



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

JUN 10 1985

702-016

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

IN RESPONSE REFER
TO FOIA-85-351

Dear Ms. Garde:

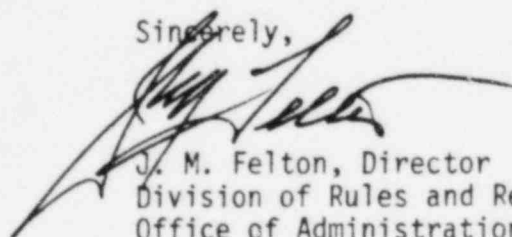
This is in further response to your Freedom of Information Act request of May 13, 1985. In that request you asked for any and all agency records "relevant to and/or generated in connection with all communications generated or received by Victor Stello regarding the Comanche Peak nuclear power plant,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

In my letter dated June 4, 1985 I indicated that Mr. Stello did not recall ever having received Comanche Peak documents addressed exclusively to him in his present position, nor did he recall ever having prepared such documents. In our telephone conversation last week, I also indicated that Mr. Stello's office was checking with members of the staff to see if they could recall sending documents directly to Mr. Stello. When that survey turned up negative, I signed and mailed the letter. Subsequently, one of the persons contacted remembered the proposed issuance of a subpoena to two individuals. Mr. Stello subpoena file was checked, and the enclosed documents referring to Comanche Peak, as listed in Appendix A, were found.

With respect to Mr. Stello's telephone logs and appointment calendars, I have personally reviewed these records for 1984 and 1985, and there is no substantive information pertaining to Comanche Peak in the records. The records, which are maintained by Mr. Stello's personal secretary, contain both business and personal information. The records are not circulated to any other member of the staff, are not required to be maintained by NRC policy or procedures, are prepared for Mr. Stello's personal convenience, and are retained or discarded at Mr. Stello's sole discretion. Hence, the records are the personal property of Mr. Stello and are not agency records subject to disclosure under the FOIA. (See Porter County Chapter Isaak Walton League v. AEC, 380 F. Supp 630 (1974) and The Bureau of National Affairs, Inc. v. U.S. Department of Justice and Environmental Defense Fund v. Office of Management and Budget, 742 F.2d 1484 (1984)). Further, the interrelationship of Mr. Stello and his confidential secretary does not waive the protection normally accorded this type of personal information.

This completes action on your request.

Sincerely,



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

Enclosures: As stated

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Appendix A

1. 07/27/82 Memo to Regional Administrators from W. Dircks re: Delegation of Subpoena Authority (1 page).
2. 12/08/83 Memo to V. Stello from J. Collins re: Recommended Issuance of Subpoena for Interview of Thomas Brandt (1 page).
3. 12/13/83 Memo to Chairman and Commissioners from W. Dircks re: Issuance of Subpoena in Aid of Comanche Peak Investigation (1 page).
4. 12/20/84 A Subpoena from the NRC to Thomas Brandt re: Texas Utilities Generating Company (1 page).
5. 12/20/83 Memo to multiple people from W. Brown re: Subpoena for Interview of Thomas Brandt (1 page).
6. 09/07/84 Memo to V. Stello from J. Collins re: Issuance of Subpoena for Testimony of an Allegor (Comanche Peak) (2 pages).
7. 09/13/84 Memo to V. Stello from T. Ippolito re: Subpoena for Mr. Charles Atchison (1 page).
8. 10/25/84 Note to T. Ippolito from V. Stello re: 10/25/85 conversation (1 page).
9. Undated Subpoena from the NRC to Charles Atchison re: Texas Utilities Generating Company (Comanche Peak Steam Electric Station, Units 1 and 2) (1 page) (Draft).
10. Undated Memo to Chairman and Commissioners from W. Dircks re: Issuance of Subpoena for Testimony of an Allegor (Comanche Peak) (2 pages) (Draft).

Suly

GOVERNMENT ACCOUNTABILITY PROJECT

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

(202) 232-8550

May 13, 1985

**FREEDOM OF INFORMATION
ACT REQUEST**

FREEDOM OF INFORMATION ACT REQUEST

FOIA-85-351

rec'd 5/16/85

Director
Office of Administration
Nuclear Regulatory Commission
Washington, D.C. 20555

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the Government Accountability Project ("GAP") requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, computer runoffs, any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with all communications generated or received by Victor Stillo regarding the Comanche Peak nuclear power plant, including internal correspondence.

This request includes all agency records as defined in 10 C.F.R. §9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official, "working", investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. §9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed after 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 to, generated in connection with, and/or issued in order to implement the action(s).

~~85-724447~~

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(a). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities. The Citizens Clinic is currently assisting several citizens groups, local governments and intervenors in the central Texas area concerning the construction of the Comanche Peak nuclear power plant.

We are requesting the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect 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. Rosen (I), 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,



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Director, Citizens Clinic


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