

**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 )

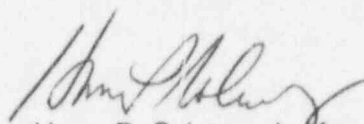
APPLICATION FOR AMENDMENT TO OPERATING LICENSE

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 regulations.

This application for an amendment to the James A. FitzPatrick Technical Specifications proposes to eliminate selected response time testing requirements. The affected Technical Specifications (TS) are TS 4.1.A, "Surveillance Requirements, Reactor Protection System", and TS 4.2.A, "Surveillance Requirements, Instrumentation, Primary Containment Isolation Functions". The proposed changes are supported by analyses performed by the Boiling Water Reactor Owners' Group (BWROG) which demonstrate that other periodic tests required by TS, such as functional tests and calibrations, in conjunction with the actions taken in response to NRC Bulletin 90-01, "Loss of Fill-Oil in Transmitters Manufactured by Rosemount," and Supplement 1, are adequate to ensure that instrument response times are within acceptable limits. By letter dated December 28, 1994, the NRC staff provided their acceptance of NEDO-32291-A, subject to certain conditions, for reference in license amendment applications.

Attachment I contains the proposed new TS pages and Attachment II is the Safety Evaluation for the proposed changes. A markup of the affected TS pages is included as Attachment III. There are no commitments contained in this submittal.

New York Power Authority

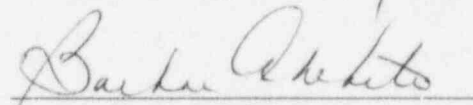


Harry P. Salmon, Jr., for  
W. J. Cahill, Jr.  
Chief Nuclear Officer

**STATE OF NEW YORK  
COUNTY OF WESTCHESTER**

Subscribed and sworn to before me

this 30<sup>th</sup> day of May 1996.

  
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Notary Public