



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Docket No.: 50-440

JUL 15 1985

NOTE TO: Colleen Woodhead, OELD
FROM: John J. Stefano, Project Manager
Licensing Branch No. 1
Division of Licensing
SUBJECT: PLANNED MERGER OF CEI/TOLEDO EDISON

This is to acknowledge receipt of a copy of S. Hiatt's letter to the Perry Licensing Board Chairman dated July 10, 1985, relative to the announced Cleveland Electric Illuminating (CEI)/Toledo Edison holding company formation, and my views on Ms. Hiatt's letter.

I believe that Ms. Hiatt's statement that the merger renders Sections 13 (Conduct of Operations) and 17 (Quality Assurance) of the Perry Safety Evaluation Report (NUREG-0887) invalid is somewhat premature and absent of any factual basis. While it is conceded that some change may be required in the Perry FSAR as a result of such a merger, which would necessitate NRC staff review and subsequent update of these SER sections, CEI has advised me that finalization of such a merger is only in the initial planning stages, and that we should not expect to see any appreciable changes in the current CEI organization responsible for the construction and operation of the Perry Nuclear Power Plant. Furthermore, I do not believe that this merger would be an impediment to the Perry project even though finalization of the merger could occur well after Perry Unit 1 is licensed in September 1985.

A handwritten signature in cursive script, appearing to read "John J. Stefano".

John J. Stefano, Project Manager
Licensing Branch No. 1
Division of Licensing

B603040185 B60114
PDR FOIA
SCHLEMM85-642 PDR

GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

(202) 232-8550

resubmittal

FOIA Request

September 19, 1985

Nuclear Regulatory Commission
Director
Division of Rules and Records
Office of Administration
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-85-642
Rec'd 9-23-85

FREEDOM OF INFORMATION REQUEST

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. section 552, the Government Accountability Project (GAP) requests copies of any and all agency records as defined in 10 C.F.R. section 9.3a(b) and the NRC Manual Appendix 1211 parts 1.A.2 and A.3 (approved October 8, 1980) and information including but not limited to notes, letters, files, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, graphs, charts, maps, photographs, books, telephone messages, computations, voice recordings, any other data compilations, interim, status and/or final reports related to and/or generated in connection with:

(a) any agreements oral or written between Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company, and West Merger Company;

(b) any minutes of meeting between Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company records given from Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company regarding the Doris Besse Plant, Perry Plant, Beaver Valley, and other nuclear plants;

(c) any joint agreement between Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company;

(d) any conversation or other communication between any member of SEC and Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company;

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(e) any conversation or other communication between Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company and any Capco company and anyone at PUCO.

(f) any conversation or other communication, representation, commentaries, etc. made to any stock brokers, financial adjusters, financial institution, Wall Street by Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company; and

(g) any conversation or other communication between Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company regarding organized crime activity and/or union corrupters at nuclear plant sites.

If any records as defined in 10 C.F.R. section 9.3a(a) and covered by this request have been destroyed and/or removed, and/or destroyed and removed after receipt of this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justification(s) or the action(s), identification of all personnel involved with the action(s), and any and all records relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefiting the general public", 5 U.S.C. section 552(a)(4)(A). The Government Accountability Project is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability. GAP requests the above information as part of an ongoing monitoring project on the adequacy of the government's efforts to protect the public safety and health at nuclear power plants.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. A. Rosen (1), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Sincerely,

Don L. Schlemmer

Don L. Schlemmer

September 18, 1985

Nuclear Regulatory Commission
Director
Division of Rules and Records
Office of Administration
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

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(e) any conversation or other communication between Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company and Cqpc company and anyone at PUCO.

(f) any conversation or other communication, representation, commentaries, etc. made to any stock brokers, financial adjusters, financial institution, Wall Street by Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company; and

(g) any conversation or other communication between Cleveland Electric Illuminating Company, Toledo Edison, North Holding Company, East Merger Company and West Merger Company regarding organized crime activity and/or union corrupt at nuclear plant sites.

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