

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 2686

DOCKETED 01/31/01

COMMISSIONERS

SERVED 01/31/01

Richard A. Meserve, Chairman
Greta Joy Dicus
Nils J. Diaz
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

_____)
In the Matter of)
)
FANSTEEL, INC.) Docket No. 40-7580-MLA
(Muskogee, Oklahoma Facility))
)
_____)

CLI-01-05

ORDER

Fansteel, Inc., the State of Oklahoma, and NRC staff have filed a Joint Motion to Dismiss Fansteel's appeal of the Presiding Officer's decision to grant Oklahoma a hearing on Fansteel's application for a license amendment relating to the decommissioning of its Muskogee, Oklahoma, site. See LBP-99-47, 50 NRC 409 (1999).

According to the parties' motion, the proposed Restricted Release Decommissioning Plan, on which Oklahoma had requested a hearing, is no longer under consideration by the NRC staff. The parties indicate that they have also filed a joint motion to dismiss the informal hearing with the Atomic Safety Licensing Board.

These developments render Fansteel's appeal moot, and the appeal is, accordingly, dismissed.

IT IS SO ORDERED

For the Commission

/RA/

ANNETTE L. VIETTI-COOK
Secretary of the Commission

Dated at Rockville, Maryland
this 31st day of January, 2001.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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FANSTEEL, INC.) Docket No. 40-7580-MLA
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(Muskogee, Oklahoma Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER (CLI-01-05) 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. 40-7580-MLA
COMMISSION ORDER (CLI-01-05)

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 31st day of January 2001