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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In The Matter Of:	)	Docket No. 40-7580-MLA
	)	ASLBP No. 00-772-01-MLA
FANSTEEL, INC.,	)	
(Muskogee, Oklahoma Facility)	)	January 2, 2001
	)	~~December~~ ___, ~~2000~~
	)	

JOINT MOTION TO DISMISS FANSTEEL, INC.'S APPEAL OF THE PRESIDING OFFICER'S DECISION TO GRANT A HEARING

Fansteel, Inc., the State of Oklahoma, and the NRC Staff, through their attorneys, file this joint motion to dismiss the above-captioned appeal. In support of this Motion, the parties state the following.

On May 9, 2000, Fansteel requested that NRC staff discontinue review of Fansteel's Restricted Release Decommissioning Plan, which is the subject of the informal hearing that gave rise to the above-captioned appeal. Pursuant to this request, on July 25, 2000, the NRC staff agreed to discontinue review of Fansteel's Restricted Release Decommissioning Plan to allow Fansteel time to research other possible disposal options. At the same time, NRC staff notified Fansteel that it would only keep its review of the

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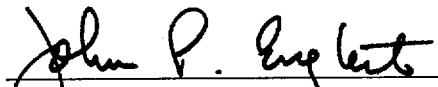
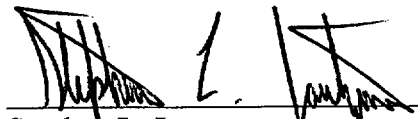
Restricted Release Decommissioning Plan on hold until November 1, 2000, after which NRC staff would cancel consideration of the Restricted Release Decommissioning Plan and Fansteel would be required to submit an entirely new license amendment application. Fansteel did not make a written request for NRC staff to continue review of the Restricted Release Decommissioning Plan by the November 1, 2000 deadline. Consequently, the Restricted Release Decommissioning Plan is no longer under consideration by NRC staff. The parties therefore agree that the informal hearing is no longer at issue and have filed with the ASLBP a joint motion to dismiss the informal hearing. If the Presiding Officer grants that motion, the parties agree that this appeal is no longer at issue.

Accordingly, we request the Commission enter an order dismissing the above-captioned appeal.

Respectfully submitted,



John P. Englert
Counsel for Fansteel, Inc.



Stephen L. Jantzen
Assistant Attorney General
Office of the Oklahoma Attorney General

L. Michael Rafky
Counsel for NRC Staff

Dated: January 2, 2001

Accordingly, we request the Presiding Officer enter an order dismissing the above-captioned informal hearing.

Respectfully submitted,

John P. Englert
Counsel for Fansteel, Inc.

Stephen L. Jantzen
Assistant Attorney General
Office of the Oklahoma Attorney General

L. Michael Rafky
Counsel for NRC Staff

Dated: January 2, 2001

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Joint Motion To Dismiss Fansteel, Inc.'s Appeal Of The Presiding Officer's Decision To Grant A Hearing" have been served upon the persons listed below by first-class mail, this 2nd day of January, 2001.

Mr. Mohammad Hague
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Mail Stop T-7J8
Rockville, MD 20852-2738

Administrative Judge Thomas D. Murphy
Special Assistant
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3F23
Washington, DC 20555-0001

Office of Commission Appellate Adjudication
U. S. Nuclear Regulatory Commission
Mail Stop 0-16G15
Washington, DC 20555

Office of the Secretary
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Mail Stop 0-16G15
Washington, DC 20555-0001
(original plus 2 copies)

L. Michael Rafky, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop 0-15D21
Washington, DC 20555

Administrative Judge Thomas S. Moore
Presiding Officer
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3 F23
Washington, DC 20555-0001

Stephen L. Jantzen, Esq.
Assistant Attorney General
Environmental Protection Unit
2300 N. Lincoln Blvd., Suite 112
Oklahoma City, OK 73105

Adjudicatory File (2 copies)
Atomic Safety and Licensing Board
Mail Stop T-3F23
U.S. NRC
Washington DC 20555

John P. Englert