

RAS 2579

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

01 JAN -4 P3:08

BEFORE THE COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

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

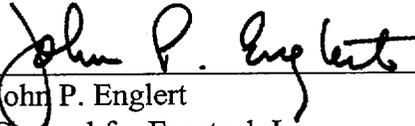
Fansteel, Inc., the State of Oklahoma, and the NRC Staff, through their attorneys, file this joint motion to dismiss the above-captioned appeal. In support of this Motion, the parties state the following.

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

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

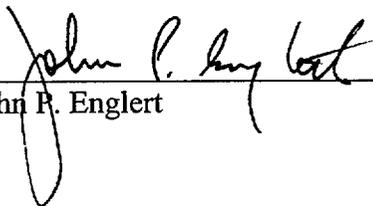
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Attn: Rulemakings and Adjudications Staff  
Mail Stop 0-16G15  
Washington, DC 20555-0001  
(original plus 2 copies)

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