

May 23, 2000

MEMORANDUM TO: William F. Kane, Director
Nuclear Material Safety and Safeguards

FROM: Dennis C. Dambly */RA/*
Assistant General Counsel
Materials Litigation and Enforcement

SUBJECT: REQUEST OF JOBERT, INC. AND METALS TRUCKING, INC. FOR
HEARING DENIED BY PRESIDING OFFICER

By a "Memorandum and Order" (LBP-00-13) dated May 16, 2000 (attached), Administrative Law Judge Alan Rosenthal denied the request for hearing of Jobert, Inc. and Metals Trucking, Inc. (MTI) regarding the site decommissioning plan of Cabot Performance Materials (Cabot). MTI is the owner of the property which was the site of Cabot's licensed activities, and Jobert, Inc. holds a security interest in the property. The Presiding Officer denied the request for hearing because after the Reading Development Authority had filed a notice of condemnation against the property, MTI and Jobert failed to challenge the action within the period provided by law, resulting in transfer of title to the property to the Redevelopment Authority. As a result there is no longer any basis on which MTI and Jobert can meet the injury-in-fact requirement to establish standing.

Denial of the request for hearing of Jobert, Inc and MTI does not affect the outstanding request for hearing by the City of Reading and the Redevelopment Authority of Reading regarding the site decommissioning plan of Cabot.

Attachment: As stated

cc w/att: G. Longo, OGC

May 23, 2000

MEMORANDUM TO: William F. Kane, Director
Nuclear Material Safety and Safeguards

FROM: Dennis C. Dambly */RA/*
Assistant General Counsel
Materials Litigation and Enforcement

SUBJECT: REQUEST OF JOBERT, INC. AND METALS TRUCKING, INC. FOR
HEARING DENIED BY PRESIDING OFFICER

By a "Memorandum and Order" (LBP-00-13) dated May 16, 2000 (attached), Administrative Law Judge Alan Rosenthal denied the request for hearing of Jobert, Inc. and Metals Trucking, Inc. (MTI) regarding the site decommissioning plan of Cabot Performance Materials (Cabot). MTI is the owner of the property which was the site of Cabot's licensed activities, and Jobert, Inc. holds a security interest in the property. The Presiding Officer denied the request for hearing because after the Reading Development Authority had filed a notice of condemnation against the property, MTI and Jobert failed to challenge the action within the period provided by law, resulting in transfer of title to the property to the Redevelopment Authority. As a result there is no longer any basis on which MTI and Jobert can meet the injury-in-fact requirement to establish standing.

Denial of the request for hearing of Jobert, Inc and MTI does not affect the outstanding request for hearing by the City of Reading and the Redevelopment Authority of Reading regarding the site decommissioning plan of Cabot.

Attachment: As stated

cc w/att: Giovanna Longo, OGC

DISTRIBUTION:

S. Burns, OGC OGC FF (2)
L. Chandler, OGC OGC RF

DOCUMENT NAME: G:\MLE\Longo\jimtinote

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	OGC		OGC							
NAME	G.Longo		D.Dambly							
DATE	04/ /01		04/ /01		04/ /01		04/ /01		04/ /01	

OFFICIAL RECORD COPY