

LBP-99-45
DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

'99 DEC 15 A10:44

Before Administrative Judges:

Alan S. Rosenthal, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

OFFICE OF THE
PUBLIC
ADJUDICATOR

SERVED DEC 15 1999

In the Matter of
GPU NUCLEAR CORPORATION
(Oyster Creek Nuclear
Generating Station)

Docket No. 50-219-OLA-2

ASLBP No. 00-773-02-OLA

December 15, 1999

MEMORANDUM AND ORDER
(Terminating Proceeding)

Pending before this Board is the application of GPU Nuclear Corporation (GPUN) for an amendment to the operating license for its Oyster Creek Nuclear Generating Station that would allow the use of the reactor building crane to handle loads up to and including forty-five tons during power operations. By December 9, 1999 letter to the Board, GPUN requests permission to withdraw the application without prejudice.

The request is granted. Accordingly, the license amendment application is now deemed withdrawn without prejudice and the proceeding is terminated.

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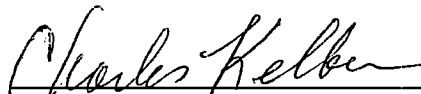
This action has the effect of mootng the November 5, 1999 request of the Nuclear Information and Resource Service (NIRS) for a hearing on the GPUN license amendment application and for leave to intervene. In the event, however, that the amendment application should be submitted anew, the NIRS request will be automatically reinstated; the prior concession of GPUN and the NRC staff regarding standing given effect;¹ and a schedule for the submission of contentions and supporting bases determined by the Board.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD²



Alan S. Rosenthal
ADMINISTRATIVE JUDGE



Charles N. Kelber
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 15, 1999

¹See November 29, 1999 Memorandum and Order at 2. NIRS would be expected to affirm that there was not a material alteration in the basis for standing asserted in its November 5 filing.

²Judge Peter Lam was not available to participate in this Memorandum and Order.

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Docket No.(s) 50-219-OLA-2

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMO & ORDER (LBP-99-45) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Alan S. Rosenthal, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Catherine L. Marco, Esq.
Office of the General Counsel
Mail Stop - 0-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Ernest L. Blake, Jr., Esq.
F. Alvin Taylor, Esq.
Shaw Pittman
2300 N Street, NW
Washington, DC 20037

Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information and Resource
Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Dated at Rockville, Md. this
15 day of December 1999

Adrian T. Byrdson
Office of the Secretary of the Commission