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

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July 29, 1991

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MEMORANDUM FOR: Lawrence J. Chandler
Assistant General Counsel
Hearings and Enforcement

FROM: *Trip Rothschild*
Trip Rothschild
Deputy Ethics Counselor

SUBJECT: TESTIMONY IN THE MATTER OF ALABAMA
POWER COMPANY (JOSEPH M. FARLEY
NUCLEAR PLANT, UNITS 1 AND 2),
DOCKET NOS. 50-348/364-CivP

It is our understanding that the NRC staff wishes to depose Philip DiBenedetto, a former NRC employee. Mr. DiBenedetto was employed by the NRC from 1974 to 1981. He intends to testify for licensee Alabama Power Company in Docket Nos. 50-348/364-CivP. Mr. DiBenedetto requested our views on the applicability of the post-employment restrictions to his proposed testimony. After reviewing relevant federal conflict-of-interest laws, including 18 U.S.C. 207, I have concluded, based on the factual information that he provided, that there are no conflict-of-interest restrictions that would limit his testimony in the ongoing proceeding.

cc: Farley Service List

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

ALABAMA POWER COMPANY

(Joseph M. Farley Nuclear Plant,
Units 1 and 2)

Docket No.(s) 50-348/364-CIVP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMO ROTHSCHILD TO CHANDLER have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
John H. Frye, III, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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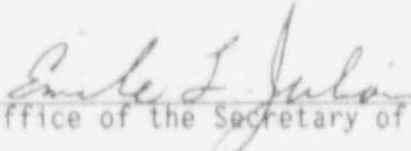
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Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, Suite 2900
Atlanta, GA 30323

Docket No.(s)50-348/364-CIVP
MEMO ROTHSCHILD TO CHANDLER

Dated at Rockville, Md. this
29 day of July 1991


Office of the Secretary of the Commission