

RAS 6597

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 07/09/03

SERVED 07/09/03

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judge:

G. Paul Bollwerk, III, Presiding Officer

In the Matter of

FANSTEEL, INC.

(Muskogee, Oklahoma Facility)

Docket No. 40-7580-MLA-2

ASLBP No. 03-813-04-MLA

July 9, 2003

SHOW CAUSE ORDER
(Dismissal of Proceeding)

Upon consideration of (1) June 16, 2003 hearing request of petitioner State of Oklahoma (State) regarding what the State characterizes as the ostensible request of Fansteel, Inc., (Fansteel) to amend the 10 C.F.R. Part 40 source material license for its Muskogee, Oklahoma facility to authorize facility decommissioning; and (2) the June 26, 2003 letter of Fansteel Chairman/President/Chief Executive Officer Gary L. Tessitore to the NRC staff stating that Fansteel was withdrawing its facility decommissioning plan so that this proceeding should be dismissed as moot, it is

ORDERED, that on or before Thursday, July 17, 2003, petitioner State shall show cause why this proceeding should not be dismissed; and it is

FURTHER ORDERED, that any Fansteel or staff response to any State show cause submission shall be filed on or before Friday, July 25, 2003; and it is

FURTHER ORDERED, that in addition to submitting an original and two conforming copies of these pleadings to the Office of the Secretary as required by 10 C.F.R. § 2.708(d) and serving a copy on every other participant in accordance with section 2.701(b), a participant should serve a conforming copy on the Presiding Officer by regular mail. Also, each filing

should be sent by 4:30 p.m. EDT on the day of service by e-mail transmission to the Presiding Officer (gpb@nrc.gov), the Office of the Secretary (hearingdocket@nrc.gov), and the other participants (Fansteel: gtessore@fansteel.com; State: sarah_penn@oag.state.ok.us; NRC staff: ogcmailcenter@nrc.gov).

BY THE PRESIDING OFFICER^{*}

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

July 9, 2003

^{*} Copies of this order were sent this date by Internet e-mail transmission to counsel or a representative of (1) Fansteel; (2) the State; and (3) the staff.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB SHOW CAUSE ORDER (DISMISSAL OF PROCEEDING) 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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U.S. Nuclear Regulatory Commission
Washington, DC 20555

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of July 2003