

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Thomas S. Moore, Presiding Officer
Thomas D. Murphy, Special Assistant

In the Matter of
FANSTEEL, Inc.
(Muskogee, Oklahoma Facility)

Docket No. 40-7580-MLA

ASLBP No. 00-772-01-MLA

January 31, 2001

MEMORANDUM AND ORDER
(Terminating Proceeding)

In LBP-99-47, 50 NRC 409 (1999), the Presiding Officer granted the request of the State of Oklahoma (State) for an informal Subpart L proceeding on the application of Fansteel, Inc. (Fansteel) to amend its materials license. Fansteel's license amendment request seeks agency approval for both the construction of a permanent, onsite, above-grade, radioactive waste disposal cell at its facility located near Muskogee, Oklahoma, and restricted-release decommissioning of the disposal site pursuant to 10 C.F.R. § 20.1403.

Shortly after the Presiding Officer granted the State's hearing request, the NRC Staff recommended to the Presiding Officer, with the concurrence of Fansteel and the State, that the proceeding be held in abeyance while the Staff completed its safety and environmental review of the Fansteel license amendment application. In a January 13, 2000 order, the Presiding Officer directed that the case be held in abeyance and it remains in that status today. While the proceeding was suspended, Fansteel, on May 9, 2000, requested the Staff to discontinue

review of Fansteel's Restricted Release Decommissioning Plan -- the primary subject of its license amendment application -- in order to allow Fansteel time to explore other possible disposal options. In response to the Fansteel request, the Staff, on July 25, 2000, notified Fansteel that it would suspend its review only until November 1, 2000, by which time Fansteel must request the Staff to continue its review or the Staff would cancel the licensing action and Fansteel would be required to file a new, current license amendment application. Fansteel did not request the Staff to continue its review and the Staff discontinued its consideration of the Fansteel license amendment application.

On January 2, 2001, Fansteel, the State, and the NRC Staff filed a joint motion to dismiss the license amendment proceeding. Because Fansteel has abandoned its license amendment application, there is no longer any basis for the proceeding. Accordingly, the joint motion to dismiss the proceeding is granted and the proceeding is terminated.

It is so ORDERED.

By the Presiding Officer

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 31, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (TERMINATING PROCEEDING) (LBP-01-02) 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.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

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

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

Daniel P. Trocchio, Esq.
Bikram Bandy, Esq.
John P. Englert, Esq.
Richard W. Hosking, Esq.
Kirkpatrick & Lockhart LLP
1500 Oliver Building
Pittsburgh, PA 15222-2312

John J. Hunter
Fansteel, Inc.
Number Ten Tantalum Place
Muskogee, OK 74403-9296

Stephen L. Jantzen, Esq.
Assistant Attorney General
Environmental Protection Unit
2300 N. Lincoln Blvd., Suite 112
Oklahoma City, OK 73105-4894

Docket No. 40-7580-MLA
LB MEMORANDUM AND ORDER
(TERMINATING PROCEEDING)
(LBP-01-02)

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

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