

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'00 JAN 18 P1:50

Before Administrative Judges:

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

OFFICE
OF
ADMINISTRATIVE
JUDGES

SERVED JAN 18 2000

In the Matter of

CABOT PERFORMANCE MATERIALS
(Reading, Pennsylvania)

Docket No. 40-9027-MLA

ASLBP No. 99-757-01-MLA

January 18, 2000

MEMORANDUM AND ORDER

(Request for Additional Extension of Time)

Cabot Performance Materials has now filed a fifth unopposed motion seeking yet an additional extension of the time within which to file its answer to the pending requests for a hearing in this matter involving its site decommissioning plan. The motion is granted in part.

While an extension to and including July 1, 2000, is now being sought, I am prepared at this juncture to extend the time only to Monday, April 3, 2000. Notwithstanding the recitations contained in the motion, I remain persuaded that, with the exercise of reasonable diligence, it should be possible to complete the information gathering activities that have now been in progress for a considerable period of time to allow meaningful settlement discussions to be completed by the latter date.

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Should, nonetheless, yet another extension motion be forthcoming, I will expect it to set forth with considerable particularity the reasons why, notwithstanding the making of every reasonable effort to bring the settlement issue to an informed conclusion expeditiously, additional time beyond April 3, 2000, is still required.

No doubt, the interests of all concerned will be best served if a settlement is achieved and further adjudicatory proceedings thereby become unnecessary. There is thus good reason to accommodate the desire of the parties to have sufficient opportunity to endeavor to achieve a settlement. But there is also good reason why this matter should not remain indefinitely on the Panel's docket simply because none of the parties perceives any sense of urgency in pursuing settlement possibilities.

One final matter. To the extent that there is capability to honor this request, and in the interest of expedition, I would appreciate e-mail transmission of a copy of any future filings to my home address: RSNTHL@aol.com. This will enable more prompt consideration of, and (if necessary) action upon, the particular filing.

It is so ORDERED.

BY THE PRESIDING OFFICER

Alan S. Rosenthal
Alan S. Rosenthal
ADMINISTRATIVE JUDGE

This order is issued pursuant to the authority of the Presiding Officer designated for this proceeding.

Rockville, Maryland

January 18, 2000

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 LB M&O (REQ FR...EXT OF TIME) 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
LB M&O (REQ FR...EXT OF TIME)

Anthony T. Campitelli
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P.O. Box 1608
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Dated at Rockville, Md. this
18 day of January 2000


Office of the Secretary of the Commission