

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL '99 NOV -1 A11:17

Before Administrative Judges:

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

OFFICE OF THE  
PRESIDENTIAL  
ADJUTANT GENERAL

SERVED NOV - 1 1999

In the matter of:

MOLYCORP, INC.  
Washington, Pennsylvania  
Site Decommissioning Plan

Docket Nos. 40-8794-MLA  
40-8778-MLA

ASLBP No. 99-769-08-MLA

November 1, 1999

MEMORANDUM AND ORDER  
(Granting Extension of Time To Negotiate)

By Memorandum and Order (Delay for Negotiation), dated September 15, 1999, the Presiding Officer permitted the Licensee and the intervention petitioners to negotiate with respect to the areas of concern that petitioners seek to put into issue in this proceeding. The negotiation period expired on November 1, 1999, but was subject to extension in the event of active negotiations.

By letter dated October 28, 1999, one of the petitioners, on behalf of itself as well as the other petitioner and the Licensee, now reports that negotiations are continuing and that documents the petitioners had requested from the Licensee are still being reviewed. The Licensee and petitioners request a further extension of time, until November 15, 1999, for the negotiations to continue. They add that further requests for extensions may be forthcoming.

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The Presiding Officer hereby grants the requested extension of time for negotiations. For further extensions, however, the Presiding Officer requests that the participants provide additional details regarding the status of the negotiations, including their likelihood of success. Only if the participants anticipate a strong likelihood of settlement of all outstanding differences of opinion, or at least a significant narrowing of issues for which adjudication is sought, will further extensions be warranted. Otherwise, proceeding to the definition and adjudication of unresolved issues may be preferable.

As Presiding Officer, I note that I could seek to have appropriate Panel personnel appointed to attempt to mediate differences between the Petitioners and the Licensee. Whatever result is sought by the Petitioners and Licensee, they may wish to file a motion requesting appropriate relief.

IT IS SO ORDERED.

  
Charles Bechhoefer  
ADMINISTRATIVE JUDGE  
Presiding Officer

Rockville, Maryland  
November 1, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

MOLYCORP, INC.

(Request for Materials License  
Amendment)

Docket No.(s) 40-8794/8778-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O GRANT'G EXT...NEGOTIATE have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)40-8794/8778-MLA  
LB M&O GRANT'G EXT...NEGOTIATE

Dated at Rockville, Md. this  
1 day of November 1999



*Luis Carter*

Office of the Secretary of the Commission