



Entergy Nuclear Northeast  
Entergy Nuclear Operations, Inc.  
James A. Fitzpatrick NPP  
P.O. Box 110  
Lycoming, NY 13093

**Pete Dietrich**  
Site Vice President

JAFP-09-0096  
August 12, 2009

United States Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555

**SUBJECT:** Withdrawal of Application for Amendment to Modify the Technical Specifications Requirements for Testing of Safety/Relief Valves  
James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
License No. DPR-59

**REFERENCES:**

1. Entergy Letter, Pete Dietrich to USNRC, Application for Amendment to Modify the Technical Specifications Requirements for Testing of Safety/Relief Valves, JAFP-09-0087, dated July 31, 2009.
2. Entergy Letter, Pete Dietrich to USNRC, Proposed Relief Request VRR-06 for the James A. FitzPatrick Nuclear Power Plant Fourth Interval In-Service Testing Program, JAFP-09-0088, dated July 31, 2009.

Dear Sir or Madam:

Pursuant to 10 CFR 50.90, Entergy Nuclear Operations, Inc. (Entergy) submitted an application for an amendment to the Technical Specifications (TS) for the James A. FitzPatrick Nuclear Power Plant (JAF) (Reference 1).

The requested license amendment requires approval of an ASME OM Code Relief Request (Reference 2). It has come to my attention that, in accordance with NRC Office Instruction LIC-109, the amendment application can not be processed in parallel with the Relief Request. Therefore, Entergy is withdrawing the amendment application pending approval of the Relief Request.

There are no new commitments made in this letter.

Questions concerning this request may be addressed to Mr. Joseph Pechacek, Licensing Manager, at (315) 349-6766.

A047  
NRR

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12<sup>th</sup> day of August 2009.

Sincerely,



Pete Dietrich  
Site Vice President

PD/JP/ed

cc:

Regional Administrator, Region I  
U. S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Resident Inspector's Office  
U.S. Nuclear Regulatory Commission  
James A. FitzPatrick Nuclear Power Plant  
P.O. Box 136  
Lycoming, NY 13093

Mr. Bhalchandra Vaidya, Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Mail Stop O-8-C2A  
Washington, DC 20555-0001

Mr. Paul Eddy  
New York State Department of Public Service  
3 Empire State Plaza, 10<sup>th</sup> Floor  
Albany, NY 12223

Mr. Francis J. Murray Jr., President  
NYSERDA  
17 Columbia Circle  
Albany, NY 12203-6399