

Toledo Edison Company
 Toledo, Ohio 43601
 Glenn J. Sampson

DATE SUBMITTED: 1-7-71
 DATE RECEIVED: 1-8-71
 LTR: MEMO: OTHER: 70

TO: Harold L. Price

ORIG.: 1 CC: 18 OTHER:
 ACTION NECESSARY CONCURRENCE DATE ANSWERED:
 NO ACTION NECESSARY COMMENT BY:

CLASSIF: U POST OFFICE REG. NO:

FILE CODE: 50-346 (INPUT)

DESCRIPTION: (Must Be Unclassified)
 Ltr req addl exemption re our 9-10-70
 ltr to auth certain work prior to
 issuance of const permit below elev.
 583' 6" re installation of containment

REFERRED TO	DATE	RECEIVED BY	DATE
Tedesco W/8 cys for ACTION	1-11-71		

ENCLOSURES: Vessel.....

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AEC FOR			
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REMARKS:

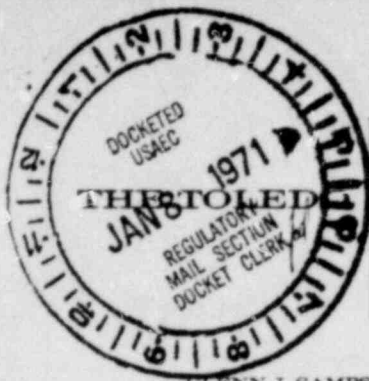
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U.S. ATOMIC ENERGY COMMISSION

MAIL CONTROL FORM FORM AEC-3265 (8-60)

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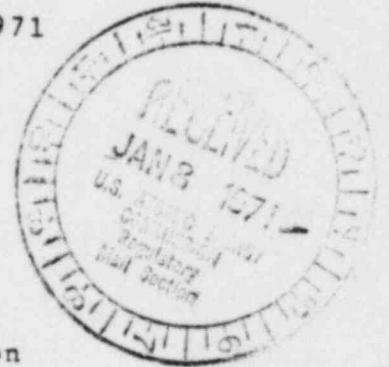
DISON COMPANY

420 MADISON AVENUE · TOLEDO, OHIO 43601 · (419) 242-5731

GLENN J. SAMPSON
VICE PRESIDENT - POWER

Regulatory File Cy.

January 7, 1971



Mr. Harold L. Price, Director
of Regulations
United States Atomic Energy Commission
Washington, D.C.

Ref: Davis-Besse Nuclear Power Station
Docket No. 50-346

Dear Mr. Price:

By letters dated June 4, July 24 and August 12, 1970, we requested an exemption, pursuant to 10 CFR §50.12, from the provisions of 10 CFR §50.10(b) to allow us to perform certain work prior to the issuance of a construction permit for the Davis-Besse Nuclear Power Station. The exemption was needed to meet the urgent public need for power generation, which requires that the station be available for commercial operation by December 1, 1974. Your letter of September 10, 1970, granted our exemption request to allow concrete and reinforcing steel placement for construction of the ring foundation and walls of the shield building up to grade level (elevation 583' 6"), concrete and reinforcing steel placement for construction of mats, walls, and floor slabs of the auxiliary building up to grade level, and installation of waterproof membranes, all embedded piping, grounding, conduits, floor drains and backfill up to grade level for the shield and auxiliary buildings construction.

The scope of below grade work requested in the above referenced June 4, July 24 and August 12, 1970 exemption request letters, and granted in your letter of September 10, 1970, was based upon the assumption, which at the time appeared to be realistic and conservative, that a construction permit would be forthcoming by December 31, 1970, or January 31, 1971, i.e., seventeen or eighteen months, respectively, after the initial filing of the application for the construction permit. This once realistic assumption has been undermined by a number of unusual circumstances

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which have prevented the public hearing, which began on December 8, 1970, from proceeding to a prompt and orderly conclusion. These circumstances include:

- (a) a last minute change of counsel by a citizens' group petitioning for leave to intervene, which prompted the licensing board to grant the petitioners until the first day of the hearing to perfect their petition, which was then granted on December 9, 1970;
- (b) granting by the licensing board on December 10, 1970 of a late petition for leave to intervene by a citizen living near the plant site;
- (c) adjournment of the hearing to January 5, 1971, to allow the intervenors in (a) and (b) to prepare their cases in accordance with commitments by counsel for such intervenors to be ready to proceed on January 5, 1971;
- (d) a change of counsel by the intervenor in (b) on December 29, 1970 and the grant to such new counsel of three additional weeks (to January 25) to prepare his case; and
- (e) reconsideration and granting on January 5, 1971 of a previously denied petition to leave to intervene by a petitioner who asserted that the grant of its petition "will cause neither inconvenience to the parties nor delay in the proceedings" and the grant to such intervenor of three additional weeks (to January 25) to prepare its case.

As a result of the foregoing pattern of events we can now only speculate on a possible schedule of probable issuance of a construction permit, but such a permit, if it is authorized by the licensing board, is not likely to be issued before the first of April, 1971.

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Our letter of August 12, 1970, set forth in detail the public need for the energy to be produced by the proposed Davis-Besse facility on a timely basis as of December 1, 1974. Your letter of September 10, 1970, concluded that the grant of the exemption then requested was in the public interest. The delay in the issuance of a construction permit to sometime after April 1, 1971, virtually precludes the availability of commercial production of power from the Davis-Besse facility by December 1, 1974. The initiation in early February 1971 of further below finished grade level work as described below would materially assist in preventing the delay beyond December 1, 1974, from being significantly detrimental to the public interest. Accordingly, pursuant to the provisions of Section 50.12 of 10 CFR Part 50, we request an amendment of the exemption granted in your letter of September 10, 1970, to perform the following work below finished grade level, i.e., below elevation 583' 6":

- 1) Installation of the containment vessel inside the walls of the shield building up to grade level (elevation 583' 6");
- 2) Placement of the concrete fill inside and outside the containment vessel bottom head and installation of embedments within the inside fill concrete.
- 3) Placement of all concrete structures within the containment vessel up to grade level (elevation 583' 6').

The additional work which we are herein requesting to be included in the exemption would allow us to perform all of the necessary construction work below grade level in preparation for the above grade level work which would be performed under a construction permit. The additional requested work is totally within the physical confines of the work now authorized. The additional work involves no unresolved safety questions and will produce no added effect on the environment. Such work is within the work reviewed by the Advisory Committee on Reactor Safeguards, which

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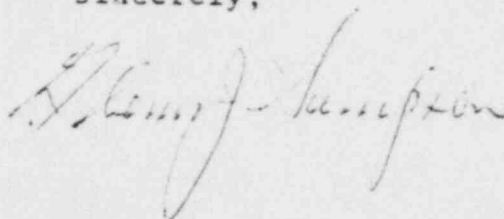
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reported favorably on the proposed project in its report dated August 20, 1970, and the work reviewed and approved by the regulatory staff.

In regard to item 1) above, bottom head plates and cylindrical shell plates will be placed and welded to form the lower portion of the containment vessel which will be supported on temporary erection columns of steel pipe resting on the shield building foundation. Under item 2) above, the lower portion of the containment vessel will be anchored in exterior and interior fill concrete, and the temporary erection columns will be severed. In accordance with the opinion of the AEC General Counsel relating to the Northern States Power Company's application for an exemption for the Monticello facility, we feel that the work described in item 1) does not require an exemption from the provisions of section 50.10(b) because the steel shell of the containment vessel bottom head will merely be resting on the temporary columns and is therefore removable until the work in item 2) is initiated.

We look forward to prompt and favorable consideration of this request for amendment to the exemption previously granted to us.

Sincerely,



GJS/ew