U.S. GOVERNMENT PRINTING OFFICE: 1964 — 725

FROM: Northern States Power Co.
Minneapolis, Minn. 55401
(Gerald B. Nelson)

TO: Dr. Morris

CLASSIF.: U

POST OFFICE

REG. NO.

DESCRIPTION: (Must Be Unclassified)
Ltr. ref. their appl. for CP & Operating license and hereby req. our opinion w/respect to their proposal to perform certain work at the Monticello site prior to issuance of CP.....and trans:

(2 reproduced cys. each rec'd)

Exhibits "A" thru "C" - Dwgs. of reactor and turbine bldgs., segment of concrete installation, etc.....

ENCLOSURES:

REMARKS: Distribution: 1-suppl. file
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ACTION NECESSARY ☐ CONCURRENCE ☐ DATE ANSWERED:
NO ACTION NECESSARY ☐ COMMENT ☐ BY:

FILE CODE: DOCKET: 50-263 Regmp. Side / Appl. file

REFERRED TO	DATE	RECEIVED BY	DATE
Boyd:	2-1		
w/all extras — FOR ACTION			
Info Copies to:			
Dr. Morris			
H. Price & Staff			
Page			

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U. S. ATOMIC ENERGY COMMISSION **MAIL CONTROL FORM** FORM AEC-326S (8-60)

NSP

NORTHERN STATES POWER COMPANY
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RECEIVED FEB 1 1967 U.S. ATOMIC ENERGY COMMISSION Regulatory Mail Section

January 27, 1967

Dr. Peter A. Morris, Director
Division of Reactor Licensing
United States Atomic Energy Commission
Washington, D. C. 20545

SUBJECT: Northern States Power Company
Docket No. 50-263
File Copy (Suppl.)

Exemption from 50.10

Dear Dr. Morris:

Northern States Power Company has submitted an application to the Division of Reactor Licensing for a construction permit and an operating license for a boiling water reactor power plant which is to be constructed at Monticello, Minnesota. Due to our urgent need to have available on schedule the power which the Monticello Plant will produce, we propose to undertake certain work at the site in advance of the issuance of the AEC construction permit. For the most part, the work which we propose to perform is clearly permissible under the applicable Commission regulations. The propriety of our carrying out certain other items of work prior to the issuance of the construction permit depends upon interpretation of the regulations. For that reason, pursuant to Sections 50.3 and 50.4, we are hereby requesting the opinion of the General Counsel with respect to those items of work.

The principal items of work which we propose to undertake are the excavation for the reactor and turbine buildings and commencement of construction of the latter. These activities are expressly authorized by Subsections (b)(1) and (b)(3), respectively, of Section 50.10. As you can see on the attached drawing marked Exhibit A, the two buildings will be situated

ACKNOWLEDGED

adjacent to each other; the right-hand wall of the reactor building and the left-hand wall of the turbine building are separated by only a few inches. Following the excavation for the two buildings and start of erection of the turbine building, it is apparent that the earth underlying the left-hand wall of the turbine building will subside into the reactor-building excavation. As a result, the turbine-building wall will be inadequately supported unless special measures are taken to hold the earth under the turbine building in place during construction. The obvious solution lies in the installation, prior to pouring the concrete for the turbine-building floor, of a segment of concrete adjacent to the earth bank as shown in blue on the attached drawing labeled Exhibit B. Although the purpose of installing this segment of concrete is to give support to the earth underlying the turbine building and to the turbine-building floor, it would ultimately be incorporated in the right-hand wall and the floor of the reactor building and, strictly speaking, in the language of Section 50.10(b) would be a "portion of the permanent facility on the site". It is that fact which has caused us to solicit the General Counsel's opinion concerning the propriety of installing this segment of concrete prior to the issuance of the construction permit. There is an alternate approach which is clearly within subsection (b)(3) of Section 50.10, namely, the installation of a concrete segment under the left-hand wall of the turbine building as shown in blue on the attached drawing marked Exhibit C. Such a segment of concrete would provide the necessary support for the erection of the turbine building, but it would serve no useful purpose following the erection of the reactor building inasmuch as the adjacent reactor-building wall would provide all the support necessary for the earth underlying the turbine building. The cost of the concrete segment would be the same, approximately $30,000.00, whether it is installed as shown in Exhibit B or as shown in Exhibit C.

We recognize that a literal reading of Section 50.10(b) suggests that the preferred approach, as shown in Exhibit B, may not be permissible, but we do not believe that such a strict interpretation of the regulation which would result in substantial economic waste is either necessary or appropriate.

We propose, of course, to install the smallest segment of concrete, as shown in Exhibit B, that will provide the support required for the turbine building during construction. We fully appreciate that by installing it prior to the issuance of the construction permit we risk the economic loss which would result should we be denied a construction permit; that possible loss is obviously preferable to the assured loss associated with installation of the concrete segment under the turbine-building wall. We believe the preferred approach to be consistent with the law and the regulations.

In addition to the work described above, we propose to place in the reactor-building excavation the wooden forms for the reactor-building floor and walls, a thin (approximately 4"-6") concrete mud slab and the reinforcing steel for the reactor-building floor. Placing the wooden forms seems clearly within subparagraph (b)(1) of Section 50.10, which provides for preparation of the site for construction of the facility; the mud slab, the purpose of which is to provide a level, mud-free surface on which the workmen may work, is likewise within the preparation-of-the-site-for-construction category of subparagraph (b)(1). We believe that placing the reinforcing steel in the excavation also comes under this category but, since it will ultimately become a portion of the permanent facility, it is possible to construe Section 50.10 in such a way that this activity would be considered improper prior to issuance of the construction permit. We do not propose to install the steel in a permanent way but only to bend it as necessary and place it in its proper position in the excavation, securing it only by tying it to other pieces of the reinforcing steel and not attaching it to the walls or floor of the excavation in any way. Although the steel will become a part of the permanent facility when concrete is poured around it, it will not be permanently installed prior to the issuance of the construction permit--it is the permanent installation that we believe the regulations proscribe--and would be readily removable in the event that a construction permit were denied us.

We propose to commence work at the Monticello site at the earliest time that weather will permit and are hopeful that this will be on or about March 1. Accordingly, we would appreciate very much an early response with respect to the matters discussed above.

Very truly yours,

Donald E. Nelson

DONALD E. NELSON
Vice President and
General Counsel

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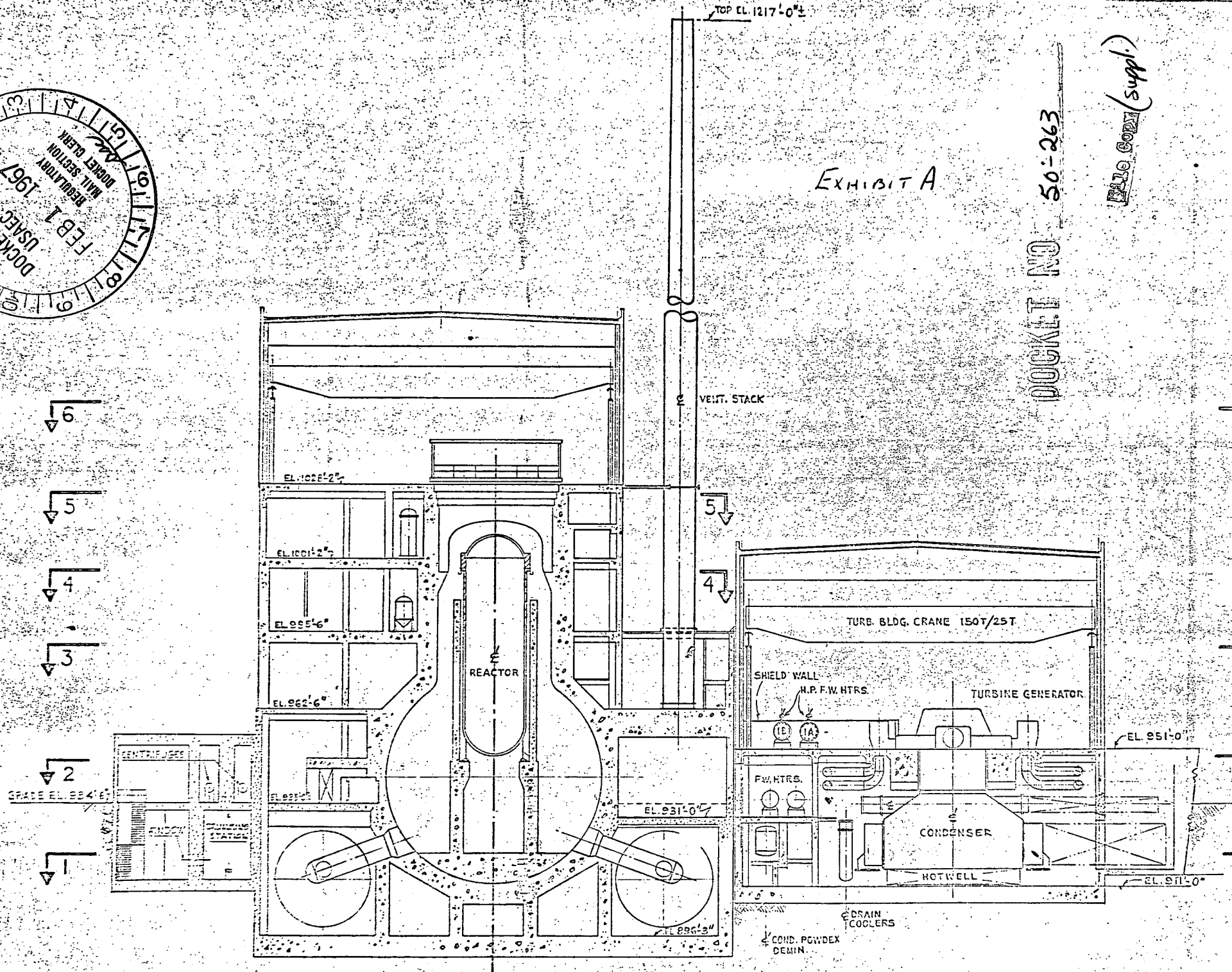
EXHIBIT A

DOCKET NO 50-263

File Copy (suppl.)



SECTION A-A

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EXHIBIT B

DOCKET NO 50-263
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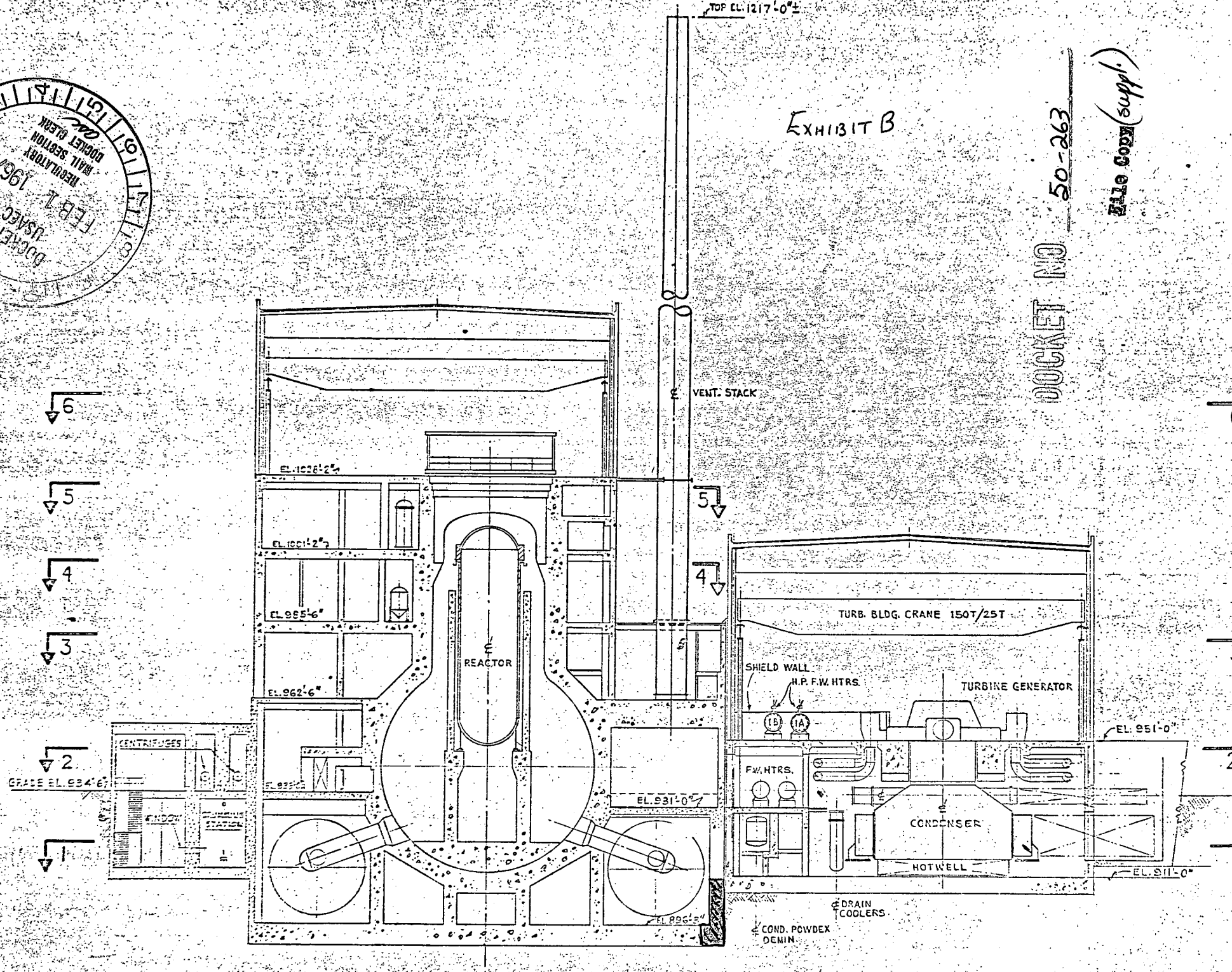

SECTION A-A

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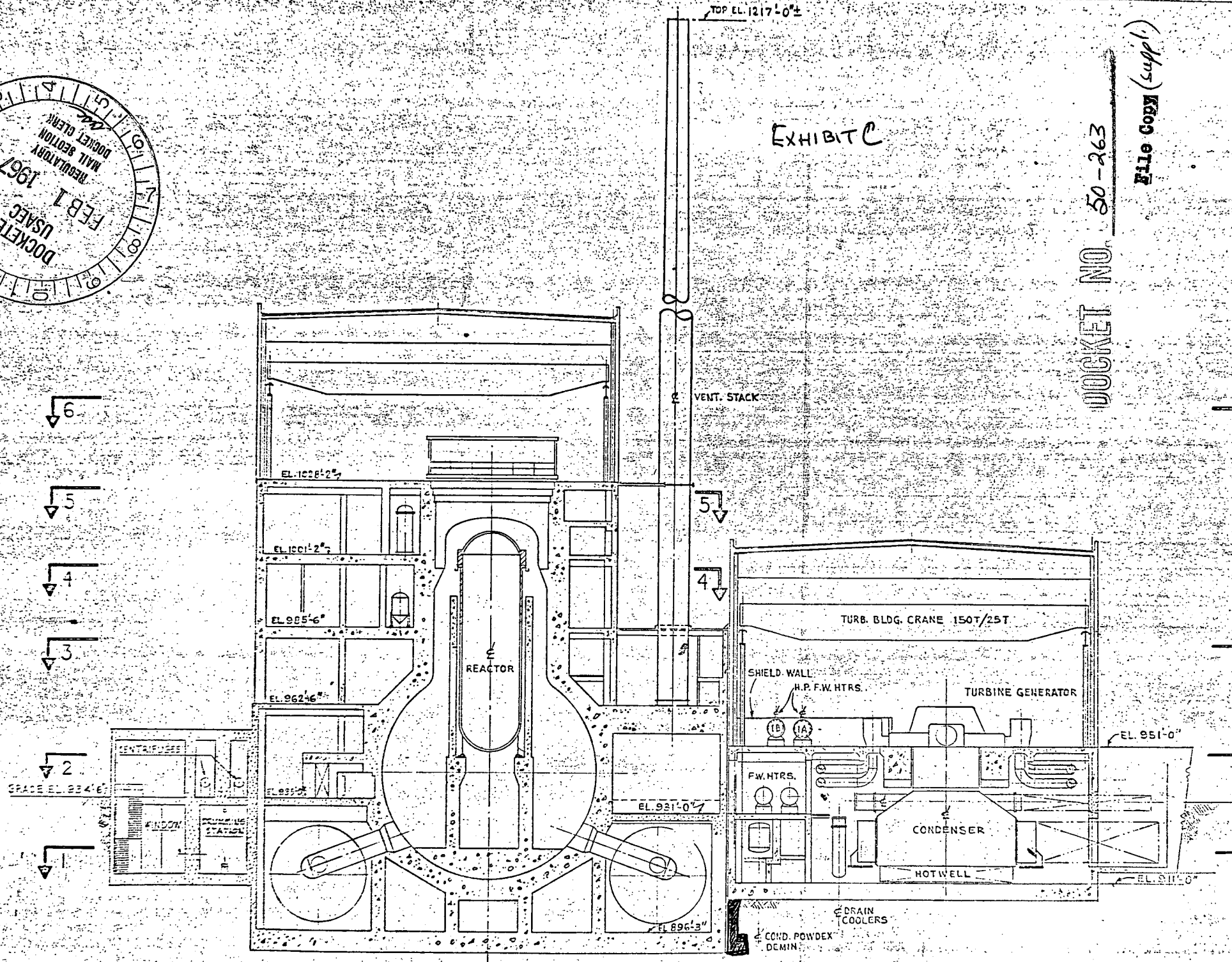
EXHIBIT C

DOCKET NO. 50-263

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