



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
December 15, 1998

DOCKETED
USNRC

'98 DEC 15 P2:41

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION STAFF

MEMORANDUM TO: B. Paul Cotter, Jr.
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

SERVED DEC 15 1998

FROM: John C. Hoyle, Secretary

SUBJECT: REQUEST FOR HEARING OF JOBERT, INC.
AND METALS TRUCKING, INC.

Attached is a hearing request of Jobert, Inc. and Metals Trucking, Inc. dated December 10, 1998. The request was submitted in response to a notice of opportunity of hearing with respect to a license amendment request of Cabot Performance Materials (Cabot) (Docket No. 40-9027-MLA). The proposed amendment would allow decommissioning of Cabot's contaminated sites located in Reading and Revere, Pennsylvania. The notice was published in the Federal Register at 63 Fed. Reg. 57715 (October 28, 1998) (copy attached). Jobert, Inc. and Metals Trucking, Inc. are respectively the former and current owners of property which includes the "Reading Slag Pile", that is subject to the site decommissioning plan of Cabot. On November 23, 1998, the Companies moved for an extension of time until December 11, 1998, in which to file a hearing request in this matter. By order of the Secretary, the motion was granted on November 27, 1998 (copies of the motion and order are attached).

The request for hearing is being referred to you for appropriate action in accordance with 10 C.F.R. Sec. 2.1261.

Attachments: As stated

cc: Commission Legal Assistants
OGC
CAA
OPA
EDO
NMSS
Service list for 40-9027-MLA

19808

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED
USNRC

'98 DEC 11 P5:04

Before Administrative Judges:
Peter B. Bloch, Presiding Officer
Richard F. Cole, Special Assistant

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION STAFF

In the matter of

CABOT PERFORMANCE MATERIALS
Reading, Pennsylvania

Docket No. 40-9027-MLA

Re: Site Decommissioning Plan

ASLBP No. 99-757-01-MLA

REQUEST FOR A HEARING

Jobert, Inc. and Metals Trucking, Inc., by and through its undersigned counsel, hereby submit this request for a hearing pursuant to 10 C.F.R. § 2.1205. By Order of the U.S. Nuclear Regulatory Commission dated November 27, 1998, the time for Jobert, Inc. and Metals Trucking, Inc. to file a request for a hearing was extended to December 11, 1998.

INTRODUCTION

1. Cabot Performance Materials ("Cabot") has been issued a Source Material License, No. SMC-1562 (the "License"), by the U.S. Nuclear Regulatory Commission ("NRC") to possess contaminated material at its Reading and Revere, Pennsylvania sites.

2. To terminate its License, Cabot has filed with the NRC a site decommissioning plan ("SDP") for the slag pile located in Reading, Pennsylvania (the "Reading Slag Pile"). The Reading Slag Pile is part of a larger, 10.48-acre parcel locally known as the former American Chain and Cable property (the "Property"). Currently, the Property contains several former

industrial buildings that are unused or underused. However, the Property is located in an area that provides many attractive redevelopment possibilities, provided that, inter alia, the environmental conditions of the Property, including but not limited to the Reading Slag Pile, are properly addressed.

3. Notice of the SDP was made in the October 28, 1998 Federal Register. 63 Fed. Reg. 57715-16.

4. According to the Federal Register notice, the SDP concludes that the long-term doses from the contaminated material located at the Reading Slag Pile meet NRC's requirements to leave the contaminated material in place.

BACKGROUND

5. Metals Trucking, Inc. ("Metals Trucking") is a Pennsylvania corporation and is the owner of the Property which includes the Reading Slag Pile.

6. Jobert, Inc. ("Jobert") is a Pennsylvania corporation and is the former owner of the Property. Jobert sold the Property to Metals Trucking on or about April 20, 1998, and as part of the transaction, Jobert provided Metals Trucking with a purchase money mortgage for the Property.

7. Representatives of Jobert, and more recently Metals Trucking, have met with representatives of Cabot in order to discuss the issues presented by the existence of the Reading Slag Pile, and followed these meetings with further discussions.

8. At the request of Cabot, Jobert, and more recently Metals Trucking, have left the Reading Slag Pile undisturbed and have provided representatives of Cabot in the past with access to the Reading Slag Pile.

9. Also acting at the request of Cabot, Metals Trucking has further erected a chain link fence around the perimeter of the Reading Slag Pile.

10. To memorialize the understandings regarding access to and the fencing around the Reading Slag Pile, Metals Trucking and Cabot have negotiated an agreement to, inter alia, (a) provide Cabot with the ability to access the Reading Slag Pile, (b) reimburse Metals Trucking for the cost of the fence, and (c) pay Jobert and Metals Trucking an access fee to defray administrative costs. As of the date of this filing, Cabot has accessed the Reading Slag Pile, most recently on or about September 1998, but has not executed the agreement nor reimbursed Metals Trucking for the cost of the fence, nor paid the agreed upon access fee.

11. Jobert, and more recently Metals Trucking, have been interested in developing the Property or selling the Property to another entity interested in developing the Property. Parties who have in the past indicated an interest in acquiring the Property include, but are not limited to, the Redevelopment Authority of the City of Reading.

SPECIFIC INTERESTS OF JOBERT AND METALS TRUCKING

12. As the owner of the Property, which includes the Reading Slag Pile subject to the SDP, Metals Trucking has an obvious current property interest in the Property and desires to protect that property interest in a hearing. Further, Metals Trucking has concerns over liability, if any, that it might have with regard to the Reading Slag Pile.

13. Any action by the NRC on the SDP that would restrict the use or redevelopment of the Property, which includes the Reading Slag Pile, would substantially and adversely affect the desires of Metals Trucking to redevelop the Property or sell it to prospective purchasers.

14. Further, even if there were no current restrictions placed by the NRC on the future use of the Property, including the Reading Slag Pile, its existence on the Property would limit

and reduce the redevelopment alternatives for the Property and its attractiveness to potential lenders.

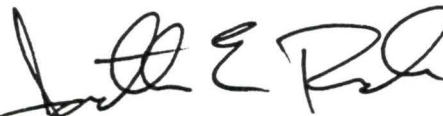
15. Metals Trucking, as the owner of the Property, is the proper entity to inform the NRC of the potential for reuse and redevelopment of the Property, so that the NRC can properly consider potential future uses of the Property in evaluating remediation alternatives.

16. Jobert, as the mortgagor of the Property, desires to protect its security interest in the Property during a hearing before the NRC.

17. Neither the NRC, Cabot, nor the City of Reading and the Redevelopment Authority of the City of Reading, the latter two entities which filed a Request for a Hearing with the NRC in this matter on or about November 27, 1998, can protect the property and financial interests of Jobert and Metals Trucking.

THEREFORE, Jobert and Metals Trucking respectfully request a hearing in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan E. Rinde", is written over a horizontal line.

Jonathan E. Rinde, Esquire
Manko, Gold & Katcher, LLP
Suite 500, 401 City Avenue
Bala Cynwyd, PA 19004
(610) 660-5700

Attorney for Jobert, Inc. and
Metals Trucking, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Request for a Hearing and the Entry of Appearance was filed on behalf of Jobert, Inc. and Metals Trucking, Inc. on this date via overnight delivery with the following parties as indicated below.

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Peter B. Bloch, Administrative Judge
Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Richard F. Cole, Administrative Judge
Special Assistant
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Executive Director for Operations
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Office of the Secretary
Rulemakings and Adjudication Staff
U.S. Nuclear Regulatory Commission
Sixteenth Floor
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Lawrence J. Chandler, Esq.
Office of the General Counsel
Mail Stop: 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

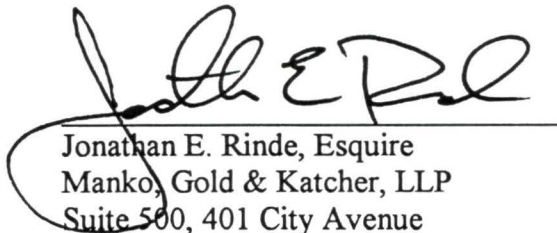
Paul C. Nightingale, Esq.
Cabot Corporation
175 State Street
Boston, MA 02109

Timothy G. Dietrick, Esq.
Carl J. Engelman, Jr., Esq.
Rhoda, Stoudt & Bradley
Sixth Floor, The Berkshire
501 Washington Street, Box 877
Reading, PA 19603

Keith Mooney, Esquire
City of Reading, Dept. of Law
City Hall, Room 2-54
815 Washington Street
Reading, PA 19601-3690

Anthony T. Campitelli
Cabot Performance Materials
P.O. Box 1608
Boyertown, PA 19512

Alvin H. Gutterman, Esq.
Morgan, Lewis & Bockius, LLP
1800 M Street, NW
Washington, DC 20036



Jonathan E. Rinde, Esquire
Manko, Gold & Katcher, LLP
Suite 500, 401 City Avenue
Bala Cynwyd, PA 19004

Attorney for Jobert, Inc.
and Metals Trucking, Inc.

Date: Dec 10, 1998

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'98 DEC 11 P5:03

ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF THE
ATTORNEY GENERAL
ADJUDICATIONS STAFF

Before Administrative Judges:
Peter B. Bloch, Presiding Officer
Richard F. Cole, Special Assistant

In the matter of

CABOT PERFORMANCE MATERIALS
Reading, Pennsylvania

Docket No. 40-9027-MLA

Re: Site Decommissioning Plan

ASLBP No. 99-757-01-MLA

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter on behalf of Jobert, Inc. and Metals Trucking, Inc.

Jonathan E. Rinde, Esquire
Manko, Gold & Katcher, LLP
Suite 500, 401 City Avenue
Bala Cynwyd, PA 19004
Phone: 610-660-5700
Fax: 610-660-5711
E-mail: jrinde@mgklaw.com

Respectfully submitted,


Jonathan E. Rinde, Esquire

Dated: Dec 10, 1998

UNITED STATES
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'98 NOV 27 P2:10

In the matter of)

Cabot Performance Materials)

(Reading and Revere,
Pennsylvania Sites))
_____)

Docket No. 40-9027

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ORDER

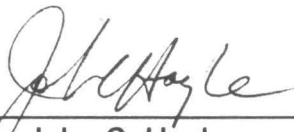
On October 28, 1998, the staff of the Nuclear Regulatory Commission (NRC) published a notice in the Federal Register on the NRC's consideration of a license amendment request of Cabot Performance Materials (Cabot) to decommission its facilities located in Reading and Revere, Pennsylvania. The notice, published at 63 Fed. Reg. 57715, provides an opportunity for a hearing pursuant to 10 C.F.R. §2.1205. The notice is due to expire on November 27, 1998. Jobert, Inc. and Metals Trucking, Inc. have moved for an extension of time to December 11, 1998, in order to file a hearing request. The extension motion was served on Cabot and the NRC staff. The NRC staff has advised that it does not object to the motion. Accordingly, pursuant to my authority under 10 C.F.R. §2.772(b) and §2.1261, I hereby extend until December 11, 1998, the time within which Jobert, Inc. and Metals Trucking, Inc.

may request a hearing in this matter.

IT IS SO ORDERED.



For the Commission



John C. Hoyle
Secretary of the Commission

Dated at Rockville, Maryland,
this 27th day of November, 1998.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

CABOT PERFORMANCE MATERIALS

(Reading, Pennsylvania)

Docket No.(s) 40-9027

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing SECRETARY EXTENSION APPROVAL have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Lawrence J. Chandler, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Paul C. Nightingale, Esq.
Counsel for Cabot Corporation
175 State Street
Boston, MA 02109

Jonathan E. Rinde, Esq.
Manko Gold & Katcher, LLP
401 City Ave., Suite 500
Bala Cynwyd, PA 19004

Anthony T. Campitelli
Cabot Performance Materials
P.O. Box 1608
Boyertown, PA 19512

Dated at Rockville, Md. this
27 day of November 1998



Office of the Secretary of the Commission

DOCKETED
US-98

BEFORE THE U.S. NUCLEAR REGULATORY COMMISSION

CABOT PERFORMANCE MATERIALS,
Reading, Pennsylvania

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Docket No. 40-9027

AD-11

'98 NOV 24 P3:55

MOTION FOR EXTENSION OF TIME
TO FILE A REQUEST FOR HEARING, OR,
IN THE ALTERNATIVE, REQUEST FOR A HEARING

Jobert, Inc. and Metals Trucking, Inc., by and through its undersigned counsel,
hereby request an extension of time until December 11, 1998 to be able to file a request for
hearing, or, in the alternative, hereby requests a hearing if the extension is not granted, and
hereby avers as follows:

1. Cabot Performance Materials ("Cabot") has been issued a Source Material
License, No. SMC-1562 (the "License"), by the U.S. Nuclear Regulatory Commission ("NRC")
to possess contaminated material at its Reading and Revere, Pennsylvania sites.

2. Cabot has filed with the NRC a site decommissioning plan ("SDP") for the
Reading site in support of Cabot's request for an amendment to the License.

3. Notice of the SDP was made in the October 28, 1998 Federal Register. 63 Fed.
Reg. 57715-16.

4. According to the Federal Register notice, the SDP concludes that the long-term
doses from the contaminated material located at the Reading site meet NRC's requirements to
leave the contaminated material in place.

5. Included in the Federal Register notice was the opportunity for any person whose
interests may be affected to request a hearing on the SDP within thirty (30) days of the Federal
Register notice. The 30-day period expires after November 27, 1998. See, 63 Fed. Reg. v.

6. Jobert, Inc. ("Jobert") is a former owner and currently holds a mortgage on the Reading site subject to the SDP.

7. Metals Trucking, Inc. ("Metals Trucking") is the current owner of the Reading site subject to the SDP.

8. On behalf of Jobert and Metals Trucking, undersigned counsel has previously discussed its interest in the Reading site subject to the SDP with staff for the NRC, and has been placed by the NRC on the mailing list for correspondence regarding the Reading site.

9. As the mortgage holder and current property owner, respectively, Jobert and Metals Trucking have a significant interest in the SDP filed by Cabot and under consideration by the NRC, insofar as approval of the SDP by the NRC may, for example, (a) impair or adversely impact certain permitted and desired future uses of the Reading site, (b) affect the financing of future development of the Reading site, and/or (c) present a "stigma" on the Reading site. The NRC's consideration of the SDP may also affect other interests of Jobert and Metals Trucking.

10. Representatives of Cabot have informed Jobert and Metals Trucking that the NRC's consideration of the SDP may take several months to a year or more after its submission to the NRC.

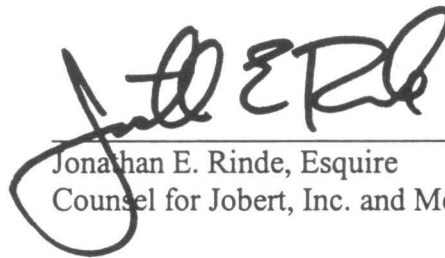
11. In view of the Thanksgiving holiday, and the complexity of issues presented by the SDP, Jobert and Metals Trucking hereby respectfully request a short, two (2) week extension of time, until close of business December 11, 1998, to be able to file with NRC and Cabot a formal request for hearing.

12. Granting this short extension of time will not prejudice Cabot, nor materially affect NRC's schedule to consider the SDP.

13. Staff at the NRC, specifically Timothy E. Harris and Stephen Lewis, Esq., have been informed of the intention to file this request for an extension of time.

14. In the alternative, if this short extension of time is not granted, Jobert and Metals Trucking hereby respectfully request that the NRC conduct a hearing on the SDP filed for the Reading site in accordance with the applicable regulations, and also request the opportunity to supplement this request with additional information within a reasonable time period thereafter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. E. Rinde", is written over a horizontal line. The signature is stylized with large, bold letters and a prominent loop at the end.

Jonathan E. Rinde, Esquire
Counsel for Jobert, Inc. and Metals Trucking, Inc.

CERTIFICATE OF SERVICE

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'98 NOV 24 P3:55

The undersigned certifies that a copy of the Motion for an Extension of Time to File a Request for Hearing, or, in the alternative, Request for a Hearing was filed on this date with the following parties as indicated below.

Via Next Day Delivery

Secretary
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Executive Director for Operations
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738
Attn: Timothy E. Harris

Paul C. Nightingale, Esq.
Counsel
Cabot Corporation
175 State Street
Boston, Mass 02109

Via First Class Mail

Cabot Performance Materials
P.O. Box 1608
Boyertown, PA 19512
Attn: Mr. Anthony T. Campitelli


Jonathan E. Rinde, Esquire

Date: November 23, 1998

the Commission, in accordance with the regulations. Storing the vessel on-site for 50 years before removal is similar to the SAFSTOR decommissioning alternative, which was addressed in NUREG-0586, "Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities." On-site storage for 50 years is not consistent with the DECON decommissioning alternative that was selected by PGE and approved by NRC. The DECON decommissioning alternative has also been accepted and approved by the State of Oregon for the decommissioning of the Trojan Nuclear Plant. On-site storage of the reactor vessel would result in retaining the part 50 license and necessary staff to maintain radiological controls and other part 50 required programs. Other results include, but are not limited to, performance of required periodic surveys, increased exposure to workers, and increased cost. Although radioactive decay would reduce shielding requirements, the reactor vessel would still have to be disposed of using one of the alternatives described below. Since insignificant gain would be realized, this scenario was not evaluated further.

B. Modified Reactor Vessel and Internals Removal (Modified TRVP)

Disposal of the reactor vessel in one piece with only the non-greater than Class C (non-GTCC) internals left inside. The TRVP, with all internals included, is classified as Class C waste. Certain internals, if removed from the TRVP, would likely be classified as GTCC waste. The GTCC internals would have to be segmented underwater, placed into containers, and stored in the spent fuel pool or the independent spent fuel storage installation (ISFSI) at the Trojan Site. The vessel and remaining internals would be shipped via barge in a single package similar to the TRVP alternative. Depending on the package shipped, NRC and/or DOT exemptions might still be required. The GTCC internals would be shipped at an unknown date in the future when a suitable repository becomes available to accept the waste.

C. Separate Disposal

Separate disposal of the reactor vessel and internals. The reactor vessel and internals would be segmented underwater. The non-GTCC internals would be placed in shielded casks and shipped to the US Ecology disposal facility via truck. The GTCC internals would be stored in the spent fuel pool or the ISFSI at the Trojan site. The reactor vessel would be disposed of separately from the internals and either

shipped whole, via barge, or segmented and shipped, via truck, to the disposal facility. Depending on the package shipped, NRC and/or DOT exemptions might still be required. The GTCC internals would be shipped at an unknown date in the future when a suitable repository becomes available to accept the waste.

Radiation exposures for the proposed action and the other disposition options were analyzed for on-site personnel, transportation personnel, general public, and disposal facility workers. The number of radioactive waste shipments for each scenario was based on the amount and configuration of the waste produced. Dose estimates do not include doses resulting from on-site storage and future shipment of GTCC waste to a waste repository (date and site unknown).

The proposed TRVP action has one radioactive waste shipment and a total exposure of 0.674 person-Sv (67.4 person-rem) [0.671 person-Sv (67.1 person-rem) of occupational exposure to on-site personnel]. Alternative A is inconsistent with the NRC-approved decommissioning plan for the site, and the impacts do not differ significantly from the proposed action. Alternative B would entail three radioactive waste shipments and a total exposure of 0.881 person-Sv (88.1 person-rem) [0.878 person-Sv (87.8 person-rem) of occupational exposure to on-site personnel]. Alternative C would involve 47 radioactive waste shipments and a total exposure of 1.389 to 1.399 person-Sv (138.9 to 139.9 person-rem) [1.332 person-Sv (133.2 person-rem) of occupational exposure to on-site personnel].

Agencies and Persons Contacted

Officials from the DOT Office of Hazardous Materials Technology, and the U.S. Coast Guard, Marine Safety Office/Group Portland, were contacted regarding impacts of the proposed action and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements of part 51. Based on the foregoing EA, the Commission finds that the proposed action of: (1) Granting an exemption from 10 CFR 71.71(c)(7), so that PGE need not evaluate a free drop of 0.3 m (1 foot) under normal conditions of transport; and (2) granting an exemption from 10 CFR 71.73(c)(1) and 71.73(b), so that PGE need not evaluate a free drop of 9 m (30 feet) under hypothetical accident conditions, will not significantly impact the quality of the

human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

This application was docketed under part 71, Docket 71-9271. For further details about this action, see Dockets 50-344 and 72-017, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555, and the Local Public Document Room at Portland State University Library, Science Library, 951 Southwest Hall Street, Portland, Oregon 97201.

Dated at Rockville, MD, this 22nd day of October 1998.

For the Nuclear Regulatory Commission.

M. Wayne Hodges,

*Acting Director, Spent Fuel Project Office,
Office of Nuclear Material Safety and
Safeguards.*

[FR Doc. 98-28813 Filed 10-27-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-9027]

Notice of Consideration of Amendment Request for Decommissioning the Cabot Performance Materials Reading, Pennsylvania, Site, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Source Material License No. SMC-1562 to authorize decommissioning of the Cabot Performance Materials (CABOT) Reading, Pennsylvania, site. This license is issued to CABOT to possess contaminated material at its Reading and Revere, Pennsylvania, sites. NRC licenses these facilities under 10 CFR Part 40. Specifically, the license authorizes CABOT to possess 100 tons of elemental uranium and thorium total at both sites. The contaminated material at the Reading site is in the form of slag and soil located on the face of a slope. The contamination is the result of processing ores which contained uranium and thorium.

On August 28, 1998, the licensee submitted a site decommissioning plan (SDP) to NRC for review. The SDP concludes that long-term doses from the contaminated material at current levels meet the requirements of the Radiological Criteria for License Termination rule (10 CFR Part 20, Subpart E) (62 FR 39058). Therefore, the licensee proposes that no additional decommissioning is required.

Prior to the issuance of the amendment, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

NRC provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules of practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm Federal workdays; or

2. By mail or telegram addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemaking and Adjudications Staff.

In addition to meeting other applicable requirements of Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Cabot Performance Materials, P.O. Box 1608, Boyertown, Pennsylvania 19512, Attention: Mr. Anthony T. Campitelli, and;

2. NRC staff, by delivery to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville

Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm Federal workdays, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For further details with respect to this action, the application for amendment is available for inspection at NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555-0001.

FOR FURTHER INFORMATION CONTACT:

Timothy E. Harris, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6613. Fax: (301) 415-5398.

Dated at Rockville, Maryland, this 20th day of October 1998.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98-28815 Filed 10-27-98; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40588; File No. SR-DTC-98-13]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to Establishing a Practice of Collecting the Difference Between a Participant's Required Fund Deposit and Its Actual Fund Deposit More Frequently

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on June 11, 1998, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. DTC amended the proposed rule change on July 29, 1998. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

¹ 15 U.S.C. 78s(b)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change establishes a practice of collecting the difference between a participant's required fund deposit² and its actual fund deposit³ more frequently than monthly.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.⁴

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently, DTC calculates each participant's required fund deposit daily. If a participant's required fund deposit exceeds its actual fund deposit, DTC requires the participant to deposit the difference into DTC's participant fund on a monthly basis. The proposed rule change will further minimize DTC's exposure by providing for the collection of the difference between a participant's required fund deposit and actual fund deposit on a daily basis under certain circumstances.

Under the proposal, DTC will calculate a participant's actual and required fund deposit daily and require a participant to deposit the difference if two conditions are met. First, the amount of the difference between the funds must be equal to or exceed \$500,000, and second, the difference must represent 25% or more of the newly calculated required fund deposit. Under such circumstances, the participant will be required to deposit the difference into DTC's participant fund within two business days of the day the difference was calculated. This new standard will ensure that DTC's resources are sufficient to complete

² Required fund deposit is defined in DTC's Rule 1 as the amount a participant is required to deposit to the participant's fund.

³ Actual fund deposit is defined in DTC's Rule 1 as the amount a participant has deposited to DTC's participant fund, including both its required fund deposit and any voluntary fund deposit.

⁴ The Commission has modified the text of the summaries prepared by DTC.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

CABOT PERFORMANCE MATERIALS

(Request for Materials License
Amendment)

Docket No.(s) 40-9027-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing SECY MEMO TO LB RE HEARING REQ have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)40-9027-MLA
SECY MEMO TO LB RE HEARING REQ

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Dated at Rockville, Md. this
15 day of December 1998


Office of the Secretary of the Commission