

February 23, 2000

Barton Z. Cowan, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY  
LICENSE TR-2 AND CONFORMING AMENDMENT AND OPPORTUNITY FOR A  
HEARING (TAC No. MA8209)

Dear Mr. Cowan:

Enclosed is a copy of the Notice of Consideration of Approval of Transfer of Facility License TR-2 and Conforming Amendment and Opportunity for a Hearing related to your application to transfer the CBS Test Reactor license to Viacom dated February 14, 2000.

The Notice is being forwarded to the Office of the FEDERAL REGISTER for publication.

Sincerely,

***/RA/***

Theodore S. Michaels, Senior Project Manager  
Events Assessment, Generic Communications and  
Non-Power Reactors Branch  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No. 50-22

Enclosure: As stated

cc w/enclosure  
Please see next page

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CBS Corporation

Docket No. 50-22

cc:

Louis J. Briskman, Esq.  
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Mr. Richard K. Smith, Director  
Environmental Remediation  
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Environmental Protection  
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Pittsburgh, Pennsylvania 15222

UNITED STATES NUCLEAR REGULATORY COMMISSIONCBS CORPORATIONTEST REACTOR AT WALTZ MILL, PADOCKET NO. 50-22NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF  
FACILITY LICENSE AND CONFORMING AMENDMENT  
AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility License No. TR-2 currently held by CBS Corporation (CBS) as the owner and responsible licensee. The facility is presently being decommissioned in accordance with a decommissioning plan approved by the Commission. The transfer would be to Viacom Inc. (Viacom) in connection with a proposed merger of CBS with and into Viacom. Alternatively, the transfer may be to a subsidiary of Viacom, Viacom/CBS LLC, depending upon certain rulings by other governmental agencies. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer. The facility is located near Waltz Mill in Westmoreland County, Pennsylvania.

According to an application for approval filed by CBS, following approval of the proposed transfer of the license, Viacom would become responsible for decommissioning the facility and terminating the license. There will be no effective change in the personnel who are responsible for completion of the TR-2 License decommissioning effort as described in the TR-2 Decommissioning Plan.

The proposed amendment would replace references to CBS in the license with references to Viacom and make other changes for administrative purposes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By [30 days after publication] any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant may

petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Barton Z. Cowan, Esq., Eckert Seamans Cherin & Mellott, LLC, 600 Grant Street, 44<sup>th</sup> Floor, Pittsburgh, PA. 15219; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: [OGCLT@NRC.gov](mailto:OGCLT@NRC.gov)); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by [40 days after publication], persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond

to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of the FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated February 14, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland this 23rd day of February 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA/***

Theodore S. Michaels, Senior Project Manager  
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Non-Power Reactors Branch  
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