

REGULATORY DOCKET FILE COPY

POWER AUTHORITY OF THE STATE OF NEW YORK

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CONTROLLER

IPO-142
August 14, 1978

United States Nuclear
Regulatory Commission
Office of the Controller
1717 H Street, N.W.
Washington, D.C. 20555

RECEIVED
REGULATORY SERVICES
AUG 15 1978
NEW YORK

Attention: Mr. William O. Miller
Licensing Fee Management Branch, O.D.M.

RE: Indian Point No. 3 License No. DPR-64

Dear Sir:

Enclosed please find Check No. 8934 dated August 14, 1978 in the sum of \$263,900. payable to the United States Nuclear Regulatory Commission and drawn on the account of the Power Authority of the State of New York. This check constitutes payment of the remaining operating license fee for the Indian Point No. 3 Power Plant as specified in your Invoice No. 523-78 dated August 3, 1978.

We have been informed by the NRC Staff that payment of this fee is required prior to the issuance of a 100% power license for the Indian Point No. 3 Unit which is currently completing its first refueling outage.

As noted in your invoice the Authority has previously paid \$760,900. in operating license fees for Indian Point No. 3. The additional amount enclosed herewith represents the difference between the amount paid and that required for a "custom" plant in accordance with amended regulations of the Commission effective March 23, 1978 (10 CFR 170).

782340189

Applicant
Check No.	8934 (\$263,900)
Amount/Fee Category	8/14/78
Type of Fee
Date Check Rec'd	8/17/78
Received By	<i>[Signature]</i>

Moore
5/10

8110300164 780814
PDR ADDCK 05000286
P PDR

August 14, 1978

The Authority is making such payment at this time despite its serious reservations as to the applicability of this fee in order to avoid any delay in the issuance of the full power operating license. In this regard it must be pointed out that Indian Point No. 3 has the same nuclear steam supply system as was previously licensed for Indian Point No. 2 and is located on the same site as Indian Point No. 2. Thus much of the effort necessary for processing the license application for Indian Point No. 3 was identical to that for Indian Point No. 2.

All of the safety and environmental issues with respect to Unit No. 3 were the same as those raised in the Unit No. 2 proceeding. The Unit No. 2 licensing review proceeding extended over several years and included detailed staff review and legal consideration of many issues. In contrast the Unit No. 3 licensing proceeding was completed in much less time and was concluded by stipulation among all of the parties which stipulation provided for conformance to the decisions made by the NRC License and Appeal Boards in the Unit 2 proceeding.

For these reasons the Authority believes that Indian Point No. 3 may either be a "duplicate" or "replicate" unit of Unit No. 2 as defined in 10 CFR 170.3 of the Commission's regulations and the Authority is seriously considering filing a request pursuant to 10 CFR 170.6 with the General Counsel of the NRC for an official interpretation of the new fee schedules as applied to Indian Point No. 3. The Authority thus makes the enclosed payment without prejudice to its right to request such review and interpretation.

Very truly yours,


Paul J. Early
Assistant Chief Engineer-Projects

Enc.