

RAS 2295

U.S. NUCLEAR REGULATORY COMMISSION
BEFORE THE PRESIDING OFFICER

DOCKETED
USNRC

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OFFICE OF THE
PRESIDING OFFICER
ADJUTANT GENERAL

LICENSEE: MOLYCORP, INC.
(Washington, Pennsylvania Site Decommissioning Plan)
License No. SMB-1394
Docket Nos. 040-08794 and 040-08778
ASLBP No. 00-775-03-MLA

MOTION TO MODIFY ORDER
DATED SEPTEMBER 28, 2000

Petitioner/Requestor, CANTON TOWNSHIP, by its counsel hereby files the following Motion to Modify Order dated September 29, 2000, and in support thereof avers as follows:

1. On September 29, 2000, the NRC Presiding Officer issued a Memorandum and Order ("September 29, 2000 Order") granting Canton Township's request for a hearing on Part 1 of the decommissioning proceeding.

2. In the September 29, 2000 Order, the Presiding Officer noted "that the same standing analysis as set forth in LBP-00-10 with respect to the Temporary Storage proceeding would apply to the Part-1 decommissioning proceeding, and that several of the areas of concern—in particular, location and adequacy of the municipal water line and the effect of the plan on transport of the radioactive materials through groundwater—were germane not only to the temporary storage proceeding but also to the Part-1 proceeding in the near future".

Template = SECY-041

SECY-02

3. Also as part of the September 29, 2000 Order the Presiding Officer ruled that Canton may file a revised statement of areas of concern for Part 1 of the decommissioning plan by "no later than October 27, 2000."

4. On October 6, 2000, Canton received from Robert C. Williams, Assistant Surgeon General, of the U.S. Department of Health & Human Services, Agency for Toxic Substances and Disease Registry(ATSDR) notification that Cantons petition to ATSDR meets the criteria for conducting a public health assessment regarding the Molycorp Facility in Washington, A true and correct copy of Assistant Surgeon General Williams' letter dated October 6, 2000 is attached hereto, incorporated herein and marked as Exhibit "A".

5. As set forth in Mr William's Letter, ATSDR is preparing a public health assessment of the Molycorp facility. "Our staff is reviewing relevant environmental sampling data and exposure information from Federal, Commonwealth, and local sources. Our evaluation will summarize the extent of known environmental contaminates, review exposure data and health statistics, address community health concerns, determine if there is any significant data gaps and make recommendations for appropriate health actions."

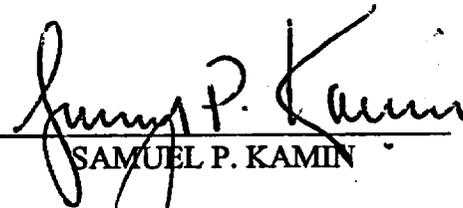
6. The report from ATSDR to Canton and the public will be completed and released "in Spring 2001".

7. All Parties should be interested in the results of the ATSDR report. The reports findings will contain public health issues which are germane to Part 1 of the decommissioning plan.

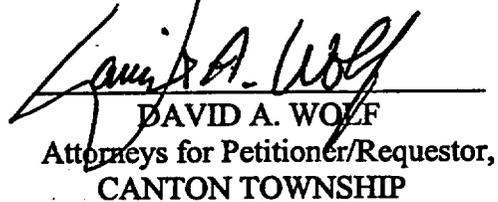
8. Canton Township cannot adequately revise and supplement its areas of concern for Part 1 of the decommissioning plan relative to the health, welfare and safety of its citizens until the Department of Health has finalized its report and submitted the same to Canton.

WHEREFORE, Canton Township respectfully requests that the September 29, 2000 Order be modified to extend the time Canton may file its revised statement of areas of concern for Part 1 of the decommissioning plan to thirty (30) days from the release of the Department of Health's (ATSDR) final report regarding the Molicorp Facility in Washington, Pennsylvania and granting such other and further relief as the Presiding Officer deems as just.

Respectfully submitted,



SAMUEL P. KAMIN



DAVID A. WOLF
Attorneys for Petitioner/Requestor,
CANTON TOWNSHIP



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Agency for Toxic Substances
and Disease Registry
Atlanta GA 30333



OCT 2 2000

Mr. Chad Smith, Supervisor
Canton Township
655 Grove Avenue
Washington, Pennsylvania 15301-5321

Dear Mr. Smith:

In August 1999, you wrote to the Agency for Toxic Substances and Disease Registry (ATSDR) regarding the Molycorp Facility in Washington, Pennsylvania. ATSDR has evaluated your concerns as a petition for public health assessment. ATSDR found that the petition meets our criteria for conducting public health activities. This letter is to summarize our completed activities in response to your petition and to inform you of our planned public health activities.

ATSDR formed a team to evaluate the public health issues regarding the site and the community's concerns. ATSDR staff visited the Washington community on August 8-9, 2000. ATSDR staff gained a greater appreciation for the community's concerns about the facility.

ATSDR is preparing a public health assessment of the Molycorp facility in response to your petition. Our staff is reviewing relevant environmental sampling data and exposure information from Federal, Commonwealth, and local sources. Our evaluation will summarize the extent of known environmental contaminants, review exposure data and health statistics, address community health concerns, determine if there are any significant data gaps, and make recommendations for appropriate public health actions. We plan to release our report to you and to the public in Spring 2001.

Thank you for referring your concerns to ATSDR. Our staff welcomes discussion with you and other concerned community members in the area. We will try to keep you informed of ATSDR's work. If you have questions about our proposed plan of action, please contact Ms. Lora Werner, ATSDR Representative, Region III in Philadelphia, at telephone (215) 814-3141, or LT Kimberly Chapman, Environmental Health Scientist, at telephone (404) 639-0604. Community members may also contact ATSDR by calling our toll-free telephone number, 1-888-42-ATSDR (1-888-422-8737).

Sincerely yours,

Robert C. Williams, P.E., DEE
Robert C. Williams, P.E., DEE
Assistant Surgeon General

Director, Division of Health Assessment and Consultation

cc:
Dr. Kandiah Sivarajah,
Pennsylvania Department of Health



CERTIFICATE OF SERVICE

I hereby certify that the original and/or a copy of the foregoing Motion to Modify Order dated September 29, 2000 has been served this date on the following in the following manner, which service complies with the rules and regulations of the U.S. Nuclear Regulatory Commission:

VIA FIRST-CLASS MAIL:

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

Dr. Richard F. Cole
Special Assistant
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and
Adjudications Staff

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

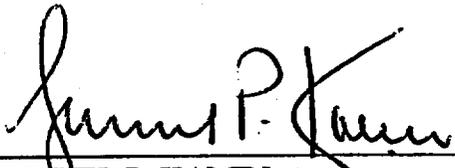
John T. Hull, Esquire
U.S. Nuclear Regulatory Commission
Mail Stop 0-15 D21
Washington, D.C. 20555

Molycorp, Inc.
300 Caldwell Ave.
Washington, PA 15301
Attention: Mr. John Daniels
Licensee

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Counsel for Licensee Molycorp, Inc.

Jeffrey A. Watson, Esquire
Smider & Watson, P.C.
138 N. Franklin Street
Washington, PA 15301
Counsel for City of Washington

Date: October 11, 2000



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Special Counsel for Canton Township

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ASLBP No. 00-775-03-MLA**

ORDER

AND NOW, this _____ day of _____, 2000, upon consideration of Canton Township's Motion to Compel and for good cause shown, it is hereby ordered:

1. The Motion to Modify Order dated September 29, 2000, filed by Canton Township is hereby granted.
2. Canton Township shall have thirty (30) days from the release of the Department of Health's (ATSDR) final report regarding the Molicorp Facility in Washington, Pennsylvania to file its revised statement of areas of concern for Part 1 of the decommissioning plan.
3. Responses to Canton's revised areas of concern may be filed by the Licensee and NRC Staff Fifteen (15) days thereafter.

**Administrative Judge
Presiding Officer**