

REGULATORY DOCKET FILE COPY

OCT 2 1980

DOCKET NOS. 50-329/330

James E. Brunner, Esquire
 Consumers Power Co.
 212 West Michigan Avenue
 Jackson, Michigan 49201

Dear Mr. Brunner:

We have reviewed your letter of July 22, 1980, which again questioned the correctness of the determination that Consumers Power Company owes a fee for a construction permit amendment application in connection with Amendment No. 72. Your letter presents no new material that would lead us to depart from our previously stated position. The quotation from the minutes of the October 16, 1979 meeting appears to us to be irrelevant to the fee question. Rather it expresses quite clearly the licensing review staff's dissatisfaction with the manner in which Consumers was proceeding with the remedial action.

We feel constrained at this point to bring to your attention 10 CFR 170.12(a) which calls for payment of application fees with the application, and states that no application will be processed without payment. In the case of Amendment 72, processing has not been held up due to non-payment, but it is an established working rule in NRC that, to comply with the regulation, no license or amendment will be issued until fees are paid. We understand that the amendment is an issue before the Hearing Panel. If at some future date it is determined that the amendment is not necessary, then any amendment fees paid for the application will be refunded. In the meantime, amendment fees totaling \$12,700 should be promptly forwarded to this office. Our legal counsel concurs in this letter.

Sincerely,

Original Signed by
 Wm. O. Miller

William O. Miller, Chief
 License Fee Management Branch
 Office of Administration

DISTRIBUTION:

Docket File ✓ R. Lazo, ASLBP
 PDR/LPDR A. Rosenthal, #SLAP
 LFMB Reactor File C. J. Holloway, LFMB
 D. Hood, LB #3
 J. Lee, LB #3
 R. Diggs, LFMB
 LFMB R/F (2) R. Fenner, ELD

D. Donahue / P. Norr
WOM

OFFICE	LFMB, WOM	LFMB, WOM	DELO, R		
SURNAME	CJHolloway:ba	WOMiller	RFenner	8010220	008
DATE	9/2/80	9/30/80	9/1/80		

A