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 FACIL:STN-50-528 Palo Verde Nuclear Station, Unit 1, Arizona Publi 05000528
 STN-50-529 Palo Verde Nuclear Station, Unit 2, Arizona Publi 05000529
 STN-50-530 Palo Verde Nuclear Station, Unit 3, Arizona Publi 05000530
 AUTH.NAME AUTHOR AFFILIATION
 VAN BRUNT,E.E. Arizona Public Service Co.
 RECIP.NAME RECIPIENT AFFILIATION
 MILLER,W.O. License Fee Management Branch

SUBJECT: Protest payment of license fees. Requests refund of portions found excessive. Conference to discuss resolution of protests & requests for refund requested.

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Arizona Nuclear Power Project

P.O. BOX 52034 • PHOENIX, ARIZONA 85072-2034

ANPP-32113-EEVB/WFQ

March 11, 1985

William O. Miller, Chief
Licensee Fee Management Branch
Office of Administration
United States Nuclear Regulatory Commission
Washington, D.C. 20655

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Docket Nos. STN 50-528(License No. NPF-34)/529/530
Operating License Fee Assessment
File: 85-056-026; G.1.01.10

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Dear Mr. Miller:

U.S. N.R.C.
LIC. FEE MGMT. BRANCH

We have this day paid by wire transfer the NRC invoices, Nos. D0188, D0189, and D0190, for license fees for Palo Verde Nuclear Generating Station (PVNGS) Units 1, 2, and 3, respectively, in the following amounts:

PVNGS Unit 1	\$2,550,294.00
PVNGS Unit 2	433,415.00
PVNGS Unit 3	408,352.00

We make such payments under protest and request a refund of such portions thereof as may ultimately be found to have been excessive for any reason. The bases upon which such protest and request are as follows:

- (1) The billing for licensing services by each of the invoices is excessive, because it exceeds the maximum limit imposed by 10 CFR Part 170 for licensing services in effect during the period when such licensing services were provided by the NRC. The failure of NRC to apply the maximum limits set by 10 CFR Part 170 prior to the revisions of such Part 170 effective June 18, 1984 constitutes improper retroactive application of the revised fee schedule.
- (2) Documentation accompanying such invoices is insufficient to establish the validity of the amounts billed. Accordingly, pending completion of audits or other reviews which demonstrate the propriety of the billings, it is asserted on information and belief that the invoiced amounts are excessive.

Making the payments under protest and subject to the request for refund is made purposely to obviate any action which might be taken pursuant to 10 CFR §170.41 for failure to pay prescribed fees and the assessment of interest for delay in payment of amounts which are not excessive.

In order to expedite the resolution of our protests and request for refunds, we request that a conference with you and others at NRC knowledgeable in such matters, be scheduled to discuss the issues we have raised herein.

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Mr. William O. Miller
Operating License Fee Assessment
ANPP- 32113
Page 2

If you have any information that is relevant to such issues which you wish to provide to us in the interest of making such conference more productive or unnecessary, we would be pleased to consider it.

Very truly yours,

EE Van Brunt/DJK

E. E. Van Brunt, Jr.
Executive Vice President
Project Director

EEVB/WFQ/mb

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