

Docket No. 50-346

MAR 10 1971

POOR ORIGINAL

Honorable John D. Dingell  
House of Representatives

Dear Mr. Dingell:

Thank you for your letter dated January 25, 1971, and the telegram from intervenor, "Living in a Finer Environment," (LIFE) regarding the Davis-Besse Nuclear Power Station. The public hearing on the application of The Toledo Edison Company and The Cleveland Electric Illuminating Company for a construction permit for the Davis-Besse Nuclear Power Station commenced on December 8, 1970, at Fort Clinton, Ohio, and was in process during the periods of December 8-10, 1970, January 5-7, 1971, and January 25-29, 1971. The hearing was resumed on February 8, 1971, and was concluded on February 12, 1971.

In a letter dated January 7, 1971, the applicants for the construction permit requested the Commission, pursuant to 10 CFR 50.12 of the Commission's regulations, for an exemption from the licensing requirements of 10 CFR 50.16 to allow additional below grade construction work on the Davis-Besse Station. On January 25, 1971, the Commission deferred further action with respect to the request.

Your letter and the LIFE telegram have been placed in the Public Document Room under Docket No. 70-346 and were placed in the transcript of the hearing on pages 1605-1606 on February 8, 1971.

Cordially,

Signed  
William A. Seaborg

Chairman

Retyped in OGC 3/8/71 - See previous yellow for concurrences

OFFICE ▶	OGC <i>[Signature]</i>	OGC <i>[Signature]</i>	ER <i>[Signature]</i>	SCR <i>[Signature]</i>		
SURNAME ▶	TFEngelhardt	BHSchur	HLPrice	<i>[Signature]</i>		
DATE ▶	3-8-71	3-8-71	3-8-71	3/9/71		

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REPORT BY THE DIVISION OF REACTOR LICENSING  
ON THE INQUIRY FROM REPRESENTATIVE DINGELL

This is in regard to the letter from Representative John D. Dingell, dated January 25, 1971, which enclosed a copy of the LIFE telegram concerning construction activities at the Davis-Besse site. Pursuant to 10 CFR 50.12 of the Atomic Energy Commission's regulations an exemption from the requirements of 10 CFR 50.10 was granted by the Commission on September 10, 1970 to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the applicants) to permit certain below grade reinforcing steel placement and concrete foundations constructions to be performed prior to the issuance of a construction permit for the Davis-Besse Nuclear Power Plant. On January 7, 1971, while the public hearing on the application for a construction permit was in progress, the applicants requested a further exemption to permit additional below grade construction work on the Davis-Besse Nuclear Power Station.

On January 25 and 26, 1971, LIFE, an intervenor in this proceeding, requested that either the presiding Atomic Safety and Licensing Board (ASLB) issue an order denying the exemption request or that the proceeding be adjourned pending disposition of the request. On January 27, 1971, the ASLB issued an order that the Director of Regulation not issue an extension of the exemption sought by the applicants until after the filing of the Board's initial decision in this matter. The ASLB has referred this ruling to the Atomic Safety and Licensing Appeal Board for review.

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REPORT BY THE DIVISION OF REACTOR LICENSING

ON THE INQUIRY FROM REPRESENTATIVE DINGELL

*asked the public hearing in July, apparently for a construction permit*

*This is in*

*reporting which enclosed a copy of*

*See yellow*

With regard to the letter from Representative John D. Dingell, dated January 25, 1971, and the LIFE telegram concerning construction activities at the Davis-Besse site, ~~an exemption was granted by the Commission on September 10, 1970, to permit certain below grade reinforcing steel placement and concrete foundations construction to be performed prior to the issuance of a construction permit to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the applicants) for the Davis-Besse Nuclear Power Plant. On January 7, 1971, the applicants requested an amendment to the exemption to permit additional below grade construction work on the Davis-Besse Nuclear Power Station.~~

*2-26 LIFE, an in a further exemption requested*

On January 25, 1971, the intervenor, LIFE, made a motion that the Atomic Safety and Licensing Board (ASLB) issue an order denying the extension of exemption construction. The intervenor, LIFE, on January 26, 1971, submitted a written motion to the Board for an order denying the applicants an exemption from operation of statutes and regulations pertaining to construction of nuclear power plants or in the alternative for an adjournment of the proceedings until the granting or denial of the exemption amendment. On January 27, 1971, the ASLB indicated it would issue a written order that the Director of Regulation not authorize the exemption amendment requested by the applicants until after the filing of the Board's initial decision in this matter. The matter is currently under review by the Commission. The ASLB has referred <sup>to this</sup> ~~to~~ *proceeding* to the Atomic Safety and Licensing appeal board for review.

*court*

*pending the request an extension of the exemption sought*

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