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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before Administrative Judges:

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

SERVED APR 20 2001

In the Matter of

MOLYCORP, INC.  
Washington, Pennsylvania

Site Decommissioning Plan

Docket No. 40-8778-MLA-2

ASLBP No. 00-775-03-MLA

April 20, 2001

MEMORANDUM AND ORDER  
(Approving Stipulation and Terminating Proceeding)

This proceeding involves a proposed site decommissioning plan for Licensee Molycorp, Inc.'s (Molycorp) facility located in Washington, Pennsylvania. Molycorp's initial Site Decommissioning Plan (SDP) sought unrestricted decommissioning for most of the site but restricted decommissioning for a portion of the site, including an on-site permanent storage facility for decommissioning materials. Canton Township, which objected to the onsite storage of decommissioning materials, was admitted as an intervenor in this proceeding by LBP-00-25, 52 NRC 144 (2000).

By letter dated January 3, 2001, from Molycorp to the NRC Staff, the Licensee formally withdrew its proposed amendment that called for onsite disposal of decommissioning material. It advised that Molycorp would dispose of the decommissioning material offsite and would seek unrestricted decommissioning of the entire site. Canton Township has no objection to the unrestricted decommissioning for the entire site. As a result, all parties have stipulated and

agreed that Canton Township's hearing request be withdrawn and this proceeding terminated with prejudice.

In accordance with 10 C.F.R. § 2.1241, the Presiding Officer finds the stipulation, a copy of which is attached, to be fair and reasonable and hereby terminates this proceeding with prejudice.

IT IS SO ORDERED.

  
Charles Bechhoefer, Presiding Officer  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 20, 2001

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

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

In the matter of:

MOLYCORP, INC.  
Washington, Pennsylvania

Site Decommissioning Plan

Docket Nos. 40-8778-MLA-2

ASLBP No. 00-775-03 MLA

**STIPULATION FOR WITHDRAWAL OF HEARING REQUEST  
AND TERMINATION OF PROCEEDING**

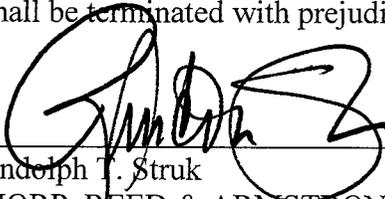
Molycorp Inc. ("Molycorp"), Canton Township and the NRC Staff, through their respective counsel, submit the following stipulation for the dismissal of the request for hearing filed by Canton Township pursuant to a Notice of Opportunity for a Hearing Published in the Federal Register on or about November 16, 1999 regarding the Site Decommissioning Plan submitted by Molycorp for its Washington, Pennsylvania Facility, and for the termination of this proceeding. In support thereof, the parties state as follows:

1. This proceeding involves a Site Decommissioning Plan (SDP) for Molycorp, Inc.'s ("Molycorp") facility located in Washington, Pennsylvania. Molycorp's SDP originally sought unrestricted decommissioning for the majority of the site, while also seeking restricted decommissioning of a portion of the site to include an on-site permanent storage facility for decommissioning materials.

2. By Memorandum and Order dated September 28, 2000, LBP-00-25, the Presiding Officer had, inter alia, granted Canton's request for a hearing submitted in response to a Notice of Opportunity for Hearing relative to the Molycorp SDP published in the Federal Register on about to November 16, 1999 at pages 6227 and 6228.

3. Thereafter, by letter dated January 3, 2001, from from Molycorp to the NRC, Molycorp formally withdrew its proposed License Amendment request submitted on July 14, 2000, which provides for on-site disposal of decommissioning materials. A copy of this letter is attached as Exhibit A.

4. Pursuant to Molycorp's withdrawal of its proposed License Amendment request providing for on-site disposal, the parties hereby stipulate and agree that the request for a hearing under Subpart L of 10 C. F. R. Part 2 submitted by Canton Township and granted by Memorandum and Order of this court dated September 28, 2000 is hereby withdrawn, and that this proceeding shall be terminated with prejudice.



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Counsel for Molycorp, Inc.



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Counsel for Canton Township

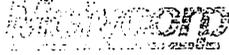


John T. Hull  
U.S. Nuclear Regulatory Commission  
Mail Stop 0-15 D21  
Washington, DC 20555

Counsel for the NRC Staff

**Molycorp, Inc.**  
Molybdenum Group  
300 Caldwell Avenue  
Washington, PA 15301  
Telephone (724) 222-5605  
Facsimile (724) 222-7336

Exhibit A



January 3, 2001

Mr. Larry Camper, Chief  
Decommissioning Branch  
Us Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 28052

Dear Mr. Camper:

I am writing to notify you that Molycorp, Inc. is hereby withdrawing its proposed License Amendment request submitted on July 14, 2000, which provides for on-site disposal as detailed in Part 2 of Molycorp's Decommissioning Plan for the Washington, PA facility. While Molycorp still will decommission the facility as detailed in the approved Decommissioning Plan, Part 1, Molycorp will now dispose of the material off site and will ultimately seek a release of the site for unrestricted use.

However, due to factors beyond the control of Molycorp, Molycorp will not be able to finalize arrangements for off-site disposal and then complete the decommissioning within the time frame generally provided in 10 CFR § 40.42. Accordingly, Molycorp is hereby also requesting an alternate schedule for the completion of decommissioning of the site, pursuant to § 40.42 (h) (2) (i). Molycorp's request for an alternate schedule will not increase the risk to public health and safety and/or the environment. A detailed schedule for the planned activities at Washington will be forwarded within 60 days.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "George W. Dawes". The signature is written in a cursive style with a large initial "G".

George W. Dawes  
Project Manager

Xc: David Allard, PA DEP

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
MOLYCORP, INC. ) Docket No. 40-8778-MLA-2  
Washington, Pennsylvania )  
)  
Site Decommissioning Plan )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (APPROVING STIPULATION AND TERMINATING PROCEEDING) (LBP-01-14) 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

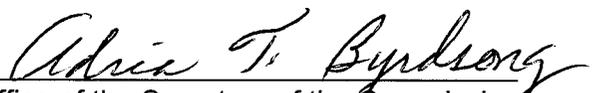
Administrative Judge  
Charles Bechhoefer, Presiding Officer  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 20<sup>th</sup> day of April 2001