

BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the matter of )  
**NEW YORK POWER AUTHORITY** ) Docket No. 50-333  
James A. FitzPatrick Nuclear Power Plant )

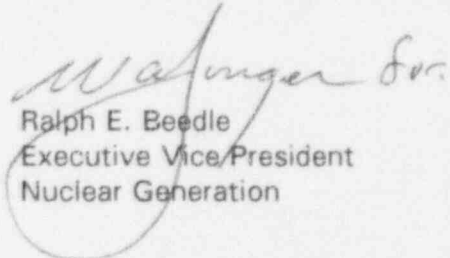
APPLICATION FOR AMENDMENT TO OPERATING LICENSE

The New York Power Authority requests an amendment to the Technical Specifications contained in Appendix A to Facility Operating License DPR-59 for the James A. FitzPatrick Nuclear Power Plant. This application is filed in accordance with Section 10 CFR 50.90 of the Nuclear Regulatory Commission's regulation.

This application for an Amendment to the James A. FitzPatrick Technical Specifications clarifies Limiting Condition for Operation (LCO) 3.5.D.4. Amendment 179 to the Technical Specifications added LCO 3.5.D.4 to permit hydrostatic and leakage testing at temperatures up to 300°F without requiring certain equipment, including the automatic depressurization system (ADS), to be operable. However, LCO 3.5.D.4 was interpreted to require the ADS be operable at temperatures less than 212°F. Requiring the ADS to be operable during hydrostatic and leakage testing with temperatures below 212°F was clearly not the intent of Amendment 179. The proposed change will clarify LCO 3.5.D.4 to resolve this concern.

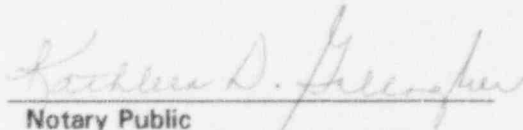
The proposed change to the Technical Specifications is Attachment I to this Application for Amendment to the Operating License. The Safety Evaluation for the proposed change is included as Attachment II. A markup of the affected Technical Specification pages is included as Attachment III.

New York Power Authority

  
Ralph E. Beedle  
Executive Vice President  
Nuclear Generation

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

Subscribed and sworn to before me  
this *28th* day of *December* 1993.

  
Notary Public

KATHLEEN D. GALLAGHER  
Notary Public, State of New York  
No. 5004481

Qualified in Westchester County  
Commission Expires Nov. 16, 19*94*

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