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JAN 25 1971

Chairman Seaborg
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REQUEST FOR AN ADDITIONAL EXEMPTION BY THE TOLEDO EDISON COMPANY AND THE CLEVELAND ELECTRIC ILLUMINATING COMPANY DAVIS-BESSE NUCLEAR POWER STATION, DOCKET NO. 59-346

By letter dated January 7, 1971, The Toledo Edison Company (TECo) and The Cleveland Electric Illuminating Company (CEICo), requested an additional exemption, pursuant to 10 CFR 50.12 from the provisions of 10 CFR 50.10(b) to permit additional construction work on the Davis-Besse Nuclear Power Station.

An exemption was granted to the applicants on September 10, 1970, to permit the following construction to be accomplished prior to issuance of a construction permit:

1. Concrete and reinforcing steel placement for construction of the ring foundation and walls of the shield building up to grade level (583 feet 6 inches elevation),
2. Concrete and reinforcing steel placement for construction of mats, walls, and floor slabs of the auxiliary building up to grade level (583 feet 6 inches elevation),
3. Installation of waterproof membranes, all embedded piping, grounding conduits, floor drains, and backfill up to grade level (583 feet 6 inches elevation) for the shield and auxiliary building construction described in (1) and (2) above.

The application for the construction permit is presently the subject of a contested hearing. Two groups and one individual have been admitted as intervenors in this proceeding opposed to the issuance of the construction permit. These are: a) Coalition for Safe Nuclear Power b) Living in a Finer Environment and c) Mr. Glenn L. Lau. During the first session of the public hearing, December 8 to 10, 1970, the board granted the intervenors until January 5, 1971, to complete the preparation of their cases. During the second session of the hearing, January 5 to 7, 1971, the board granted intervenors until January 25, 1971, to complete preparation of their cases.

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Because of the uncertainty as to when a construction permit will be issued for the Davis-Besse Nuclear Power Station, on January 7, 1971, The Toledo Edison Company requested an additional exemption to include the following additional construction below finished grade level (i.e., below elevation 583 feet 6 inches):

1. Installation of the containment vessel inside the walls of the shield building up to grade level,
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.

On January 15, 1971, we received telegrams from the intervenor, Living In A Finer Environment (L.I.F.E.), and the Coalition for Safe Nuclear Power protesting the additional exemption. In a letter dated January 18, 1971, counsel for intervenor L.I.F.E. also objected to the granting of the requested exemption.

The authorization requested would involve below grade construction activities similar to previously granted exemptions, e.g. Millstone 2.

I would like to discuss this request for exemption at an early Information Meeting.

Signature

Harold L. Price
Director of Regulation

Enclosures:

1. Ltr. to Toledo Edison granting Exemption dtd. 9/10/70
2. Toledo Edison ltr. dtd. 1/7/71

bcc w/encls: A. A. Wells, ASLBP (2)

cc w/encls: General Manager (2)
General Counsel
Secretary (2)

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