

U.S. NUCLEAR REGULATORY COMMISSION

LICENSEE: MOLYCORP, INC.
License No. SMB-1393
Docket Nos. 040-08794 and 040-08778

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OFFICE OF THE
PUBLIC UTILITIES
ADJUDICATIVE BOARD

**MOLYCORP, INC.'S RESPONSE TO THE REQUEST FOR HEARING
OF THE CITY OF WASHINGTON**

Molycorp, Inc. ("Molycorp") submits the following Response to the Request for Hearing submitted by the City of Washington ("Washington"). Washington's Request for Hearing should be denied because Washington does not have standing to seek a hearing under Subpart L of 10 C.F.R. Part 2. In support hereof, Molycorp states as follows:

1. Washington has submitted its Request for Hearing ("Request") pursuant to a Notice of Receipt of an Amendment Request for the Temporary Storage of Decommissioning Waste from the Molycorp York, Pennsylvania Facility, which was published in the Federal Register on June 9, 1999.
2. Washington's Request fails to satisfy the prerequisites necessary to obtain a hearing under Subpart L of 10 C.F.R. Part 2.
3. Washington's Request fails to even remotely allege an interest within the zone of protection of the Atomic Energy Act of 1954, as Amended ("AEA"). In this regard, Washington fails to specifically assert any potential for injury due to radiation from licensed materials, which specific allegations are necessary to bring the request within the ambit of the AEA. Rather, the only interests alleged by Washington are vague and conclusory assertions of governmental and economic interests which do not fall within the zone of protection of the AEA.

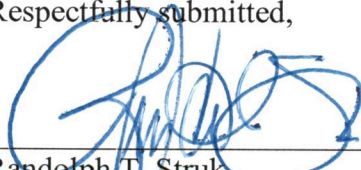
4. For example, Washington alleges a vague governmental duty to protect the welfare of its citizens. However, Washington fails to allege any specific radiation hazard and, indeed, no such hazard exists.

5. Although Washington has raised an issue with respect to a 16-inch water line which runs through Molycorp's property, Washington has no property or financial interest in this water line which, in any case, is not physically near enough to the storage site to be impacted by any activity at the site.

WHEREFORE, the City of Washington is not entitled to a hearing under Subpart L of 10 C.F.R. Part 2 and, accordingly, Washington's Request for Hearing should be denied.

Dated: July 30, 1999

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Randolph T. Struk, counsel for Molycorp, Inc., hereby certify that a copy of Molycorp, Inc.'s Response To The Request For Hearing Of Canton Township was served on the 30th day of July, 1999, as follows:

ADJUDICATED

Original via Federal Express:

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Attention: Rulemakings and Adjudication Staff

Executive Director for Operations
U.S. Nuclear Regulatory Commission
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Administrative Judge Peter B. Bloch
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