradiated materials containing special nuclear material is conducted pursuant to a license issued under Parts 30 and 70 of the Commission's regulations, or equivalent regulations of an Agreement State, for the receipt, possession, use, and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fission products and limits the process batch to "not more than 15 grams of special nuclear material." The petitioner requests that the process batch limit be changed to "not more than 100 grams of special nuclear material."

The exception set out in § 50.2(a)(3)(iii) was issued by the Commission on April 16, 1970 (35 FR 6175) in response to an earlier petition for rule making (PRM-50-3) filed by the General Electric Company. The petitioner in the current petition states that the earlier petition was based on a series of planned experiments and operations envisaged at that time and that the petitioner recognized that the 15-gram special nuclear material limit, which it requested as one of the limitations of the exception, was arbitrary. The petitioner states also that the 15-gram limitation was considered to be well within a quantity range several orders of magnitude below that which would require the "production facility" classification contemplated by subsection 11 v. of the Atomic Energy Act of 1954, as amended.

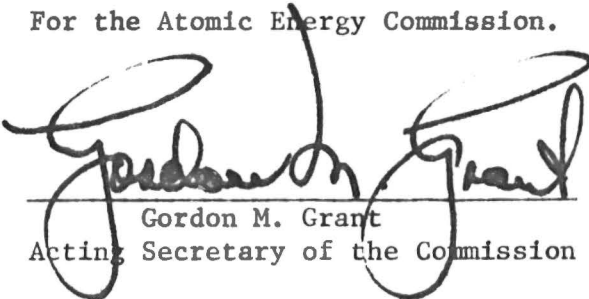
The petitioner states further that it has conducted activities involving the processing of irradiated material on a batch basis, has developed and demonstrated sound procedures and practices for the separation of selected fission products from special nuclear material, and that plans are being made for continuation of those operations which would require the incorporation of modest increases, up to 100 grams, in the batch sizes of special nuclear material.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration - Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 on or before September 10, 1973.

Dated at Germantown, Maryland this 5th day
of July 1973.

For the Atomic Energy Commission.



Gordon M. Grant
Acting Secretary of the Commission

Docket No. PRM-50-7



JUL 16 1973

Mr. G. E. Cunningham
Administrator - Licensing
General Electric Company
Vallecitos Nuclear Center
Vallecitos Road
Pleasanton, California 94566

Dear Mr. Cunningham:

This is in response to your letter of June 15, 1973, in which you request that the Commission amend the exception to the definition of "production facility" set out in § 50.2(a)(3)(iii).

This request is considered a petition for rule making as provided in 10 CFR Part 2.802 of the Commission's regulations. The petition has been docketed to recognize your request for amendment and has been assigned Docket No. PRM-50-7. An appropriate notice of the petition and request for comments has been published in the Federal Register (copy enclosed).

As staff review progresses on your petition, it may be necessary to request additional information. Please reference the assigned docket number on any correspondence you may have concerning the petition.

Sincerely,

(Signed) J. M. Felton

J. M. Felton, Chief
Rules and Proceedings Branch
Office of Administration -
Regulation

Enclosure:
Federal Register
Notice

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[Docket No. PRM-50-7]
GENERAL ELECTRIC CO.

Notice of Filing of Petition for Rule Making

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The exception set out in § 50.2(a)(3)(iii) was issued by the Commission on April 16, 1970 (35 FR 6175) in response to an earlier petition for rule making (PRM-50-3) filed by the General Electric Company. The petitioner in the current petition states that the earlier petition was based on a series of planned experiments and operations envisaged at that time and that the petitioner recognized that the 15-gram special nuclear material limit, which it requested as one of the limitations of the exception, was arbitrary. The petitioner states also that the 15-gram limitation was considered to be well within a quantity range several orders of magnitude below that which would require the "production facility" classification contemplated by subsection 11 v. of the Atomic Energy Act of 1954, as amended.

The petitioner states further that it has conducted activities involving the processing of irradiated material on a batch basis, has developed and demonstrated sound procedures and practices for the separation of selected fission products from special nuclear material, and that plans are being made for continuation of

those operations which would require the incorporation of modest increases, up to 100 grams in the batch sizes of special nuclear material.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 on or before September 10, 1973.

Dated at Germantown, Md., this 5th day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc. 73-14100 Filed 7-10-73; 8:45 am]

GENERAL ELECTRIC

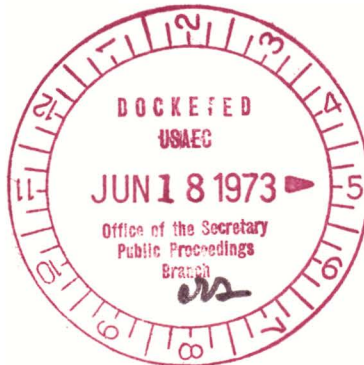
DOCKET NUMBER
PETITION FILE **PRM-50-7**

NUCLEAR ENERGY
DIVISION

GENERAL ELECTRIC COMPANY VALLECITOS NUCLEAR CENTER
VALLECITOS ROAD, PLEASANTON, CALIFORNIA 94566, Phone (415) 862-2211

IRRADIATION PROCESSING OPERATION

June 15, 1973



Secretary, U.S. Atomic Energy Commission
Washington, D.C. 20545

Attention: Stanley T. Robinson, Jr., Chief
Public Proceedings Branch

Subject: Proposed Amendment to 10CFR Part 50


Gentlemen:

In accordance with the provisions of 10CFR Part 2, Section 2.802 of the Commission's Regulations, the General Electric Company herein petitions the U.S. Atomic Energy Commission to amend Section 50.2(a)(3)(iii) of its 10CFR50 Regulations, "Licensing of Production and Utilization Facilities."

The text of the proposed amendment along with the basis for the request are set forth in the attached document.

If additional information is necessary in the timely consideration of this matter, we will be pleased to supply it.

Sincerely,

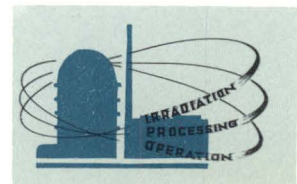

G. E. Cunningham
Administrator - Licensing

gw

Attachment

Acknowledged

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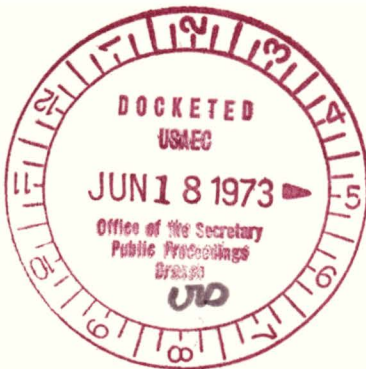


PROPOSED AMENDMENT

TO

TITLE 10 - CODE OF FEDERAL REGULATIONS -

PART 50



Section 50.2(a)(3)(iii)

GENERAL ELECTRIC COMPANY
Vallecitos Nuclear Center
Vallecitos Road
Pleasanton, California 94566

June 15, 1973

Introduction

By letter dated November 12, 1969, General Electric Company, Vallecitos Nuclear Center, petitioned the Commission to amend 10 CFR, Part 50 by including an additional exemption to the definition of "production facility" in Section 50.2(a). The petition was designated PRM-50-3 and requested exemption from the "production facility" definition for activities conducted within facilities pursuant to a special nuclear material license which authorizes the receipt, possession, use and transfer of irradiated special nuclear material, where the processing of the irradiated material is conducted on a batch basis for the separation of selected fission products and where not more than 15 grams of special nuclear material constitute a single process batch.

By notice dated April 16, 1970, 35 FR 6175, the Commission granted General Electric's petition by amendment of 10 CFR, Part 50, wherein subparagraph iii of Section 50.2(a) was added.

Discussion

General Electric's 1969 petition was based on a series of planned experiments and operations envisaged at that time. General Electric recognized that the 15-gram special nuclear material limit, which it requested as one of the limitations of the proposed definition, was completely arbitrary. That limitation was considered to be well within a quantity range several orders of magnitude below that which would require the "production facility" classification contemplated by the definition in Section 11. (b) of the Atomic Energy Act of 1954, as amended. That definition excludes from the "production facility" classification facilities in which the magnitude of activities are so limited as to be insignificant to the common defense and security or the public health's safety, as compared with the substantial quantities of nuclear fuel used in connection with reactors and fuel reprocessing plants according to the relatively complex licensing procedures laid down in Part 50 of the Commission's regulations.

Under the rule as amended April 16, 1970, General Electric has conducted activities involving the processing of irradiated material on a batch basis, and has developed and demonstrated sound procedures and practices for the separation of selected fission products from special nuclear material.

Consequently, plans are now being made for continuation of those operations and require the incorporation of modest increases, up to 100 grams, in the special nuclear material batch sizes. This relatively modest increase would not alter, materially, the Commission's conclusion as set forth in 35 FR 6175 relative to the amendment of April 16, 1970.

As described in General Electric's previous petition, PRM-50-3, megacuries of mixed fission products associated with special nuclear materials have been handled in the post irradiation examination of thousands of fuel elements with burnup levels ranging up to 100,000 MWd/t at cooling times varying from a few hours to several years.

Amendment of the definition in accordance with this petition, therefore, would have no effect on the scope of activities currently conducted at General Electric's Vallecitos Nuclear Center within the limitations and under the conditions of special nuclear materials License No. SNM-960, issued by the Commission on September 14, 1966, as amended, or radioactive materials License No. 0017, issued by the State of California on July 11, 1968, as amended.

Application

General Electric hereby petitions the Commission to amend Section 50.2(a)(2)(iii) of Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, to read as follows:

"(iii) facilities in which processing is conducted pursuant to a license issued under Parts 30 and 70 of this chapter, or equivalent regulations of an agreement state, for the receipt, possession, use and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fission products and limits the process batch to not more than 100 grams of special nuclear material."

We would be pleased to provide any additional information of aid to the Commission in this matter.