

RAS 2156

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VIA FACSIMILE

Administrative Judge Charles Bechhoefer
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

September 3, 2000

Re: Molycorp, Inc.
Docket Nos. 40-8794-MLA and 40-8778-MLA
ASLBP No. 99-769-08-MLA

Dear Judge Bechhoefer:

On Friday, September 1, 2000, I received a copy of Canton Township's Motion to Compel and Request for Scheduling. I am presently in the midst of preparing for a trial that will start next week and, accordingly, I am not in a position to fully respond in detail to this motion. However, I would like to point out preliminarily that Canton's motion incorrectly suggests that Molycorp has improperly failed to provide documents to the Township in connection with the Township's Subpart L informal hearing request.

First, there is no right to discovery in such proceedings. This notwithstanding, Molycorp has provided the Township with voluminous materials even before the institution of these proceedings.

Second, although the Township cites to Judge Bloch's prior order as support for its motion, this Order did not create a right of discovery but, rather, merely directed the parties to communicate in the hopes that a settlement could be reached. Although Molycorp provided voluminous information during this process (indeed these materials have been made available to the Township long before Judge Bloch's order), the Township rejected any notion of a settlement predicated on anything less than an agreement by Molycorp to drop its plans for an on-site storage cell. Furthermore, the Township, unlike Molycorp, failed to provide during the negotiation process any documentation or support whatsoever for its claims of harm to the public and environment. Accordingly, it is simply ludicrous for the Township to assert that Molycorp has improperly withheld documents when there is no right to discovery, Molycorp nonetheless has provided a multitude of documents and information, and in return the Township has not provided any information whatsoever.

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Administrative Judge Charles Bechhoefer
Page 2

September 3, 2000

Finally, I would like to point out that although the Township suggests that Molycorp has not made available to the Township a copy of Molycorp's Part 2 revision of its Decommissioning Plan, this is simply incorrect. This document, as well as many others pertaining to Molycorp's decommissioning activities, are publicly available over the internet at a website Molycorp has created (www.molycorp-pa.com). The Township's Board of Supervisors, as well as its outside counsel, Sam Kamin, were advised in August of Molycorp's intention to create a website to share with the public information and documents relating to Molycorp's decommissioning activities. Molycorp also publicized the opening of the website in the local media.

Based upon the foregoing, I am hopeful that this Court will summarily deny the Township's motion. However, if the court would like a more detailed response, I would like to be provided additional time until my trial is over to prepare my reply. I anticipate that my trial will last until September 15, 2000. I would ask to have an additional week thereafter within which to submit my response, if necessarily.

If you have any questions regarding my request, please call me.



Administrative Judge Charles Bechhoefer
Page 3

September 3, 2000

Very truly yours,

A handwritten signature in black ink, appearing to read "Randolph T. Struk", is written over the typed name. The signature is stylized with large, sweeping loops.

Randolph T. Struk

RTS/cag

cc: Via Federal Express:

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Washington, DC 20555-0001

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Administrative Judge Charles Bechhoefer
Page 4

September 3, 2000

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