

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED  
USNRC

'98 DEC 22 A10:45

Before Administrative Judges:  
Peter B. Bloch, Presiding Officer  
Richard F. Cole, Special Assistant

ORIGINAL FILED IN  
FILE NO. 40-9027-MLA  
ADMINISTRATIVE PROCEDURE

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In the Matter of

CABOT PERFORMANCE MATERIALS,  
Reading, Pennsylvania

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Docket No. 40-9027-MLA

Re: Site Decommissioning Plan

**LICENSEE'S UNOPPOSED MOTION FOR ADDITIONAL EXTENSION OF TIME TO  
RESPOND TO REQUESTS FOR A HEARING OF  
(1) REDEVELOPMENT AUTHORITY OF READING AND CITY OF READING AND  
(2) JOBERT INC. AND METALS TRUCKING, INC.**

Cabot Performance Materials, the Licensee, moves that this proceeding be held in abeyance until April 1, 1999 to permit it to conduct further discussions with the Redevelopment Authority of Reading, the City of Reading, and Jobert Inc. (Jobert) and Metals Trucking, Inc. (MTI) to resolve their concerns about the Site Decommissioning Plan. Counsel for these parties have indicated that they do not object to this motion.

The City and Authority served their Request on November 24, 1998. On November 27, 1998, upon the request of Jobert and MTI, the Secretary of the Commission issued an order

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extending their time to serve a Request until December 11, 1998; Jobert and MTI timely served their Request.

The Licensee's Answer to the City and Authority's Request was due to be served on December 7, 1998. Due to the extension of time granted for Jobert and MTI, however, the Presiding Officer issued an Order on December 4, 1998 granting "Licensee's Motion For Extension of Time to Respond," giving Licensee until December 21, 1998 to serve its Answer.

Licensee now requests an additional extension to enable it to pursue settlement. The non-federal parties have agreed to conduct good-faith negotiations in which each will fully participate. If those negotiations are successful, no hearing will be necessary on this matter. Licensee believes that the issues can be resolved through discussions among the parties within the next three months. It is also understood that each of the non-federal parties reserves the right to terminate the extension in the event that said party believes it is being excluded from the negotiating process. Counsel for the requestors (Mr. Engleman, Mr. Mooney, & Mr. Rinde) have agreed to the requested additional extension. This agreement does not affect the Staff's ability to proceed with its normal process of considering Licensee's application. Counsel for the NRC Staff (Ms. Uttal and Mr. Hom) have indicated that the Staff does not object to this Motion provided the Staff is subject to the same schedule as the Licensee for the filing of answers as ordered by the Presiding Officer, and provided 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, the Licensee requests an additional extension of the time for submission of an Answer to these until April 1, 1999. Licensee requests that the Presiding Officer refrain from

deciding the issue of Requestors' several Requests For A Hearing until Licensee has served its Answers on April 1, 1999.

Respectfully submitted,



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Dated: December 18, 1998

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