40-9127

MEMORANDUM

Morgan, Lewis
& Bockius LLP
COUNSELORS AT LAW

VIA TELECOPY & REGULAR MAIL

TO: Judge Alan J. Rosenthal
Judge Richard F. Cole

FROM: Donald J. Silverman

DATE: June 29, 2000

SUBJECT: Confirmation of Granting of Oral Motion for Extension of Time in Cabot Proceeding

This Memorandum is to confirm the Presiding Officer's granting of Cabot Performance Materials' oral motion 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 May 30, 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 June 30, 2000.

As discussed in our telephone conference today, Licensee, the Redevelopment Authority and the City had anticipated reaching a complete agreement by June 30, 2000. Since the Presiding Officer's last Memorandum and Order, the Licensee, the Redevelopment Authority and the City have prepared and exchanged a written proposed settlement agreement and have agreed on virtually all of the specific terms of the settlement. However, in the past several days, a new question has arisen regarding the legal title to the right of way adjacent to the American Chain and Cable Company property, which is fundamental to the settlement. The time required by the

Nimss01Public

municipal authorities to conduct the title search and the outcome of this title search are uncertain at this time.

Accordingly, Licensee requested, and the Presiding Officer granted, a further extension of time until September 28, 2000, for Licensee to submit its Answer to the pending Request for Hearing filed by the Redevelopment Authority and the City. Counsel for those two parties has 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.

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: June 29, 2000

Attorneys for Cabot Performance Materials

cc: Service List

Morgan, Lewis
& Bockius LLP
COUNSELORS AT LAW

1800 M Street, N.W.
Washington, D.C. 20036

Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Timothy E. Harris

20555/0001