

U.S. NUCLEAR REGULATORY COMMISSION  
DOCKET NO. 40-8778  
NOTICE OF CONSIDERATION OF AMENDMENT REQUEST FOR  
MOLYCORP, WASHINGTON, PENNSYLVANIA AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Source Material License No. SMB-1393 issued to Molycorp, Inc. (the licensee), to authorize decommissioning of its former processing facility in Washington, Pennsylvania.

The licensee initially submitted a Site Decommissioning Plan (SDP) for the Washington, PA, facility on August 14, 1995. Decommissioning criteria in effect at the time the SDP was submitted were contained in NRC's "Action Plan to Ensure Timely Clean up of Site Decommissioning Management Plan Sites" (Action Plan) (57 FR 13389 dated April 16, 1992). The SDP proposed a modification to the Action Plan criteria for application at the Washington facility. Contaminated portions of the facility would be remediated to this modified criteria and be disposed of in a disposal cell on another portion of Molycorp's property. NRC subsequently published its license termination rule [Radiological Criteria for License Termination (LTR), 10 CFR Part 20 Subpart E] in 1997. The LTR allows a "grandfathering" period (10 CFR 20.1401(b)(3)) for licensees proposing Action Plan criteria in SDPs submitted prior to August 20, 1998. In a letter dated February 16, 1999, NRC staff informed Molycorp that because the criteria proposed in the 1995 SDP were not consistent with the Action Plan, the conditions that would permit remediation of certain areas of the site on a grandfathered basis had not been met. On June 1, 1999, the licensee proposed that the SDP would be resubmitted in two parts, with Part 1 pertaining to remediation in accordance with Action Plan criteria and Part 2 detailing the disposition of materials that exceed levels in the Action Plan. A meeting was held between NRC staff and Molycorp on June 15, 1999, to discuss this matter. At this meeting, NRC stated that if

a revised SDP, adopting the Action Plan criteria (for that portion of the facility to be released for unrestricted use), was submitted by June 30, 1999, NRC staff would consider such a plan as meeting the requirements of 10 CFR 20.1401(b)(3). Such an SDP was submitted by Molycorp on June 30, 1999. An NRC administrative review, documented in a letter to Molycorp dated October 19, 1999, found the SDP acceptable to begin a technical review.

Prior to approving the SDP, NRC will make findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations that the SDP complies with all applicable requirements and is protective of the public health and safety and the environment. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment. Approval of the SDP will be documented in an amendment to NRC License No. SMB-1393.

NRC hereby provides notice that this is a proceeding on an application for an amendment of a license falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to §2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with §2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 a.m. and 4:15 p.m., Federal workdays; or
2. By mail, telegram, or facsimile addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR §2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Molycorp Incorporated, 300 Caldwell Avenue, Washington, Pennsylvania 15301, Attention: Mr. John Daniels, and;
2. The NRC staff, by delivery to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 p.m., Federal workdays, or by mail, addressed to Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In addition to meeting other applicable requirements of 10 CFR Part 2 of NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in §2.1205(h);
3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstances establishing that the request for a hearing is timely in accordance with §2.1205(d).

For further details with respect to this action the application for amendment and supporting documentation are available for inspection at NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555-0001.

FOR FURTHER INFORMATION CONTACT: LeRoy Person, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6701, Fax.: (301) 415-5398.

Dated at Rockville, Maryland, this 5<sup>th</sup> day of November 1999.

FOR THE NUCLEAR REGULATORY COMMISSION  
[Original signed by]  
Larry W. Camper, Chief  
Decommissioning Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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| OFC  | DCB*     | E         | DCB | E        | DCB | OGC      | DCB     | N |
| NAME | LPerson  | JCopeland | je  | RNelson  |     |          | LCamper |   |
| DATE | 10/18/99 | 10/19/99  |     | 10/19/99 |     | 10/20/99 | 11/5/99 |   |

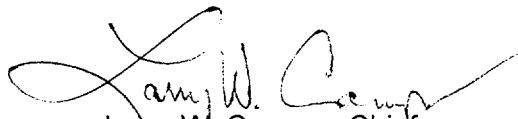
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FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Larry W. Camper". The signature is fluid and cursive, with a large initial "L" and "C".

Larry W. Camper, Chief  
Decommissioning Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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| OFC  | <i>DCB</i> |  | DCB       |  | DCB      |  | OGC    |  | DCB     |  |
| NAME | LPerson    |  | JCopeland |  | RNelson  |  |        |  | LCamper |  |
| DATE | 10/8/99    |  | 1 / 99    |  | 10/14/99 |  | 1 / 99 |  | 1 / 99  |  |

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ACNW: YES   X   NO

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| DATE | 9/13/99   | 10/11/99 | 1 / 199   | 1 / 199 |  |  |

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November 5, 1999

MEMORANDUM TO: David L. Meyer, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

FROM: Larry W. Camper, Chief [ORIGINAL SIGNED BY:]  
Decommissioning Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: CONSIDERATION OF AN AMENDMENT REQUEST FOR  
DECOMMISSIONING THE MOLYCORP, INC., FACILITY IN  
WASHINGTON, PENNSYLVANIA, AND OPPORTUNITY FOR A  
HEARING

Attached please find one signed original of the subject Federal Register notice for your  
transmittal to the Office of the Federal Register for publication. Also, attached are five copies  
of the signed notice and a 3.5" diskette with the notice in WordPerfect.

Docket No. 40-8778  
License No. SMB-1393

Attachment: Notice of Amendment Request  
for Molycorp

cc: Molycorp distribution list

Contact: LeRoy Person, DWM/NMSS  
(301) 415-6701

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| OFC  | DCB*     | E | DCB jcc   | E | DCB      | OGC       | DCB     | N |
| NAME | LPerson  |   | JCopeland |   | RNelson  | J. Nelson | LCamper |   |
| DATE | 10/18/99 |   | 10/19/99  |   | 10/19/99 | 10/20/99  | 11/5/99 |   |

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