



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

Ex Parte /

entire doc't

September 20, 1982

MEMORANDUM FOR: Jack W. Roe, Deputy Executive Director
for Operations
FROM: *Trip* Trip Rothschild
Acting Assistant General Counsel
SUBJECT: EX PARTE RESTRICTIONS

You have requested from this office an opinion on whether any ex parte or separation of functions prohibitions would be applicable to you in your new position as a result of your previous service as Chairman Palladino's technical assistant. The Commission's ex parte and separation of functions rules, which are designed to protect adjudicatory officials from off-the-record information, would not preclude you from now acting on adjudicatory matters that you worked on while a member of the Chairman's staff.

Considerations of fairness would, however, preclude you from revealing, or using as a basis for advice or recommendations, any information gained as a result of your access to confidential Commission or Commission-level office discussions, meetings, or memoranda concerning contested matters in adjudicatory proceedings. Of course, as a member of the NRC staff, all your contacts with the Commission, Commission-level offices, or other adjudicatory officials now are subject to the NRC's ex parte and separation of functions rules, 10 CFR §§ 2.719, 2.780.

We have discussed this matter with the Executive Legal Director, and he concurs in these views.

cc: Guy H. Cunningham III, ELD

CONTACT:
Paul Bollwerk, GC
X-43224

A/1