

RAS 1762

DOCKETED
US/RC

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

'00 MAY 31 P3:36

ATOMIC SAFETY AND LICENSING BOARD PANEL

**Before Administrative Judges:
Alan S. Rosenthal, Presiding Officer
Dr. Richard F. Cole, Special Assistant**

In the Matter of

Docket No. 40-9027-MLA

CABOT PERFORMANCE MATERIALS,
Reading, Pennsylvania

Re: Site Decommissioning Plan

**LICENSEE'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO THE REQUEST FOR A HEARING OF
REDEVELOPMENT AUTHORITY OF THE CITY OF READING
AND CITY OF READING**

Cabot Performance Materials, the Licensee, moves for an extension of time for the filing of its Answer to the Request for Hearing filed by the Redevelopment Authority of the City of Reading (Redevelopment Authority) and the City of Reading (City). By Memorandum and Order dated April 3, 2000, the Presiding Officer granted Licensee's motion for extension of time and extended the deadline for submittal of Licensee's Answer to the Hearing Request filed by the Redevelopment Authority and the City, until May 30, 2000.^{1/} The parties have now reached an agreement on the basic terms of a full and amicable settlement and Licensee has prepared a proposed written settlement agreement. Because the Redevelopment Authority and the City will

^{1/} See Licensee's Motion for Extension of Time to Respond to the Request for a Hearing of Redevelopment Authority of the City of Reading and City of Reading (March 31, 2000).

Template = SEC4-041

SEC4-02

need time for the review of the written settlement agreement, a thirty day extension, for Licensee to submit its Answer to the pending Request for Hearing, is respectfully requested.

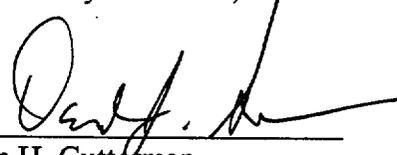
Since the Presiding Officer's last Memorandum and Order, the Licensee, the Redevelopment Authority and the City have met and have reached a final oral agreement on all principles of a full and amicable settlement, including agreement on issues that had not yet been resolved at the time of Licensee's last motion for extension. Licensee has prepared a written proposed settlement agreement which it expects to provide to the Redevelopment Authority and the City in the next several days for their review. While the parties are in full agreement on the principles for settlement, additional time is required for the municipal authorities to review the proposed settlement agreement and obtain the necessary approvals. Licensee, the Redevelopment Authority and the City, estimate that an additional thirty days will be needed to complete this process.

Therefore, Licensee, the Redevelopment Authority and the City believe that it would be counterproductive for Licensee to submit its Answer and for the Presiding Officer to rule on the Request for Hearing when it appears that a final settlement is imminent. Accordingly, Licensee hereby requests a further extension of time until June 30, 2000, for it to submit its Answer to the pending Request for Hearing filed by the Redevelopment Authority and the City. Counsel for those two parties have indicated that they do not object to this Motion.

This agreement does not affect the NRC Staff's ability to proceed with its normal process of considering Licensee's application. Counsel for the NRC Staff have indicated that the Staff does not object to this Motion provided that the Staff's time for filing its Answer is extended until 10 days after Licensee's Answer is due, and provided that the Staff's normal process for consideration of, and action on the Licensee's application is not limited by the granting of this Motion.

Accordingly, in order to facilitate complete settlement among Licensee, the
Redevelopment Authority and the City, Licensee moves that the deadline for submittal of its
Answer to the Hearing Request of the Redevelopment Authority and the City be extended for 30
days until June 30, 2000.

Respectfully submitted,



Alvin H. Gutterman
Donald J. Silverman
Morgan, Lewis & Bockius LLP
1800 M St., NW
Washington, DC 20036
(202) 467-7502

Paul C. Nightingale
Counsel
Cabot Corporation
175 State St.
Boston, MA 02109

Dated: May 25, 2000

Attorneys for Cabot Performance Materials

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'00 MAY 31 P3:36

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:
Alan S. Rosenthal, Presiding Officer
Dr. Richard F. Cole, Special Assistant

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn.: Timothy E. Harris
Fax #: 301-415-5398

In the Matter of

CABOT PERFORMANCE MATERIALS,
Reading, Pennsylvania

Docket No. 40-9027-MLA

Re: Site Decommissioning Plan

CERTIFICATE OF SERVICE

I hereby certify that on this date copies of LICENSEE'S MOTION FOR EXTENSION OF TIME TO RESPOND TO THE REQUEST FOR A HEARING OF REDEVELOPMENT AUTHORITY OF THE CITY OF READING AND CITY OF READING, dated May 25, 2000, was served upon the following persons by facsimile and deposit in the United States mail, first class, postage prepaid and properly addressed:

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn.: Rulemaking and Adjudication Staff
Fax #: 301-415-1672

Office of Nuclear Material Safety and
Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn.: Timothy E. Harris
Fax #: 301-415-5398

Carl J. Engleman, Jr., Esq.
Ryan, Russell, Ogden & Seltzer, LLP
1100 Berkshire Blvd.
Suite 301
Reading, PA 19610-1221
Fax #: 610-372-4177
e-mail: CEngleman@RyanRussell.com

Keith Mooney, Esq.
City of Reading
Department of Law
City Hall, Room 2-54
815 Washington St.
Reading, PA 19601-3690
Fax #: 610-655-6427
e-mail: kmooney@readingpa.org

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

Giovanna M. Longo, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop 0-15 D21
Washington, DC 20555-0001
Fax #: 301-415-3725

Judge Alan S. Rosenthal
Presiding Officer
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3 F23
Washington, DC 20555-0001
Fax#: 301-415-5599
e-mail: rsnthl@aol.com

Judge Richard F. Cole
Special Assistant
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Fax#: 301-415-5599

Timothy G. Dietrich
Kozloff Stoudt
Sixth Floor, The Berkshire
501 Washington Street
Box 877
Reading, PA 19603-0877
Fax#: 610-374-6061
e-mail: tim.dietrich@rsblaw.com



Donald J. Silverman
Morgan, Lewis & Bockius LLP
1800 M St., NW
Washington, DC 20036
(202) 467-7502

Attorney for Cabot Performance Materials

Dated: May 25, 2000