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FOR IMMEDIATE RELEASE  
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NRC VACATES ATTORNEY EXCLUSION RULE,  
PROPOSES REPLACEMENT RULE

The Nuclear Regulatory Commission is vacating that portion of its regulations which permits the exclusion of a subpoenaed witness's attorney when the attorney represents multiple interests and there is a reasonable basis to believe that such representation would prejudice, impede, or impair the integrity of an NRC investigation or inspection.

This action is being taken in response to a 1991 decision of the U.S. Court of Appeals for the District of Columbia Circuit which vacated the portion of the NRC's regulations that permitted the exclusion.

At the same time, the Commission is proposing to amend its regulations to permit attorney exclusion when the agency investigator has concrete evidence that the investigation or inspection would be obstructed and impaired, directly or indirectly, by an attorney's representation of multiple interests such as another witness or an employing entity involved in an investigation or inspection.

As proposed, the amendments also would: (1) require the interviewing official to provide a written statement supporting the exclusion within five days of exercising that authority; (2) permit a witness, whose attorney is excluded, to proceed without an attorney or delay the interview for a reasonable period of time to permit retention of new counsel; and (3) permit the witness, within five days of the written notice, to appeal the exclusion by filing a motion to quash with the Commission.

The effective amendment to Part 19 of the Commission's regulations will become effective on January 20, 1992.

Written comments on the proposed amendments to Part 19 should be received by February 18, 1992. They should be addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555; Attention: Docketing and Service Branch.