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USMRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

'99 DEC 15 AIG:44

Before Administrative Judges:

OFFICE OF THE  
GENERAL COUNSEL  
ADJUDICATIVE DIVISION

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

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 Accordingly, the license amendment application is now deemed withdrawn without prejudice and the proceeding is terminated.

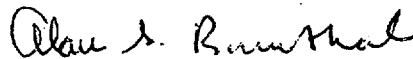
PDR ADOCK

DS02

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;<sup>1</sup> and a schedule for the submission of contentions and supporting bases determined by the Board.

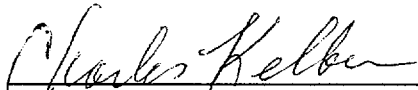
It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>



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Alan S. Rosenthal  
ADMINISTRATIVE JUDGE



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Charles N. Kelber  
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 15, 1999

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<sup>1</sup>See 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.

<sup>2</sup>Judge Peter Lam was not available to participate in this Memorandum and Order.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

GPU NUCLEAR CORPORATION

(Oyster Creek Nuclear Generating  
Station)

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.

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

  
Office of the Secretary of the Commission