

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING OFFICER

In the Matter of)	
)	
FANSTEEL, INC.)	Docket No. 40-7580-MLA-2
)	
(Muskogee, Oklahoma))	ASLBP No. 03-813-04-MLA
)	
)	

NRC STAFF RESPONSE TO NOTIFICATION OF
FANSTEEL, INC. IN CONNECTION WITH SHOW CAUSE ORDER

INTRODUCTION

Pursuant to 10 C.F.R. § 2.1237, the NRC Staff hereby responds to “Notification of Fansteel, Inc. In Connection with Show Cause Order” filed on July 15, 2003 (Notification).¹ As discussed further below, the Staff does not oppose Fansteel’s request to suspend the current schedule in the above-captioned proceeding.

BACKGROUND AND DISCUSSION

On July 9, 2003, the Presiding Officer designated in the above-captioned proceeding issued an Order directing the State of Oklahoma to show cause why, in light of Fansteel’s withdrawal of its decommissioning plan (DP), why this proceeding should not be dismissed. “Show Cause Order (Dismissal of Proceeding)” July 9, 2003. On July 15, 2003, Fansteel filed its Notification. In Notification Fansteel requested that the Presiding Officer suspend the current schedule of responses to its July 9, 2003, show cause order pending further notification by Fansteel of its planned actions with respect to the DP. According to Fansteel, it may decide to resubmit the DP to the NRC for consideration or liquidate the company without seeking approval of a DP.

¹ Although Fansteel’s Notification was not designated as such, the Staff is treating it as if it were filed as a motion pursuant to 10 C.F.R. § 2.1237.

Notification at 2. Fansteel committed to notify the Presiding Officer, the State and the NRC staff no later than July 25, 2003 of its decision on whether to resubmit the DP to the NRC. *Id.* Also on July 15, 2003, the State of Oklahoma filed its objection to Fansteel's Notification. "State of Oklahoma's Objection to Notification of Fansteel, Inc., In Connection with Show Cause Order."

The Staff does not oppose Fansteel's request to suspend the current schedule to respond to the Show Cause Order until July 25, 2003. In addition, pursuant to 10 C.F.R § 2.1213, the Staff hereby indicates its desire to participate as a party to the adjudication.

Respectfully submitted,

/RA/

Marian L. Zabler
Counsel for NRC Staff

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

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name of Attorney: Marian L. Zabler
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Appellate Division, Second Dept.
District of Columbia Court of Appeals
Name of Party: NRC Staff

Respectfully submitted,

/RA/

Marian L. Zabler
Counsel for NRC Staff

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

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO NOTIFICATION OF FANSTEEL, INC. IN CONNECTION WITH SHOW CAUSE ORDER" and "NOTICE OF APPEARANCE" for Marian L. Zobler in the above-captioned proceeding have been served on the following by deposit into the United States mail or through deposit in the Nuclear Regulatory Commission's internal mail system as indicated with a single asterisk, and/or by electronic mail where indicated with a double asterisk on this 16th day of July 2003.

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/RA/

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