

RAS 6631

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 07/16/03

SERVED 07/16/03

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 16, 2003

MEMORANDUM

(Acknowledging NRC Staff Response)

Following issuance today of an order denying the July 15, 2003 request of Fansteel Inc. (Fansteel) to hold this proceeding in abeyance, the Presiding Officer received a pleading from the NRC staff supporting that request. With this memorandum, the Presiding Officer acknowledges that staff response, but concludes the order entered today should stand as issued.

BY THE PRESIDING OFFICER^{*}

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

July 16, 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 of Oklahoma; and (3) the staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
FANSTEEL, INC.) Docket No. 40-7580-MLA-2
)
(Muskogee, Oklahoma Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (ACKNOWLEDGING NRC STAFF RESPONSE) 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 20555-0001

Administrative Judge
G. Paul Bollwerk, III
Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Gary L. Tessitore
Chairman, President and
Chief Executive Officer
Fansteel, Inc.
Number One Tantalum Place
North Chicago, IL 60064

W. A. Drew Edmondson, Esquire
Attorney General of Oklahoma
Sarah E. Penn, Esquire
Assistant Attorney General
Environmental Protection Unit
4545 N. Lincoln Blvd., Suite 260
Oklahoma City, OK 73105

Dennis C. Dambly, Esquire
Marian L. Zobler, Esquire
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

James R. Curtiss, Esquire
Mark J. Wetterhahn, Esquire
Brooke D. Poole, Esquire
Winston & Strawn
1400 L Street, NW
Washington, D.C. 20005

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of July 2003