

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE OFFICE OF THE SECRETARY

In the Matter of )  
 )  
FMRI, Inc. ) Docket No. 40-7580  
 )  
(Muskogee, Oklahoma Decommissioning Site) ) Date: November 15, 2012

Dear Secretary Vietti-Cook:

On October 19, 2012, FMRI, Inc. and Fansteel, Inc. filed a "Request for Hearing or Further Discussion and Review." The request concerns the NRC staff's October 2, 2012 denial of an application to change the maturity date of a primary note used to provide decommissioning funding for FMRI's Muskogee, Oklahoma site.

The NRC staff, FMRI, and Fansteel intend to further discuss the issues raised in FMRI and Fansteel's October 19, 2012 request. Because the request was for *either* a hearing *or* further discussion and review, and because the parties will be engaging in further discussion, at this time the NRC staff is not responding to FMRI and Fansteel's alternative request for a hearing.

The staff will document the results of the parties' discussions in a written response to FMRI and Fansteel. In the event FMRI or Fansteel disagrees with the staff's response, the staff would not object to either company renewing its hearing request within 20 days of receiving the staff's response. In that case, the staff would respond to the renewed hearing request within 25 days, the period prescribed in 10 C.F.R. § 2.309(h)(1).

Sincerely,

***/Signed (electronically) by/  
Michael J. Clark***

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Michael J. Clark  
Counsel for the NRC Staff

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (revised), I hereby certify that copies of the foregoing NRC staff letter to the Office of the Secretary have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 15<sup>th</sup> day of November 2012.

***/Signed (electronically) by/  
Michael J. Clark***

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