



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

JUN 14 1985

PDR-016

Mr. Steve Fagan
Assistant Managing Editor/News
Fort Worth Star-Telegram
400 West Seventh Street
Fort Worth, TX 76102

IN RESPONSE REFER
TO FOIA-85-396

Dear Mr. Fagan:

- This is in response to your letter of May 21, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of all communications between Victor Stello and Texas Utilities Generating Company officials for the time period covering January 1, 1984, until the present.

The NRC has no records subject to your request.

We have been informed that Mr. Stello has not previously maintained, and does not currently maintain, a file on either Texas Utilities or the Comanche Peak plant. Mr. Stello explained that he is not directly in the decision-making chain of command for Comanche Peak and, therefore, as documents or memoranda on Comanche Peak come across his desk, he has noted the documents, perhaps discussed them with the NRC staff, and then discarded the documents. Mr. Stello does maintain telephone logs and appointment calendars, but they do not contain any substantive information pertaining to Comanche Peak. These logs and calendars, which are maintained by Mr. Stello's personal secretary, contain both business and personal information. They 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, they 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.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Philip Felton".

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