

RAS 7032

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 11/03/03

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ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Alan S. Rosenthal, Presiding Officer
Richard F. Cole, Special Assistant

In the Matter of

FANSTEEL, INC.

(Muskogee, Oklahoma Facility)

Docket No. 40-7580-MLA-3

ASLBP No. 04-816-01-MLA

November 3, 2003

MEMORANDUM

As indicated in LBP-03-22 issued earlier today, a schedule for the submission of the now-required written presentations will not be formally established until after the NRC Staff provides the hearing file on or before December 3, 2003.¹ It nonetheless seems desirable to inform the parties at this juncture that it is the intention of Judge Cole and the undersigned to move this proceeding forward as expeditiously as possible. To that end, the likelihood is that the State of Oklahoma's written presentation (even with possible allowance made for the end of the year holiday period) will become due no later than the end of January 2004. The responsive written presentations of the Licensee and the Staff would then be due thirty days later, following which Oklahoma would have fifteen days in which to reply to those submissions. Such a schedule would ensure that, were they determined to be necessary in order to create an adequate record for decision, supplemental oral presentations could be received by no later than mid-May 2004.

This advance word is being provided in order to encourage the parties to commence the preparation of their written presentations at this time without waiting for the scheduling order

¹ We deem that deadline, which is imposed by the Commission's Rules of Practice, to be firm and will expect the Staff to meet it.

that will issue in the wake of the receipt of the hearing file and a telephone conference with the parties. In that regard, it seems likely that a substantial amount of that preparation might be accomplished prior to the receipt of the hearing file. Moreover, once the schedule is established, applications for extensions of time will be disfavored and granted only upon a showing that, notwithstanding the exercise of diligence, an intervening and totally unforeseeable development precluded meeting the deadline in question.

BY THE PRESIDING OFFICER²

/RA/

Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 3, 2003

² Copies of this memorandum were sent this date by Internet e-mail transmission to counsel for (1) Fansteel; (2) the State; and (3) the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
FANSTEEL INC.) Docket No. 40-7580-MLA-3
MUSKOGEE, OKLAHOMA)
)
(Materials License Amendment))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM DATED NOVEMBER 3, 2003 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of November 2003