

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

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

**DOCKETED 04/20/00**

In the Matter of  
  
CABOT PERFORMANCE MATERIALS  
(Reading, Pennsylvania)

Docket No. 40-9027-MLA

ASLBP No. 99-757-01-MLA

April 20, 2000

**SERVED 04/20/00**

ORDER

If so inclined, the Licensee and the NRC Staff may file a response to the April 14, 2000 submission of hearing requesters Metals Trucking, Inc. and Jobert, Inc. in this proceeding. Any such response must be filed and served no later than Monday, May 1, 2000 and shall be strictly confined to addressing the content of the April 14 submission. Any assertion that does not directly relate to what is contained in that submission will not be considered.

It appears from submissions now in hand that last month the Redevelopment Authority of the City of Reading filed a Declaration of Taking with regard to the property in issue here. It further appears that Metals Trucking, the then owner of the property, had under consideration the filing of Preliminary Objections to the proposed condemnation. Unless an extension

was obtained, the thirty-day period provided for pursuing that option seemingly has now expired. In the event that Preliminary Objections have been filed (or to the knowledge of the Licensee will be filed under an obtained time extension), the following question should be addressed in any additional submission by the Licensee or NRC Staff:

In light of the pendency of Preliminary Objections to the Declaration of Taking, would it be prudent for me to withhold decision on the acceptability of the Metals Trucking/Jobert hearing request to await further developments in the condemnation proceeding?

If they so desire, those hearing requesters may supply their views in a filing on or before May 1, 2000 that must be both no more than one page in length and strictly limited to the posed question.

It is so ORDERED.

BY THE PRESIDING OFFICER\*

/RA/

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Alan S. Rosenthal  
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 20, 2000

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\* Copies of this memorandum and order were sent this date by Internet e-mail transmission to representatives of the Licensee and the Petitioners, as well as counsel for the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CABOT PERFORMANCE MATERIALS	)	Docket No. 40-9027-MLA
	)	
(Request for Materials License	)	
Amendment)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED 04/20/00 have been served upon the following persons by U.S. mail, first class, except as otherwise noted (by \*) and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No. 40-9027-MLA  
LB ORDER DATED 04/20/00

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[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 20<sup>th</sup> day of April 2000

\* Internal Distribution