

**RAS 2341**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 11/01/00**

**SERVED 11/01/00**

Before Administrative Judges:

Charles Bechhoefer, Chairman  
Dr. Richard F. Cole, Special Assistant

In the Matter of

MOLYCORP, INC.  
Washington, Pennsylvania

Site Decommissioning Plan

Docket No. 40-8778-MLA-2

ASLBP No. 00-775-03-MLA

November 1, 2000

MEMORANDUM AND ORDER  
(Modification of Filing Schedules)

This proceeding concerns Part 1 of the Decommissioning Plan for a portion of the site of Molycorp, Inc.'s former processing facility in Washington, Pennsylvania. In a Memorandum and Order dated September 28, 2000, LBP-00-25, 52 NRC \_\_\_, the Presiding Officer granted the request for a hearing of Canton Township (Canton), which became an intervenor. The Order also provided that Canton must file its revised areas of concern by October 27, 2000, and that responses by the Licensee and NRC Staff were to be filed by November 13, 2000.

On October 12, 2000, Canton filed a Motion to Modify the foregoing schedule. Canton states that it earlier had petitioned the Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services to conduct a public health assessment of the Molycorp facility, and that, by letter dated October 2, 2000 (a copy of which was provided by Canton to the Presiding Officer), ATSDR notified Canton that ATSDR would conduct such an assessment. According to ATSDR, the report will be released to Canton and the public "in Spring 2001." Canton states that it cannot adequately revise and supplement its areas of concern for Part 1 of the Decommissioning Plan without the benefit of the ATSDR

study, and it seeks an extension of time within which to file its revised areas of concern until 30 days following the release of the ATSDR report.

By e-mail transmission dated October 25, 2000 (received on October 26), Molycorp advised that it had no objection to Canton's proposed schedule change and, indeed, would agree to have Canton's motion considered as a stipulation. In a short telephone conference on October 29, 2000, involving the Presiding Officer and representatives of Canton and Molycorp, both parties reiterated their support for the change in schedule. Pending my ruling on this request, they also sought to eliminate the existing requirement for Canton to file its revised areas of concern by October 27, 2000. I granted this interim request and indicated that, subject to consideration of the views of the NRC Staff, which is also a party, I would also likely grant Canton's request for an extension to encompass the release of the ATSDR report. By letter dated October 31, 2000, the Staff indicated it had no objection to the extension requested by Canton. The Staff also requested that, if Canton's motion is granted, its date for responding to the revised areas of concern be specified as three weeks from the date on which Canton submits its revised concerns.

The Presiding Officer hereby grants both Canton's motion and the Staff's request for a three-week response time for Canton's revised areas of concern. Canton should advise the Presiding Officer promptly when it receives the ATSDR report, and its revised areas of concern shall be filed within 30 days of the release of that report. In that connection, Canton should advise the Presiding Officer within 15 days of the date of this Order whether its previously-expressed concern with respect to an underground water line remains, given Molycorp's recent agreement with the water company (provided to me by Federal Express letter dated October 27, 2000) for the removal of this waterline. Both the Staff and the Licensee are granted twenty-one days from the filing of Canton's revised areas of concern to respond to those concerns.

IT IS SO ORDERED.

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Charles Bechhoefer  
ADMINISTRATIVE JUDGE  
Presiding Officer

Rockville, Maryland  
November 1, 2000

[Copies of this Memorandum and Order were transmitted this date by e-mail to counsel for each of the parties.]

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (MODIFICATION OF FILING SCHEDULES) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 1<sup>st</sup> day of November 2000