

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Presiding Officer
Dr. Richard F. Cole, Special Assistant

In the Matter of

MOLYCORP, INC.
Washington, PennsylvaniaTemporary Storage of Decommissioning
WastesDocket No. 40-8794-MLA
40-8778-MLA

ASLBP No. 99-769-08-MLA

September 26, 2000

MEMORANDUM AND ORDER
(Approving Stipulation and Terminating Proceeding)

This proceeding involves a proposed license amendment to Molycorp, Inc.'s License SMB-1393, seeking authority for the temporary storage of decommissioning waste material from a site in York, Pennsylvania, at the Licensee's site in Washington, Pennsylvania. In a Memorandum and Order dated April 11, 2000, LBP-00-10, 51 NRC 163 (2000), the Presiding Officer, inter alia, granted requests for a hearing of Canton Township, Pennsylvania (Canton) and the City of Washington, Pennsylvania (Washington). This "Temporary Storage" proceeding is subject to the informal hearing procedures of 10 C.F.R. Part 2, Subpart L.

On September 21, 2000, the Licensee submitted for my review and approval a stipulation, signed by representatives of Molycorp, Canton, and Washington, for withdrawal of the hearing requests and termination of the Temporary Storage proceeding.¹ The stipulation, a copy of which is attached to this decision, was motivated by the election of Molycorp to

¹Pursuant to 10 C.F.R. § 2.1213, the NRC Staff elected not to participate in this proceeding.

transport the wastes to a waste-disposal facility in Texas, thus rendering this proceeding moot. The NRC Staff approved the disposal in Texas by letter dated July 31, 2000, a copy of which was provided to me. Subsequently, on August 1, 2000, Molycorp formally withdrew its request for amendment of License SMB-1393.

Upon consideration of the Stipulation for Withdrawal of Hearing Requests and Termination of Proceeding, it is, this 26th day of September, 2000,

ORDERED:

1. The Canton and Washington requests in the "Temporary Storage" proceeding to withdraw their hearing petitions are hereby granted.
2. The "Temporary Storage" proceeding is hereby terminated with prejudice.
3. This Memorandum and Order is effective immediately and, absent appeal, will become the final order of the Commission thirty (30) days after the date of issuance. See 10 C.F.R. § 2.1251(a). This Memorandum and Order is appealable to the Commission in accordance with the provisions of 10 C.F.R. § 2.1253 (which incorporates by reference the provisions of 10 C.F.R. §§ 2.786 and 2.763).

/RA/

Charles Bechhoefer
ADMINISTRATIVE JUDGE
Presiding Officer

Rockville, Maryland
September 26, 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
MOLYCORP, INC.) Docket No. 40-8794/8778-MLA
Washington, Pennsylvania)
)
Temporary Storage of)
Decommissioning Wastes)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (APPROVING STIPULATION AND TERMINATING PROCEEDING) (LBP-00-24) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles Bechhoefer, Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Richard F. Cole, Special Assistant
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dennis C. Dambly, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

John Daniels
Molycorp, Inc.
350 North Sherman Street
York, PA 17403

Randolph T. Struk, Esq.
Thorp, Reed & Armstrong, L.L.P.
One Riverfront Center
Pittsburgh, PA 15222

Jeffrey A. Watson, Esq.
Smider & Watson
138 North Franklin Street
Washington, PA 15301

Samuel P. Kamin, Esq.
Goldberg, Kamin & Garvin
1806 Frick Building
437 Grant Street
Pittsburgh, PA 15219

Docket No. 40-8794/8778-MLA
LB MEMORANDUM AND ORDER
(APPROVING STIPULATION AND
TERMINATING PROCEEDING) (LBP-00-24)

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 26th day of September 2000

[Copies of this Memorandum and Order were e-mailed this date to counsel for the parties, as well as the NRC Staff.]