

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 01/31/01

COMMISSIONERS:

SERVED 01/31/01

Richard A. Meserve, Chairman  
Greta Joy Dicus  
Nils J. Díaz  
Edward McGaffigan, Jr.  
Jeffrey S. Merrifield

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In the Matter of )  
 )  
FANSTEEL, INC. )  
 )  
(Muskogee, Oklahoma Facility) )  
 )  
\_\_\_\_\_)

Docket No. 40-7580-MLA

CLI-01-05

**ORDER**

Fansteel, Inc., the State of Oklahoma, and NRC staff have filed a Joint Motion to Dismiss Fansteel's appeal of the Presiding Officer's decision to grant Oklahoma a hearing on Fansteel's application for a license amendment relating to the decommissioning of its Muskogee, Oklahoma, site. See LBP-99-47, 50 NRC 409 (1999).

According to the parties' motion, the proposed Restricted Release Decommissioning Plan, on which Oklahoma had requested a hearing, is no longer under consideration by the NRC staff. The parties indicate that they have also filed a joint motion to dismiss the informal hearing with the Atomic Safety Licensing Board.

These developments render Fansteel's appeal moot, and the appeal is, accordingly, dismissed.

IT IS SO ORDERED

For the Commission

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ANNETTE L. VIETTI-COOK  
Secretary of the Commission

Dated at Rockville, Maryland  
this 31st day of January, 2001.