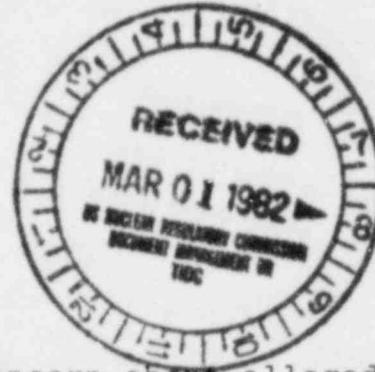




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

POK
50-142

February 25, 1982



Mr. William C. Voorlas
2110 Overland Avenue
Los Angeles, California 90025

Dear Mr. Voorlas:

This is in response to your expressed concern about alleged illegal ex parte communications between UCLA officials and NRC Commissioner Roberts during Commissioner Roberts' visit to the UCLA research reactor facility on January 26, 1982. I have reviewed the situation, based on the attached Memorandum to File prepared by Ms. Jessica Laverty, Commissioner Roberts' legal assistant, and conclude that the visit violated no restriction on ex parte communications.

The expressed concern, as I understand it, focuses on Commissioner Roberts' meeting with certain UCLA officials, including Dean O'Neill, prior to meeting with intervenor's representatives for the scheduled tour of the facility. There can be no violation of legal ex parte restraints unless some evidence, argument, or other information regarding a contested matter is transmitted off the record to an adjudicatory decisionmaker. 5 U.S.C. § 557(d); 10 CFR § 2.780. The meeting with Dean O'Neill and other UCLA officials was purely a courtesy call and there was no discussion of any contested issues. Accordingly, there can be no ex parte violation. For the same reason, there can be no denial of due process to intervenors.

I would note that intervenor was given advance notice of Commissioner Roberts' visit by the Commissioner's staff, and representatives of intervenor were invited to accompany him on the visit. This hardly bespeaks of an intention by the Commissioner to take any unfair advantage.

Sincerely,

Leonard Bickwit, Jr.
General Counsel

Attachment: Laverty memo