

U. S. NUCLEAR REGULATORY COMMISSION

LICENSEE: MOLYCORP, INC.
License No. SMB-1393
Docket Nos. 040-08794 and 040-08778

**REQUEST FOR HEARING BY CANTON TOWNSHIP, PENNSYLVANIA
ON LICENSEE'S AMENDMENT REQUEST REGARDING THE
SCHEDULE FOR SUBMISSION OF A REVISED
SITE DECOMMISSIONING PLAN AND ENVIRONMENTAL REPORT
FOR LICENSEE'S WASHINGTON, PENNSYLVANIA SITE**

Petitioner/Requestor CANTON TOWNSHIP, by its Solicitor, JOHN T. OLSHOCK, and its special counsel, SAMUEL P. KAMIN and the law firm of GOLDBERG, KAMIN & GARVIN, hereby file the following Request for Hearing, and in support thereof states as follows:

1. The site proposed by Licensee Molycorp, Inc. ("Licensee") for the storage of certain nuclear by-products and/or waste, which material is currently located at Licensee's York, Pennsylvania facility, is located within the municipal boundaries of Petitioner/Requestor. There are three separate areas proximate to each other directly related to this proposed amendment, all as shown on "Attachment A" attached to and made part of this Request for Hearing. Those areas are designated on "Attachment A" as follows:

- (a) Area X is the proposed permanent storage site
- (b) Area Y is the existing nuclear waste burial mound located in the flood plain along the Chartiers Creek, adjacent to Caldwell Avenue, in Canton Township. This nuclear waste burial ground containing 64,000 cubic yards of waste material, is underlaid by a 16" municipal water line which serves portions of Canton Township and a significant portion of the Tylerdale section of the City of Washington, PA.
- (c) Area Z is the "temporary" storage area housing 194 roll off boxes each containing 8,000 pounds of waste material.

Canton Township and its residents have a clear interest in the details of Licensee's proposed amendment to its Site Decommissioning Plan involving such nuclear by-products and/or waste.

2. Canton Township's interests include, but are not limited to:

(a) Reviewing Licensee's plans insofar as they relate to the safety and protection and general welfare of residents of the Township who live next to and/or near the site;

(b) Reviewing Licensee's plans insofar as they relate to safeguards against contamination of nearby streams and other water sources near the site;

(c) Reviewing Licensee's plans insofar as they relate to the 16" main water line which serves approximately 30% of the residents of Canton Township and a significant number of residents of the Tylerdale section of the City of Washington, Pennsylvania, which line runs under or very close to Licensee's proposed storage site;

(d) Reviewing Licensee's plans insofar as they relate to safeguards against excessive soil erosion caused by physical changes to the site proposed by Licensee, which soil erosion may lead to contamination of nearby water sources and other problems the Township must administer;

(e) Reviewing Licensee's plans insofar as they relate to the steps Licensee intends to take in complying, to the best of its ability, with other land use regulations and zoning ordinances of the Township.

3. To date, Licensee has not shared the details of its proposed Amendment with Township representatives and therefore the Township, as the authorized body which represents the interests of all residents of Canton Township, must exercise all due caution to investigate and review the Licensee's plans.

4. Canton Township's interests will be deleteriously affected by the granting of Licensee's proposed Amendment if Licensee's plans do not, *inter alia*, adequately insure the safety, protection, and general welfare of residents of the Township, consider the close proximity of the main water line (which services, *inter alia*, the Tylerdale section of the City of Washington, Pennsylvania) to the existing and proposed storage sites, adequately protect against contamination of nearby streams and other water sources, adequately protect against excessive soil erosion caused by physical changes to the site and do not otherwise comply with the other applicable land use regulations and zoning ordinances of the Township.

5. The issue of the close proximity of the main water line which services Canton Township and the Tylerdale section of the City of Washington, Pennsylvania alone establishes the effect that any order that may be entered by the Nuclear Regulatory Commission on Licensee's proposed Amendment will have on Canton Township, the residents of Canton Township and the residents of the City of Washington. Canton Township is not aware at this time if Licensee's proposed Amendment takes into consideration in any way such water line (which runs under or close to the proposed storage site) and if any safeguards are proposed by Licensee to ensure no contamination of such water supply. For this reason, Canton Township's need for and right to a hearing on the Licensee's proposed Amendment is established.

6. Considering Canton Township's lack of knowledge concerning the Licensee's proposed plans, due in part to the Licensee's failure to date to comply with applicable Township land use regulations and zoning ordinances, the Township is limited in further expounding at this time about the possible effect of any order that may be entered by the Nuclear Regulatory Commission on Licensee's proposed Amendment. For this reason, as well as the very important interests set forth in Paragraph 2 above, Canton Township submits that its need for and right to a hearing on the Licensee's proposed Amendment is established.

7. Both the existing nuclear waste storage area and the proposed temporary storage areas have an adverse and detrimental effect on the nearby residential community as well as the local economy. Property values in the immediate vicinity of the site are negatively impacted.

8. Under these circumstances, Canton Township submits that it has established its need for and right to a hearing on Licensee's proposed Amendment under the standards set forth in 10 CFR §2.1205.

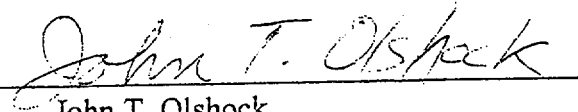
9. It is believed that the notice of the Licensee's Amendment request for the temporary storage of decommissioning waste from the Molycorp York, Pennsylvania facility at the Molycorp Washington, Pennsylvania facility was published in the Federal Register on June 9, 1999. Pursuant to 10 CFR §2.1205(d), a person, other than an applicant, may file a request for a hearing before the

Nuclear Regulatory Commission within thirty (30) days of the publication in the Federal Register of such a notice relating to an application or a licensing action. The instant Request for Hearing has been filed within thirty (30) days of June 9, 1999.

10. As set forth in the attached Certificate of Service, a copy of this Request for Hearing has been properly served on Licensee Molycorp, Inc. and its counsel and on the U.S. Nuclear Regulatory Commission as required by 10 CFR §2.1205(f).

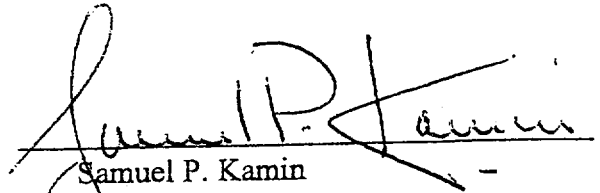
WHEREFORE, Petitioner/Requestor Canton Township, Pennsylvania hereby respectfully requests a hearing before the U.S. Nuclear Regulatory Commission on the pending Amendment request for the temporary storage of decommissioning waste from the Molycorp York, Pennsylvania facility at the Molycorp Washington, Pennsylvania facility of Licensee Molycorp, Inc.

Respectfully submitted,



John T. Olshock
JOHN T. OLSHOCK & ASSOCIATES
96 N. Main Street
Washington, PA 15301-4515
(724) 225-8460
Solicitor for Canton Township

Date: June 28, 1999



Samuel P. Kamin
Samuel R. Grego
GOLDBERG, KAMIN & GARVIN
1806 Frick Building
Pittsburgh, PA 15219
(412) 281-1119
Special Counsel for Canton Township