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FEB 17 1971

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John Harrow Leonard, Esquire
601 Rockwell Avenue
Cleveland, Ohio 44114

Dear Mr. Leonard:

I am pleased to reply to your letter of January 19, 1971, which was addressed to the Atomic Energy Commission.

On August 1, 1969, the Toledo Edison Company and The Cleveland Electric Illuminating Company filed an application with the Atomic Energy Commission for a construction permit for the Davis-Besse Nuclear Power Station. This application was reviewed by the regulatory staff of the Commission and by the Advisory Committee on Reactor Safeguards (ACRS). By letter of August 20, 1970, the ACRS reported to Chairman Seaborg that it believed the facility could be constructed and operated without undue risk to the public health and safety. The regulatory staff's safety evaluation of the application also stated that the facility could be constructed and operated without undue risk to the health and safety of the public.

By letters dated June 4, July 24 and August 12, 1970, the applicants requested from the Commission an exemption pursuant to 10 CFR 50.12 of the Commission's "Rules of Practice" from the provisions of 10 CFR 50.10(b) to perform certain work prior to the issuance of a construction permit. On September 10, 1970, the requested exemption was granted. (copy enclosed)

The September 10, 1970 letter specified the work that could be performed under the exemption and closed with the following paragraph:

"I wish to emphasize that the granting of this exemption shall have no bearing upon the subsequent granting or denial of a construction permit for the proposed Davis-Besse Nuclear Power Station, any work performed pursuant to this exemption shall be performed entirely at the risk of the Toledo Edison

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Company, et al. Furthermore, the granting of this exemption does not constitute an approval of the type or adequacy of the method of its installation."

Sincerely,

TS

Thomas F. Engelhardt
Trial Counsel

Enclosure:
Ltr dtd 9/10/70

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Originator: OGC
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