



April 12, 2013

Larry W. Camper, Director  
Division of Waste Management and  
Environmental Protection  
Office of Federal and State Materials and  
Environmental Management Programs  
Washington, DC 20555-0001

**Re: FMRI – Fansteel request for changes to the performance of Decommissioning at the Muskogee, Oklahoma site**

Dear Mr. Camper:

By your letter dated December 28, 2012 FMRI – Fansteel submits the following information to the NRC to facilitate further discussions.

Request:

A comprehensive list of all documents to be changed.

Reply:

Promissory Note (Primary FMRI Note) Dated April 14, 2005

Request:

Proposed wording changes for each document

Reply:

See Attachment 1 Draft, Primary Note, change maturity date to December 31, 2023

Request:

Justification for each proposed change

**FMRI, Inc., #Ten Tantalum Place, Muskogee, OK 74403, Phone 918-687-6303 / Fax 918-687-6112**

**The Attachment 2 to this Letter Contains Confidential Financial Information  
Withhold from Public Disclosure in Accordance With 10 CFR 2.390**

**Reply:**

See attachment 2 -Fifth Third Letter to Mr. Brian Cassady, CEO, Fansteel, Inc. dated April 19, 2012 and Affidavit of R. Comperolle dated May, 2012.

**Request:**

A statement as to whether each proposed change will comply with the commitments Fansteel made as part of the bankruptcy settlement agreement (including the commitments in the pledge agreement, promissory notes, etc.)

**Reply:**

FMRI's ending date to complete the Decommissioning of the Muskogee plant is December 31, 2023 and this will not change by extending the primary note's maturity date.

**Request:**

If any change will not comply with these commitments a justification for the change

**Reply:**

The extension of the Primary Note's maturity date will not change Fansteel's commitment to continue to fund the decommissioning of the Muskogee Site per the bankruptcy settlement agreement including the commitments made in the pledge agreements and promissory notes.

**Request:**

A revised schedule of the major milestones and demonstration of how each change will support completion of the DP approved by NRC and the bankruptcy court

**Reply:**

See attachment 3 to E-Mail dated March 22, 2013 revised schedule updated 8.2 with footnotes and Attachment 4 March 31, 2013 submittal without confidential information.

**Request:**

The additional funding Fansteel will provide to support completion of the decommissioning in a timely manner

**Reply:**

Fansteel will continue to fund the decommissioning of the Muskogee site in accordance with the promissory notes and according to the revised schedules (Table 15-11) submitted in March of each year.

**Request:**

A proposed resolution of the outstanding Oklahoma discharge permit issue

**Reply:**

Attachment 5, the Consent Order signed by both parties

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A demonstration of why the proposed changes will benefit public health and safety.

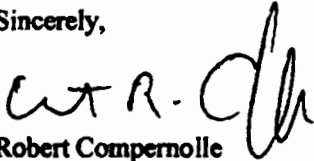
Reply:

By extending the primary note Fansteel will continue to fund the decommissioning of the Muskogee site and will ensure that the existing controls to protect the public health and safety are maintained throughout the entire decommissioning process.

On behalf of Fansteel, please be advised that the Stock Purchase Agreement between Fansteel and GLA-1 did not happen. Accordingly, there will be no change to the Contingent Note.

FMRI – Fansteel looks forward to working with the NRC to complete the request for extension of the Primary Note maturity date. If you have any question concerning the above, please contact me at ( 641-782-8521 ) or James Burgess at 918-687-6303 or e-mail bob.compernelle@fansteel.com or burgessj@datafys.com

Sincerely,



Robert Compernelle  
FMRI, Inc.  
Number 10 Tantalum Place  
Muskogee, OK 74403

Attachments

- 1
- 2
- 3
- 4
- 5

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