

UNITED STATES NUCLEAR REGULATORY COMMISSION
WESTINGHOUSE ELECTRIC CORPORATION
DOCKET NO. 50-22
WALTZ MILL TEST REACTOR
CONSIDERATION OF APPROVAL OF
TRANSFER OF LICENSE AND ISSUANCE OF A CONFORMING AMENDMENT
TO FACILITY LICENSE. PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order approving, under 10 CFR 50.80, the transfer of Facility License No. TR-2, to the extent now held by Westinghouse Electric Corporation, to a new corporate entity which will utilize the same name. The license authorizes possession of the shut down test reactor at the Waltz Mill site in Westmoreland County, Pennsylvania. The Commission is also considering the issuance of a conforming amendment under 10 CFR 50.90.

The Westinghouse Electric Corporation, organized in 1886, is presently composed of industrial businesses and media operations (including the production and transmission of radio and television programming). It plans to reorganize into two separate corporations. One of these will retain certain assets and operations relating to the Westinghouse industrial businesses. This corporation will eventually retain the name Westinghouse Electric Corporation (WELCO). The license for the Waltz Mill Test Reactor will be held by this corporation.

The other corporation will be named CBS corporation, and will include the media operations and those industrial businesses which are not being transferred to WELCO.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, or any right thereunder, after notice to interested persons. Such approval is contingent upon the Commission's determination 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 of the Commission.

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

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment will transfer [SIC] the Westinghouse Test Reactor ("WTR facility") license, a possession only license, from Westinghouse to WELCO.

This amendment request is necessary because of a proposed transfer by Westinghouse of certain of its industrial businesses to a company to be known

from and after the closing date of the transactions as WELCO. As a result of the transfer of these businesses, WELCO will be financially qualified to hold the WTR facility possession only license.

Furthermore, WELCO employees will be technically qualified to carry out licensed activities. In connection with the pending transactions, current Westinghouse employees for the licensed WTR facility to be transferred will become WELCO employees and will continue to be responsible after the transfers to WELCO. The proposed amendment does not involve any changes in licensed activities which will continue in their current form without any interruptions of any kind resulting from the amendment.

The proposed amendment does not require any physical change to the WTR facility or changes to Technical Specifications or procedures. The proposed change does not increase the probability of an accident previously evaluated because it does not affect any initiators in any of the previously evaluated accidents. The proposed change does not increase the consequences of any accident previously evaluated because it does not affect any of the items on which the consequences depend.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not modify the WTR facility configuration or licensed activities. Thus no new accident initiators are introduced.

Therefore, the proposed amendment does not create the possibility of a new or different accident from any accident previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

This amendment request is necessary because of a proposed transfer of the WTR facility license from Westinghouse to WELCO. As a result of the transfer of these businesses, WELCO will be financially qualified to hold the WTR facility possession only license.

WELCO will be technically qualified to carry out licensed activities. In connection with pending transactions, current Westinghouse employees responsible for the licensed WTR facility to be transferred will become WELCO employees and will continue to be responsible after the transfers to WELCO. The proposed amendment does not involve any changes in licensed activities which will continue in their current form without any interruptions of any kind resulting from the amendment.

The proposed change does not alter any margin of safety because it does not involve any changes in the WTR facility or licensed activities which will continue in their current form without any interruptions of any kind resulting from the amendment.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6-D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m., Federal workdays. Copies

of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By Oct. 27, 1997, the licensee may file a request for a hearing with respect to the issuance of an order regarding the proposed transfer of the license and issuance of a conforming amendment to the subject license to reflect the transfer, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific

aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the transfer approval or amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested with respect to the proposed amendment, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If a final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any such amendment.

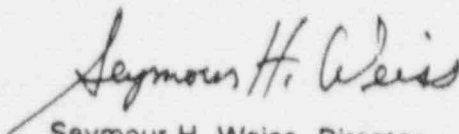
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Lisa A. Campagna, Assistant General Counsel, Law Department, Westinghouse Electric Corporation, P. O. Box 355, Pittsburgh, Pennsylvania 15230, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application dated August 18, 1997, regarding the transfer of license and amendment, and the letter dated August 15, 1997, from the licensee which are available for public inspection at the Commission's Public Document Room, the Gelman Building 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland, this 17th day of September 1997.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Seymour H. Weiss". The signature is written in dark ink and is positioned above the printed name and title.

Seymour H. Weiss, Director
Non-Power Reactors and Decommissioning
Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation