

For the Nuclear Regulatory Commission.

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Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

GPU Nuclear, Inc.

[Docket No. 50-219]

Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of GPU Nuclear, Inc. (the licensee), to withdraw its April 28, 1999 application, as supplemented by letters dated August 30 and September 3, 1999, proposing to amend Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The proposed amendment would have revised the facility operating license to approve handling of loads up to and including 45 tons using the reactor building crane during power operations.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on October 8, 1999 (64 FR 54925). However, by letter dated December 8, 1999, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated April 28, 1999, as supplemented by letters dated August 30 and September 3, 1999, and the licensee's letter dated December 8, 1999, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 23rd day of December 1999.

For the Nuclear Regulatory Commission.

Helen N. Pastis, Sr.,

Project Manager, Section I, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket 72-1014]

Holtec International Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Request for Exemption From Requirements of 10 CFR Part 72

By letter dated October 4, 1999, Holtec International (Holtec or applicant) requested an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.234(c). Holtec, located in Marlton, New Jersey, is seeking Nuclear Regulatory Commission (NRC or the Commission) approval to procure materials for, and fabricate, three MPC-68 multi-purpose canisters, three HI-STORM 100 overpacks, and one HI-TRAC-125 transfer cask prior to receipt of the Certificate of Compliance (CoC) for the HI-STORM 100 cask system. The MPC-68 multi-purpose canister, the HI-STORM 100 overpack, and the HI-TRAC-125 transfer cask are basic components of the HI-STORM 100 system, a cask system designed for the dry storage and transportation of spent nuclear fuel. The HI-STORM 100 cask system is intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by New York Power Authority (NYPA) at the James A. FitzPatrick Nuclear Power Plant (JAF) located in Oswego, New York.

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated October 26, 1995, as supplemented, and pursuant to 10 CFR Part 72, Holtec submitted an application to the NRC for a CoC for the HI-STORM 100 cask system. This application is currently under consideration by the NRC staff. The applicant is seeking Commission approval to procure materials for, and fabricate, three MPC-68 multi-purpose canisters, three HI-STORM 100 overpacks, and one HI-TRAC-125 transfer cask prior to the Commission's issuance of a CoC for the HI-STORM 100 cask system. The HI-STORM 100 system is intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by NYPA at JAF in Oswego, New York. The applicant requests an exemption from the requirements of 10 CFR 72.234(c), which state that "Fabrication of casks under the Certificate of Compliance must not start prior to receipt of the Certificate of Compliance for the cask model." The proposed action before the Commission is whether to approve fabrication, including material

procurement, and whether to grant this exemption pursuant to 10 CFR 72.7.

Need for the Proposed Action: Holtec requested the exemption to 10 CFR 72.234(c) to ensure the availability of storage casks so that NYPA can maintain full core off-load capability at JAF. JAF will lose full core off-load capability in the fall of 2002. JAF has proposed an initial cask loading in the summer of 2001. To support training and dry runs prior to the initial loading, NYPA requests the delivery of the first cask by the spring of 2001. Holtec states that to meet this schedule, fabrication, including material procurement, must begin in January 2000.

The HI-STORM 100 cask system application, dated October 26, 1995, is under consideration by the Commission. It is anticipated that, if approved, the HI-STORM-100 cask system CoC may be issued by July 2000. The proposed procurement and the fabrication exemption will not authorize use of any Holtec cask to store spent fuel. That will occur only when, and if, a CoC is issued. An NRC approval of the procurement and grant of the fabrication exemption request should not be construed as an NRC commitment to favorably consider any Holtec application for a CoC. Holtec will bear the risk of all activities conducted under the exemption, including the risk that the three MPC-68 multi-purpose canisters, three HI-STORM 100 overpacks, and one HI-TRAC-125 transfer cask that Holtec plans to construct may not be usable because they may not meet specifications or conditions placed in a CoC that the NRC may ultimately approve.

Environmental Impacts of the Proposed Action: Regarding the procurement approval and fabrication exemption, the Environmental Assessment for the final rule, "Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites" (55 FR 29181 (1990)), considered the potential environmental impacts of casks which are used to store spent nuclear fuel under a CoC and concluded that there would be no significant environmental impacts. The proposed action now under consideration would not permit use of the casks, but would only permit procurement and fabrication. There are no radiological environmental impacts from procurement or fabrication since cask material procurement and cask fabrication do not involve radioactive materials. The major non-radiological environmental impacts involve use of natural resources due to cask fabrication. Each MPC-68 multi-purpose canister weighs approximately