

U. S. NUCLEAR REGULATORY COMMISSION

LICENSEE: MOLYCORP, INC.

License No. SMB-1393

Docket No. 040-08778

**REQUEST FOR HEARING BY
CANTON TOWNSHIP, PENNSYLVANIA
ON LICENSEE'S AMENDMENT REQUEST
FOR DECOMMISSIONING OF ITS
CANTON TOWNSHIP FACILITY**

Petitioner/Requestor CANTON TOWNSHIP, by its Solicitor, JOHN T. OLSHOCK, and its special counsel, SAMUEL P. KAMIN, SAMUEL R. GREGO and the law firm of GOLDBERG, KAMIN & GARVIN, hereby files the following Request for Hearing, and in support thereof states as follows:

1. On or about November 16, 1999, a Notice of Consideration of Amendment Request relating to the decommissioning of Licensee Molycorp, Inc.'s Washington County facility located in Canton Township, Pennsylvania was published in the Federal Register. As 10 CFR §2.1205(d) allows a request for hearing to be filed within thirty (30) days of the publication in the Federal Register of a notice relating to licensing action, the instant Request for Hearing is timely.

2. The Notice provides that Molycorp has filed a revised Site Decommissioning Plan ("SDP") on June 30, 1999 and that by letter dated October 19, 1999, the U.S. Nuclear Regulatory Commission ("NRC") found the SDP acceptable to begin a technical review. The instant Request for Hearing is filed due to Canton Township's continuing interest in Molycorp's proposed decommissioning plans.

3. On or about June 28, 1999, Canton Township filed a Request for Hearing in Docket Nos. 040-08794 and 040-08778 on Molycorp's License Amendment Request Regarding its Schedule for Submission of a Revised Site Decommissioning Plan and Environmental Report (the "initial Request for Hearing"). A copy of the initial Request for Hearing is attached hereto and made a part hereof as Exhibit "A."

4. On or about November 12, 1999, as directed by the NRC presiding officer, Canton Township filed an Amendment to its initial Request for Hearing ("Amendment"). A copy of the Amendment is attached hereto and made a part hereof as Exhibit "B."

5. On or about December 9, 1999, Canton Township filed a Reply to Molycorp's Response to the Amendment to, *inter alia*, clarify certain matters raised by Molycorp's Response to the Amendment. A copy of the Reply is attached hereto and made a part hereof as Exhibit "C."

6. Considering, *inter alia*, the joint docket numbers under which Canton Township filed its initial Request for Hearing, Canton Township believes that it has previously properly requested a hearing on all aspects of Molycorp's proposed SDP. Nevertheless, Molycorp continues to argue that Canton Township's initial Request for Hearing is exclusively limited to issues relating to Molycorp's proposed transfer of radioactive waste material from its York, Pennsylvania facility to its Canton Township facility. Canton Township strongly disagrees with Molycorp's position on this matter and nonetheless files the instant Request for Hearing to further preserve its interests and rights for a hearing on the pending Molycorp site decommissioning proposals. For these reasons, Canton Township hereby incorporates herein by reference thereto its initial Request for Hearing, the Amendment and the Reply which it previously filed in this matter.

7. As set forth in its earlier filings, Canton Township's areas of concern relating to Molycorp's SDP include:

- (a) The long-term effects on Canton Township and the residential neighborhoods and other areas contiguous to and/or near the Molycorp site and the proposed storage site locations.
- (b) The financial consequences to Canton Township of the approval of the SDP and any subsequent defaults by Molycorp after any such approval of the SDP.
- (c) The close proximity of the storage sites proposed in the SDP to nearby residential neighborhoods.

- (d) Harm to the ecosystem in the area if the SDP is approved.
- (e) Inappropriate and inadequate design features of the permanent storage facilities proposed in the SDP.
- (f) The storage sites are proposed to be located within a 100-year flood plain in violation of pertinent Pennsylvania statutes and regulations of the Pennsylvania Department of Environmental Protection ("Pa. DEP"). Pa. DEP has also reported concerns relating to the substructures underlying the proposed storage sites and Canton Township reiterates these and other geological and topographical concerns about the proposed storage sites.
- (g) Canton Township believes there is evidence of dispersion and migration of radioactive material outside of the current storage sites on the Molycorp property which will not be abated by the SDP. If such problems are permitted to continue, they will have obvious long-term deleterious affects on Canton Township and its residents.
- (h) The site is located in a long-time heavily industrialized zone and as a result, coal tar and other toxins have likely been deposited on the property for many years. Scientific studies have not yet been completed evaluating the extent of the danger of the potentially volatile mix of such hazardous waste material and the radioactive waste material currently and proposed to be stored on the Molycorp site and such concerns have obvious long-term implications to Canton Township and its residents.
- (i) It is undisputed that a 16" municipal water line currently traverses the subject Molycorp property. Canton Township believes the water line runs directly under the current storage slag mound and may run under permanent storage sites proposed in the SDP. Canton Township has serious concerns about the quality and adequacy of this water line, which concerns will be exacerbated

if permanent storage sites are permitted to be installed without a complete investigation of the precise location and full evaluation of the safety and adequacy of this municipal water line.

- (j) Chartiers Creek, which is a part of the major watershed in the western Pennsylvania area, is located within 40 feet of the existing storage slag mound and is similarly near the permanent storage sites proposed in the SDP. Canton Township has obvious concerns about the close proximity of Chartiers Creek to the proposed permanent storage sites.

Canton Township's concerns are more specifically set forth in the initial Request for Hearing, Amendment and Reply, which have been incorporated herein.

9. Canton Township believes that its concerns are germane to the subject matter of the proposed SDP and that its and its citizens' interests are obviously affected by the results of the current License Amendment request. Canton Township believes that its numerous and significant concerns should be accorded a full hearing in this proceeding.

10. Canton Township further believes that its safety and the safety of its citizens, and its economic and other interests are obviously implicated by the proposed SDP and that any Order entered by the NRC on the pending License Amendment Request will have profound effects on the interests of Canton Township and its citizens.

11. Under these circumstances and for the foregoing reasons, Canton Township submits that it has established its need for and a right to a hearing under 10 CFR §2.1205(h).

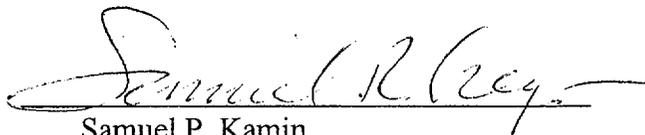
12. In view of, *inter alia*, the interrelatedness of the issues and concerns set forth in the initial Request for Hearing, and to the extent necessary, Canton Township hereby requests that the proceeding commenced hereby be consolidated and joined with the proceeding commenced by Canton Township's initial Request for Hearing.

WHEREFORE, Petitioner/Requestor Canton Township, Pennsylvania hereby respectfully requests a hearing before the U.S. Nuclear Regulatory Commission on the pending License Amendment Request of Licensee Molycorp, Inc.

Respectfully submitted,

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96 N. Main Street
Washington, PA 15301-4515
Solicitor for Canton Township

Date: December 13, 1999



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