

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

'99 OCT 15 P1:34

Before Administrative Judges:

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

OFFICE OF THE
GENERAL COUNSEL
ADJUDICATIVE
SERVICES

In the Matter of

CABOT PERFORMANCE MATERIALS
(Reading, Pennsylvania)

Docket No. 40-9027-MLA

ASLBP No. 99-757-01-MLA

October 15, 1999

SERVED OCT 15 1999

MEMORANDUM AND ORDER
(Request for Extension of Time)

Before the Presiding Officer is Cabot Performance Materials' (Cabot) fourth motion for an extension of the time within which to file its answer to certain requests for a hearing in this matter involving an amendment to its materials license that is sought by Cabot. The extension now sought is from October 15, 1999 to January 15, 2000.

If granted, the license amendment would authorize the decommissioning of Cabot's Reading, Pennsylvania site, which possesses contaminated material resulting from the processing of ores containing uranium and thorium. Apparently, the hearing requesters have concerns regarding the Site Decommissioning Plan proposed by Cabot.

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According to the motion, it is being filed at the instance of one of the hearing requesters, the Redevelopment Authority of the City of Reading, which has commissioned an environmental investigation of the site in question and awaits its receipt and review of the investigation report. The motion also alludes to the collection of further site-related information and holds out the possibility that the hearing requesters concerns might be resolved once all that has been accomplished, thus obviating the need for a hearing.

For good cause shown, the motion is GRANTED. See 10 C.F.R. § 2.1241.

The Presiding Officer expects that the parties will make every effort to complete settlement negotiations prior to the new deadline for the submission of Cabot's response to the hearing requests. In this connection, while the motion does not state precisely when the Redevelopment Authority expects to receive the report of the environmental investigation and to complete its review thereof, presumably it believes that those steps can be accomplished in sufficient time to enable fruitful settlement negotiations in advance of January 15, 2000. In any event, should it prove necessary or desirable to file yet another extension motion, that motion should state with particularity the then current state of both the information gathering endeavor and

the settlement negotiations and should additionally provide an anticipated completion date.

It is so ORDERED.

BY THE PRESIDING OFFICER

Alan S. Rosenthal *by GPB II*
Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 15, 1999

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 ORDER GRANTING EXTENSION 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
ORDER GRANTING EXTENSION

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Dated at Rockville, Md. this
15 day of October 1999


Office of the Secretary of the Commission