

BEFORE THE U.S. NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'98 NOV 24 P3:55

CABOT PERFORMANCE MATERIALS, :
Reading, Pennsylvania :
: Docket No. 40-9027
:
:
:

OFFICE OF THE
PUBLIC
ADJUDICATOR

MOTION FOR EXTENSION OF TIME
TO FILE A REQUEST FOR HEARING, OR,
IN THE ALTERNATIVE, REQUEST FOR A HEARING

Jobert, Inc. and Metals Trucking, Inc., by and through its undersigned counsel, hereby request an extension of time until December 11, 1998 to be able to file a request for hearing, or, in the alternative, hereby requests a hearing if the extension is not granted, and hereby avers as follows:

1. Cabot Performance Materials ("Cabot") has been issued a Source Material License, No. SMC-1562 (the "License"), by the U.S. Nuclear Regulatory Commission ("NRC") to possess contaminated material at its Reading and Revere, Pennsylvania sites.

2. Cabot has filed with the NRC a site decommissioning plan ("SDP") for the Reading site in support of Cabot's request for an amendment to the License.

3. Notice of the SDP was made in the October 28, 1998 Federal Register. 63 Fed. Reg. 57715-16.

4. According to the Federal Register notice, the SDP concludes that the long-term doses from the contaminated material located at the Reading site meet NRC's requirements to leave the contaminated material in place.

5. Included in the Federal Register notice was the opportunity for any person whose interests may be affected to request a hearing on the SDP within thirty (30) days of the Federal Register notice. The 30-day period expires after November 27, 1998. See, 63 Fed. Reg. v.

19745

6. Jobert, Inc. (“Jobert”) is a former owner and currently holds a mortgage on the Reading site subject to the SDP.

7. Metals Trucking, Inc. (“Metals Trucking”) is the current owner of the Reading site subject to the SDP.

8. On behalf of Jobert and Metals Trucking, undersigned counsel has previously discussed its interest in the Reading site subject to the SDP with staff for the NRC, and has been placed by the NRC on the mailing list for correspondence regarding the Reading site.

9. As the mortgage holder and current property owner, respectively, Jobert and Metals Trucking have a significant interest in the SDP filed by Cabot and under consideration by the NRC, insofar as approval of the SDP by the NRC may, for example, (a) impair or adversely impact certain permitted and desired future uses of the Reading site, (b) affect the financing of future development of the Reading site, and/or (c) present a “stigma” on the Reading site. The NRC’s consideration of the SDP may also affect other interests of Jobert and Metals Trucking.

10. Representatives of Cabot have informed Jobert and Metals Trucking that the NRC’s consideration of the SDP may take several months to a year or more after its submission to the NRC.

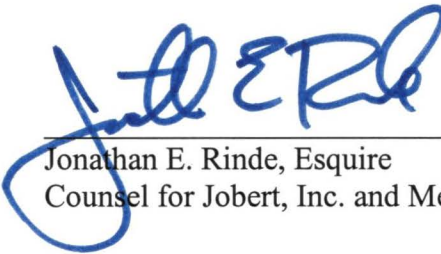
11. In view of the Thanksgiving holiday, and the complexity of issues presented by the SDP, Jobert and Metals Trucking hereby respectfully request a short, two (2) week extension of time, until close of business December 11, 1998, to be able to file with NRC and Cabot a formal request for hearing.

12. Granting this short extension of time will not prejudice Cabot, nor materially affect NRC’s schedule to consider the SDP.

13. Staff at the NRC, specifically Timothy E. Harris and Stephen Lewis, Esq., have been informed of the intention to file this request for an extension of time.

14. In the alternative, if this short extension of time is not granted, Jobert and Metals Trucking hereby respectfully request that the NRC conduct a hearing on the SDP filed for the Reading site in accordance with the applicable regulations, and also request the opportunity to supplement this request with additional information within a reasonable time period thereafter.

Respectfully submitted,



Jonathan E. Rinde, Esquire
Counsel for Jobert, Inc. and Metals Trucking, Inc.

CERTIFICATE OF SERVICE

DOCKETED
USNRC

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The undersigned certifies that a copy of the Motion for an Extension of Time to File a Request for Hearing, or, in the alternative, Request for a Hearing was filed on this date with the following parties as indicated below.

OFFICE
PLANNING
ADJUDICATIVE
STAFF

Via Next Day Delivery

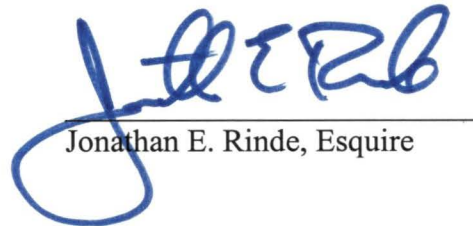
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Jonathan E. Rinde, Esquire

Date: November 23, 1998