

DEC 26 1985

Mr. James T. Lawless, IV  
Reporter  
The Plain Dealer  
1801 Superior Avenue  
Cleveland, OH 44114

016  
IN RESPONSE REFER  
TO FOIA-85-775

Dear Mr. Lawless:

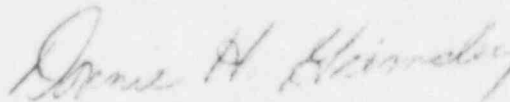
This is in response to your letter dated November 18, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), access to Enclosure 1 of the November 4, 1985, letter from Charles E. Nurelius, NRC, to Murray P. Edelman, The Cleveland Electric Illuminating Company, concerning allegations about improper work done by Metalweld Inc., at the Perry nuclear power plant.

The requested enclosure is an investigatory record compiled for law enforcement purposes and is being withheld from public disclosure pursuant to Exemption 7(A) of the FOIA (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations because disclosure of the information would interfere with an ongoing investigation.

Pursuant to 10 CFR 9.0 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. James G. Keppler, Regional Administrator, Region III.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Sincerely,



Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

B603040307 851226  
PDR FOIA  
LAWLESS85-775 PDR



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

NOV 4 1985

Docket No. 50-440  
Docket No. 50-441

The Cleveland Electric Illuminating  
Company

ATTN: Mr. Murray R. Edelman  
Vice President  
Nuclear Group  
Post Office Box 5000  
Cleveland, OH 44101

Gentlemen:

Region III has recently received anonymous allegations concerning activities associated with Metalweld Inc., a safety related coating contractor at the Perry Nuclear Power plant. These allegations were previously discussed with you during an October 25, 1985, telephone call between you and Messrs. R. C. Knop and C. H. Weil of our staff. Enclosure 1 is a description of the allegations received.

Due to the question of coating adequacy raised by the allegations provided in enclosure 1, Region III expects that Cleveland Electric Illuminating Company (CEI) will analyze the concerns; perform necessary audits, surveillances, or appropriate investigations in order to determine the validity and significance of the alleged conditions; and take appropriate actions as necessary in order to address both the specific concerns and root causes, if applicable.

We further request that the results of your review and disposition of these matters be submitted to Region III after completion. Documentation supporting your results should be maintained onsite for any further inspections by Region III. You should also be aware that the technical aspects of these allegations must be adequately resolved prior to fuel load.

The enclosures to this letter are being withheld from public disclosure in accordance with Title 10, Code of Federal Regulations, Part 2.790(a)(b) and (7).

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2 pp.

The Cleveland Electric Illuminating -2-  
Company

NOV 4 1985

Your cooperation with us is appreciated. Should you have any questions with regard to this matter, please do not hesitate to call me or Mr. R. C. Knop (312-790-5547).

Sincerely,

*Charles E. Norelius*

Charles E. Norelius, Director  
Division of Reactor Projects

Enclosures:

1. Description of Allegations
2. List of Individuals

cc w/o Enclosures:

J. J. Waldron, Manager, Perry  
Plant Technical Department  
M. D. Lyster, Manager, Perry Plant  
Operations Department  
L. O. Beck, General Supervising  
Engineer, Nuclear Licensing and  
Fuel Management Section  
DCS/RSB (RIDS)  
Licensing Fee Management Branch  
Resident Inspector, RIII  
Harold W. Kohn, Ohio EPA  
Terry J. Lodge, Esq.  
James W. Harris, State of Ohio  
Robert H. Quillin, Ohio  
Department of Health

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Nov. 18, 1985

Mr. J.M. Felton  
Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

*FOIA-85-775  
Rec'd 11-26-85*

Dear Mr. Felton:

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, I am requesting access to the Enclosure 1, part of a letter from Charles E. Norelius, Director of the Division of Reactor Projects, to Murray R. Edelman, Cleveland Electric Illuminating Co., concerning allegations about improper work done by Metalweld Inc. The letter is dated Nov. 4, 1985 and excludes the enclosure based on Title 10, Code of Federal Regulations, Part 2.790 (a)(B) and (7).

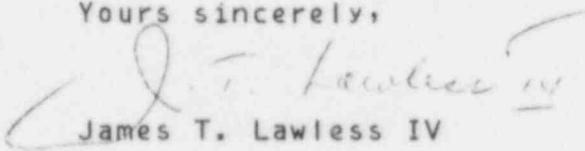
If there are any fees for searching for, or copying the records I have requested, please inform me before you fill the request.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefitting the public." I believe that this request fits that category and I therefore ask that you waive any fees.

If all or any part of this request is denied, please cite the specific exemptions which you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you within 10 working days, as the law stipulates.

Yours sincerely,

  
James T. Lawless IV  
reporter

Copy of letter enclosed

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1 p.