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Docket No. 50-333

New York Power Authority
ATTN: Mr. John C. Brons
Senior Vice President
Nuclear Generation
123 Main Street
White Plains, NY 10601

Gentlemen:

By letter dated December 24, 1985, the Authority withdrew application dated January 6, 1981. This application proposed certain Technical Specification changes relating to miscellaneous technical matters for the James A. FitzPatrick Nuclear Power Plant. A Class III fee (\$4,000) was remitted with your application pursuant to 10 CFR 170.22 of the March 23, 1978 regulations.

Under the provisions of 10 CFR 170.12(a), the USNRC may retain fees for withdrawn applications. However, the Office of Nuclear Reactor Regulation (ONRR) staff has informed us that no review had commenced on the January 6 application prior to its withdrawal. On this basis, we have concluded that an exemption pursuant to 10 CFR 170.11(b) from the fee requirements is authorized by law, and such exemption is otherwise in the public interest and is hereby granted for this January 6 application. Accordingly, we have concurrently authorized the Office of Resource Management to refund \$4,000 to the Authority. Refunds are generally processed within a two-week period.

Sincerely,

Original Signed by:
Roba M. Diggs

C. James Holloway, Jr., Acting Director
License Fee Management Staff
Office of Administration

OFFICE	:LFMS:ADM	:LFMS:ADM	:LFMS:ADM	:	:	:	:
SURNAME	:LTremper:jp	:RMDiggs	:CJHolloway	:	:	:	:
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