

RAS 2250

DOCKETED
10/1/00

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'00 OCT -3 P2:44

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:
Alan S. Rosenthal, Presiding Officer
Dr. Richard F. Cole, Special Assistant

In the Matter of

Docket No. 40-9027-MLA

CABOT PERFORMANCE MATERIALS,
Reading, Pennsylvania

Re: Site Decommissioning Plan

September 26, 2000

LICENSEE'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO THE REQUEST FOR A HEARING OF
REDEVELOPMENT AUTHORITY OF THE CITY OF READING
AND CITY OF READING

Cabot Performance Materials, the Licensee, moves for an extension of time for the filing of its Answer to the Request for Hearing filed by the Redevelopment Authority of the City of Reading (Redevelopment Authority) and the City of Reading (City). By Memorandum and Order dated June 29, 2000, the Presiding Officer granted Licensee's oral motion for extension of time and extended the deadline for submittal of Licensee's Answer to the Hearing Request filed by the Redevelopment Authority and the City, until September 28, 2000. Counsel for the parties have now reached an agreement on the terms of a full and amicable settlement. Because the City will need time to complete the formal review and approval process, a thirty day extension for Licensee to submit its Answer to the pending Request for Hearing is respectfully requested.

Template = SECY-041

SECY-02

Since the Presiding Officer's last Memorandum and Order, counsel for the Licensee, the Redevelopment Authority and the City have agreed on a full and amicable settlement, encompassing all issues, including those issues concerning the legal title to the right of way adjacent to the American Chain and Cable Company property mentioned in the memorandum dated June 29, 2000 from Donald J. Silverman. While counsel for these parties are in full agreement on the terms of the settlement, additional time is required for the municipal authorities to complete their formal review and approval of the proposed settlement agreement. The Redevelopment Authority and the City estimate that this process can be completed within 30 days.

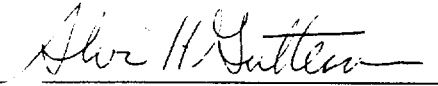
Therefore, Licensee, the Redevelopment Authority and the City believe that it would be counterproductive for Licensee to submit its Answer and for the Presiding Officer to rule on the Request for Hearing when it appears that a final settlement is imminent. Accordingly, Licensee hereby requests a further extension of time until October 31, 2000, for it to submit its Answer to the pending Request for Hearing filed by the Redevelopment Authority and the City. Counsel for those two parties have indicated that they do not object to this Motion.

This agreement does not affect the NRC Staff's ability to proceed with its normal process of considering Licensee's application. Counsel for the NRC Staff have indicated that the Staff does not object to this Motion provided that the Staff's time for filing its Answer is extended until 10 days after Licensee's Answer is due, and provided that 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, in order to facilitate complete settlement among Licensee, the Redevelopment Authority and the City, Licensee moves that the deadline for submittal of its

Answer to the Hearing Request of the Redevelopment Authority and the City be extended for 30 days until October 31, 2000.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alvin H. Gutterman", is written over a horizontal line.

Alvin H. Gutterman
Donald J. Silverman
Morgan, Lewis & Bockius LLP
1800 M St., NW
Washington, DC 20036
(202) 467-7502

Paul C. Nightingale
Counsel
Cabot Corporation
175 State St.
Boston, MA 02109

Dated: September 26, 2000

Attorneys for Cabot Performance Materials

**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**

In the Matter of

**CABOT PERFORMANCE MATERIALS,
Reading, Pennsylvania**

:
:
:
:
:
:
:

Docket No. 40-9027-MLA

Re: Site Decommissioning Plan

September 26, 2000

CERTIFICATE OF SERVICE

I hereby certify that on this date copies of **LICENSEE'S MOTION FOR EXTENSION OF TIME TO RESPOND TO THE REQUEST FOR A HEARING OF REDEVELOPMENT AUTHORITY OF THE CITY OF READING AND CITY OF READING**, dated September 26, 2000, was served upon the following persons by facsimile and deposit in the United States mail, first class, postage prepaid and properly addressed:

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn.: Rulemaking and Adjudication Staff
Fax #: 301-415-1672

Carl J. Engleman, Jr., Esq.
Ryan, Russell, Ogden & Seltzer, LLP
1100 Berkshire Blvd.
Suite 301
Reading, PA 19610-1221
Fax #: 610-372-4177
e-mail: CEngleman@RyanRussell.com

Office of Nuclear Material Safety and
Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn.: Timothy E. Harris
Fax #: 301-415-5398

Keith Mooney, Esq.
City of Reading
Department of Law
City Hall, Room 2-54
815 Washington St.
Reading, PA 19601-3690
Fax #: 610-655-6427
e-mail: kmooney@readingpa.org

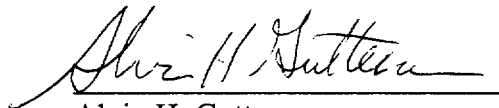
Jonathan E. Rinde, Esq.
Manko, Gold & Katcher, LLP
401 City Avenue, Suite 500
Bala Cynwyd, PA 19004
Fax #: 610-660-5711
e-mail: jrinde@mgklaw.com

Giovanna M. Longo, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop 0-15 D21
Washington, DC 20555-0001
Fax #: 301-415-3725

Judge Alan S. Rosenthal
Presiding Officer
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3 F23
Washington, DC 20555-0001
Fax#: 301-415-5599
e-mail: rsnthl@aol.com

Judge Richard F. Cole
Special Assistant
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Fax#: 301-415-5599

Timothy G. Dietrich
Francis M. Mulligan
Kozloff Stoudt
Sixth Floor, The Berkshire
501 Washington Street
Box 877
Reading, PA 19603-0877
Fax#: 610-374-6061
e-mail: tim.dietrich@rsblaw.com



Alvin H. Gutterman
Morgan, Lewis & Bockius LLP
1800 M St., NW
Washington, DC 20036
(202) 467-7568

Attorney for Cabot Performance Materials

Dated: September 26, 2000