

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Alan S. Rosenthal, Presiding Officer
Dr. Richard F. Cole, Special Assistant

DOCKETED 04/20/00

In the Matter of

CABOT PERFORMANCE MATERIALS
(Reading, Pennsylvania)

Docket No. 40-9027-MLA
ASLBP No. 99-757-01-MLA
April 20, 2000

SERVED 04/20/00

ORDER

If so inclined, the Licensee and the NRC Staff may file a response to the April 14, 2000 submission of hearing requesters Metals Trucking, Inc. and Jobert, Inc. in this proceeding. Any such response must be filed and served no later than Monday, May 1, 2000 and shall be strictly confined to addressing the content of the April 14 submission. Any assertion that does not directly relate to what is contained in that submission will not be considered.

It appears from submissions now in hand that last month the Redevelopment Authority of the City of Reading filed a Declaration of Taking with regard to the property in issue here. It further appears that Metals Trucking, the then owner of the property, had under consideration the filing of Preliminary Objections to the proposed condemnation. Unless an extension

was obtained, the thirty-day period provided for pursuing that option seemingly has now expired. In the event that Preliminary Objections have been filed (or to the knowledge of the Licensee will be filed under an obtained time extension), the following question should be addressed in any additional submission by the Licensee or NRC Staff:

In light of the pendency of Preliminary Objections to the Declaration of Taking, would it be prudent for me to withhold decision on the acceptability of the Metals Trucking/Jobert hearing request to await further developments in the condemnation proceeding?

If they so desire, those hearing requesters may supply their views in a filing on or before May 1, 2000 that must be both no more than one page in length and strictly limited to the posed question.

It is so ORDERED.

BY THE PRESIDING OFFICER*

/RA/

Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 20, 2000

* Copies of this memorandum and order were sent this date by Internet e-mail transmission to representatives of the Licensee and the Petitioners, as well as counsel for the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CABOT PERFORMANCE MATERIALS) Docket No. 40-9027-MLA
)
(Request for Materials License)
Amendment))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED 04/20/00 have been served upon the following persons by U.S. mail, first class, except as otherwise noted (by *) 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

*Administrative Judge
Alan S. Rosenthal, Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

*Giovanna M. Longo, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

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

Carl J. Engleman, Jr., Esq.
Ryan, Russell, Ogden & Seltzer, LLP
1100 Berkshire Boulevard, Suite 301
Reading, PA 19610-1221

Timothy G. Dietrich, Esq.
Kozloff Stoudt
Sixth Floor, The Berkshire
501 Washington Street, Box 877
Reading, PA 19603-0877

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LB ORDER DATED 04/20/00

Keith Mooney, Esq.
City of Reading
Department 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

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of April 2000

* Internal Distribution