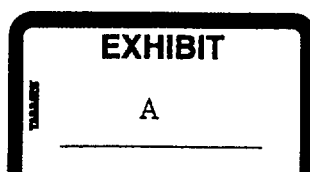


SUPPLEMENTAL
AFFIDAVIT OF GEORGE DAWES

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF WASHINGTON) SS:

The affiant, George Dawes, hereby deposes and states as follows:

1. I have been employed at Molycorp, Inc.'s ("Molycorp") Canton Township, Washington County, Pennsylvania plant since January 17, 1973 and have held the position of Supervisor of Technical Services since 1988.
2. As the Supervisor of Technical Services, I have personal knowledge regarding the history of Molycorp's operations in Canton Township, including its decommissioning activities and the other matters set forth in this affidavit.
3. I have reviewed the Request for Hearing submitted by Canton Township.
4. On August 14, 1995, Molycorp initially submitted to the Commission a Site Decommissioning Plan ("SDP") for its facility in the City of Washington, Canton Township, Pennsylvania. Because Molycorp's plan was not consistent with certain grandfathered criteria for remediation of portions of the site, Molycorp requested and was granted an opportunity to resubmit its SDP in two parts.
5. On June 30, 1999, Molycorp resubmitted Part One of its SDP. Part One pertains to remediation of the portion of the Canton Township facility that is to be released for unrestricted use and sets a standard of 10 mrem.



6. Molycorp has in place a radiation safety plan which addresses the issue of occupational safety for those workers who will do the remediation work scheduled under Part One.

7. Once the remediation scheduled under Part One is complete, members of the public using the unrestricted portion of Molycorp's Canton Township site will not be exposed to an unreasonable risk of radiation injury.

8. Molycorp has not yet completed Part Two of its SDP, which will detail the disposition of those contaminated materials that are to be permanently encapsulated in a storage cell on another portion of the Canton Township site. Molycorp is not required to submit Part Two to the Commission until April 2000.

9. At this time, Molycorp has drafted only conceptual information regarding its design for the permanent storage facility. Molycorp has informed the Commission that only conceptual information currently is available, and the Commission has indicated that this level of detail is sufficient for now. Molycorp has provided this conceptual information to Canton Township.

10. In addition to the SDP proceeding, Molycorp currently has two other separate proceedings before the Commission. These other proceedings involve (1) the decommissioning of Molycorp's York, Pennsylvania site and (2) the temporary storage of material from the York site at Molycorp's Canton Township facility. Because these three proceedings are complex and involve different underlying facts and circumstances, the Commission has treated these proceedings separately. The Commission even has asked Molycorp to prioritize the proceedings because it is unable to adjudicate all three simultaneously.

Further affiant sayeth not.

George W Daves

Sworn and subscribed before me

this 22 day of December, 1999.

Deborah L. Orndoff
Deborah L. Orndoff, Notary Public
Washington, Washington County
My Commission Expires Sept. 29, 2003

Deborah L. Orndoff
Member, Pennsylvania Association of Notaries
Notary Public

My commission expires: 9-29-03

CERTIFICATE OF SERVICE

I, Corinne A. Lammers, counsel for Molycorp, Inc., hereby certify that the a copy of Molycorp, Inc.'s Response To The Request For Hearing By Canton Township, Pennsylvania on Licensee's Amendment Request for Decommissioning of its Canton Township Facility was served on the 23rd day of December 1999, as follows:

VIA FACSIMILE & FEDERAL EXPRESS:

Rulemakings and Adjudication Staff
Secretary of Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

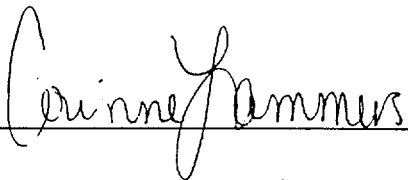
VIA FEDERAL EXPRESS:

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

John T. Olshock, Esquire
Solicitor for Canton Township
96 N. Main Street
Washington, PA 15301

Samuel R. Grego, Esquire
Goldberg, Kamin & Garvin
1806 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6101

Jeffrey A. Watson, Esquire
Smider & Watson, P.C.
138 North Franklin Street
Washington, PA 15301



2. Two (2) Requests from Federal Credit Unions to Convert to Community Charters.

3. Texas Member Business Loan Rule.

4. Advanced Notice of Proposed Rulemaking; Part 721, NCUA's Rules and Regulations, Federal Credit Union Insurance and Group Purchasing Activities.

5. Proposed Rule: Request for Comments, Part 745, NCUA's Rules and Regulations, Share Insurance and Appendix.

6. Interim Final Rule: Request for Comments, Part 707, NCUA's Rules and Regulations, Truth in Savings.

7. Final Rule: Amendment to Part 711, NCUA's Rules and Regulations, Management Interlocks Regulation.

8. Final Rule: Amendments to Part 712, NCUA's Rules and Regulations, Credit Union Service Organizations (CUSO).

9. NCUA's 2000/2001 Operating Budget.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, November 18, 1999.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, Virginia 22314-3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Section 109 of the Federal Credit Union Act. Closed pursuant to exemption (8).

2. Administrative Action under Section 125 of the Federal Credit Union Act and Request for National Field of Membership. Closed pursuant to exemption (8).

3. Field of Membership Appeal. Closed pursuant to exemption (8).

4. One (1) Personnel Matter. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518-6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 99-29964 Filed 11-12-99; 10:06 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

Commonwealth Edison Co.; Notice of Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

[Docket No. 50-373]

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by

Commonwealth Edison Company (ComEd, the licensee), for an amendment to Facility Operating License No. NPF-11 issued to ComEd for operation of LaSalle County Station, Unit 1, located in LaSalle County, Illinois. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on August 11, 1999 (64 FR 43768).

The purpose of the licensee's amendment request was to revise Technical Specification (TS) Section 2.1 to reflect a change to the Minimum Critical Power Ratio and to add an NRC-approved Siemens Power Corporation methodology to the list of topical reports used to determine the core operating limits.

The NRC staff has concluded that the portion of the licensee's request to add a methodology to the list of topical reports in Section 6.6 of the TS can not be granted. The basis for the partial denial is detailed in the Safety Evaluation related to Amendment No. 137 dated November 9, 1999.

By December 16, 1999, the licensee may demand a hearing with respect to the partial denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Ms. Pamela Stroebel, Commonwealth Edison Company, PO Box 767, Chicago, Illinois 60690-0767.

For further details with respect to this action, see (1) the application for amendment dated July 7, 1999, as supplemented on October 14, 1999, and (2) Amendment No. 137 to Facility Operating License No. NPF-11, and (3) the Commission's related Safety Evaluation.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, or are accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 9th day of November, 1999.

For the Nuclear Regulatory Commission.

Anthony J. Mendiola,

Acting Director, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-29842 Filed 11-15-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8778]

Notice of Consideration of Amendment Request for Molycorp, Washington, Pennsylvania and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Source Material License No. SMB-1393 issued to Molycorp, Inc. (the licensee), to authorize decommissioning of its former processing facility in Washington, Pennsylvania.

The licensee initially submitted a Site Decommissioning Plan (SDP) for the Washington, PA, facility on August 14, 1995. Decommissioning criteria in effect at the time the SDP was submitted were contained in NRC's "Action Plan to Ensure Timely Clean up of Site Decommissioning Management Plan Sites" (Action Plan) (57 FR 13389 dated April 16, 1992). The SDP proposed a modification to the Action Plan criteria for application at the Washington facility. Contaminated portions of the facility would be remediated to this modified criteria and be disposed of in a disposal cell on another portion of Molycorp's property. NRC subsequently published its license termination rule (Radiological Criteria for License Termination (LTR), 10 CFR part 20 subpart E) in 1997. The LTR allows a "grandfathering" period (10 CFR 20.1401(b)(3)) for licensees proposing Action Plan criteria in SDPs submitted prior to August 20, 1998. In a letter dated February 16, 1999, NRC staff informed Molycorp that because the criteria proposed in the 1995 SDP were not consistent with the Action Plan, the conditions that would permit remediation of certain areas of the site on a grandfathered basis had not been met. On June 1, 1999, the licensee proposed that the SDP would be resubmitted in two parts, with Part 1 pertaining to remediation in accordance with Action Plan criteria and Part 2 detailing the disposition of materials that exceed levels in the Action Plan. A meeting was held between NRC staff and Molycorp on June 15, 1999, to discuss this matter. At this meeting, NRC stated that if a revised SDP,

adopting the Action Plan criteria (for that portion of the facility to be released for unrestricted use), was submitted by June 30, 1999, NRC staff would consider such a plan as meeting the requirements of 10 CFR 20.1401(b)(3). Such an SDP was submitted by Molycorp on June 30, 1999. An NRC administrative review, documented in a letter to Molycorp dated October 19, 1999, found the SDP acceptable to begin a technical review.

Prior to approving the SDP, NRC will make findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations that the SDP complies with all applicable requirements and is protective of the public health and safety and the environment. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment. Approval of the SDP will be documented in an amendment to NRC License No. SMB-1393.

NRC hereby provides notice that this is a proceeding on an application for an amendment of a license falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 a.m. and 4:15 p.m., Federal workdays; or
2. By mail, telegram, or facsimile addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Molycorp Incorporated, 300 Caldwell Avenue, Washington, Pennsylvania 15301, Attention: Mr. John Daniels, and;
2. The NRC staff, by delivery to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-

2738, between 7:45 am and 4:15 p.m., Federal workdays, or by mail, addressed to Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In addition to meeting other applicable requirements of 10 CFR Part 2 of NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);
3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

For further details with respect to this action the application for amendment and supporting documentation are available for inspection at NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555-0001.

FOR FURTHER INFORMATION CONTACT:

LeRoy Person, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6701. Fax: (301) 415-5398.

Dated at Rockville, Maryland, this 5th day of November 1999.

For the Nuclear Regulatory Commission.

Larry W. Camper,

Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99-29839 Filed 11-15-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-410]

Niagara Mohawk Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity For a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-69 issued to Niagara Mohawk Power Corporation (the licensee) for operation of the Nine Mile Point Nuclear Station,

Unit 2 (NMP2), located in the town of Scriba, Oswego County, New York.

The proposed amendment would change ACTION statement "d" of Technical Specification (TS) 3.6.1.2, titled "Primary Containment Leakage," and ACTION statement "b" of TS 3.6.1.7, titled "Primary Containment Purge System," to allow an alternative approach to the existing requirements contained in these statements. The alternative approach would allow isolation of a bypass leakage path and/or a purge system line by use of one closed and de-activated automatic valve, closed manual valve, or blind flange in lieu of restoring inoperable isolation valve(s) on TS Table 3.6.1.2-1, titled "Allowable Leak Rates Through Valves in Potential Bypass Leakage Paths," and/or isolation valve(s) listed in Limiting Condition for Operation (LCO) 3.6.1.7, titled "Primary Containment Purge System" to OPERABLE status. Consistent with the alternative approach provided in these ACTION statements, changes are also proposed for Definition 1.31, titled "Primary Containment Integrity" and footnote (*) of Table 3.6.1.2-1, titled "Allowable Leak Rates Through Valves in Potential Bypass Leakage Paths." The proposed changes affect valves that are purge system line isolation valves with resilient seals and/or isolation valves for potential bypass leakage paths. The proposed alternative is consistent with NUREG-1434, the Improved Standard Technical Specifications.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.