



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

March 18, 1981

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David

MEMORANDUM FOR: Chairman Hendrie
Commissioner Gilinsky
Commissioner Bradford
Commissioner Ahearne

FROM: James A. Fitzgerald *JAF*
Assistant General Counsel

SUBJECT: JURISDICTION OF MERIT SYSTEMS PROTECTION
BOARD OVER APPELATE ALLEGATIONS

With your authorization, this office on March 2, 1981 sent a letter to the Office of Legal Counsel, Department of Justice, requesting its opinion on a matter pertaining to the scope of the jurisdiction of the Office of Special Counsel, Merit Systems Protection Board. The question pertained to whether the Office of Special Counsel has jurisdiction to require the NRC to submit a report to it on allegations of government waste, raised by Thomas Applegate, an individual who is neither a federal employee nor an applicant for such employment.

The Acting Assistant Attorney General, Office of Legal Counsel, sent us the enclosed letter in which he concurred with the OGC position that the NRC is not required to furnish the Office of Special Counsel with a report on the Applegate allegations.

OGC has advised IE and OIA of the Justice Department conclusion. Those offices will continue to investigate the Applegate allegations and will submit reports to the Commission on the matter.

Enclosure:
Justice Department Opinion

cc: CIA
OPE
EDO
ELD
IE
SECY

CONTACT:
Trip Rothschild, OGC
4-1465

Notice of Disclosure Doc. # 7

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