

RAS 6630

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

ORDER

(Denying Request to Hold Proceeding in Abeyance)

Upon consideration of (1) the July 15, 2003 pleading submitted by Fansteel Inc. (Fansteel) that, among other things, requests this proceeding be held in abeyance pending further notification by Fansteel of its planned actions with respect to a decommissioning plan (DP); and (2) petitioner State of Oklahoma's (State) July 15, 2003 objection to the Fansteel request to hold this proceeding in abeyance; it is

ORDERED, that the July 15, 2003 request of Fansteel to hold this proceeding in abeyance is denied in that the schedule for further submissions established in the Presiding Officer's July 9, 2003 order to show cause shall remain in effect.

In lieu of, as part of, or in addition to its reply to any State response to the Presiding Officer's July 9, 2003 show cause order, Fansteel is free to provide whatever additional

information it believes is appropriate regarding its decision to resubmit a DP to the NRC staff for consideration.

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 for (1) Fansteel; (2) the State; and (3) the staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DENYING REQUEST TO HOLD PROCEEDING IN ABEYANCE) 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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Washington, DC 20555-0001

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

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