



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

JUN 04 1985

Ms. Billie Pirner Garde
Government Accountability Project
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-351

Dear Ms. Garde:

This is a partial response to your Freedom of Information Act request of May 13, 1985 which was received by my office on May 16, 1985. In that request you asked for any and all agency records "relevant to and/or generated in connection with all communications generated or received by Victor Stello regarding the Comanche Peak nuclear power plant, including internal correspondence."

We have personally met with Mr. Stello and have learned that with the possible exception of a telephone log and an appointment calendar--items which are now undergoing a review to determine if they are agency records--Mr. Stello has not previously maintained, and does not currently maintain, a Comanche Peak file. Mr. Stello explained that he is not directly in the decision-making chain of command for Comanche Peak and, therefore, as documents or memoranda come across his desk, he has noted the documents, perhaps discussed them with the NRC staff, and then discarded the documents. Accordingly, with the possible exception of the telephone log and appointment calendar, Mr. Stello has no documents subject to your request. The NRC also believes that its requirements for maintaining decisional documents are being adequately followed by maintaining the record copy of documents in central files or in offices more directly involved with the licensing of Comanche Peak.

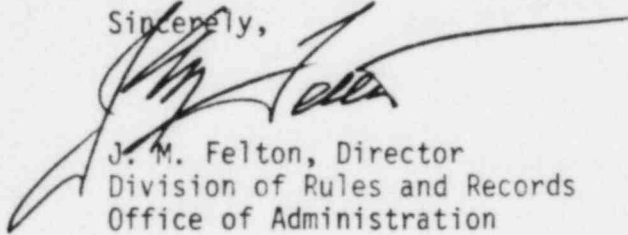
On another point, Mr. Stello was very concerned about the tone of the Motion to Preserve Documents recently filed in the Comanche Peak proceeding. He asked that this response particularly express that he has never destroyed any documents after receiving an FOIA request. Mr. Stello explained that hundreds of pages of documentation cross his desk each week and that he can only retain copies of documents about matters that he is either directly responsible for or working directly with at a given time. Accordingly, if a request does not arrive during that window of time when a document is on his desk awaiting review, then the document will be discarded and any subsequent FOIA request will result in a "no document" response.

Ms. Garde

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Lastly, Mr. Shomaker from the Office of the Executive Legal Director, met with Mr. Stello after our conference phone call on June 3, 1985, and asked Mr. Stello whether he had received Comanche Peak documents in the past which were addressed to Mr. Stello alone, or whether he was just one of several persons on distribution. Mr. Stello replied that he does not recall ever having received Comanche Peak documents addressed exclusively to him in his present position, nor does he recall ever having prepared such documents.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", with a long horizontal flourish extending to the right.

J. M. Felton, Director
Division of Rules and Records
Office of Administration