



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

May 4, 1992

AE11-1

MEMORANDUM FOR: Darlene Huyer, Chief
NUDOC/IRM

FROM: Roger Davis
Attorney, OGC

SUBJECT: REGULATORY HISTORY DOCUMENTS FOR A PROPOSED
RULE ENTITLED "EXCLUSION OF ATTORNEYS FROM
INTERVIEWS UNDER SUBPOENA"

Enclosed is the index of documents for the final rule (10 C.F.R. Part 19) entitled "Exclusion of Attorneys from Interviews Under Subpoena," which was published December 19, 1991 (56 Fed. Reg. 65949-65951). Also enclosed are copies of the documents comprising the Regulatory History. As requested by Michael Lesar, "AE11-1" was placed in the upper right-hand corner of each document, "PDR" was marked on each document that can be made available to the public and "CF" was marked on each document that cannot be made available to the public.

Enclosures:

1. Index
2. Copies of Documents

REGULATORY HISTORY FOR PROPOSED RULE AMENDMENT
(10 CFR PART 19) (56 FR 65949) ENTITLED EXCLUSION OF
ATTORNEYS FROM INTERVIEWS UNDER SUBPOENA

INDEX

AE11-1

DOCUMENTS FOR PDR

- 9/13/83 Report of the Advisory Committee for Review of Investigatory Policy on Rights of Licensee Employees Under Investigation
- 6/7/89 Memorandum from Ben B. Hayes, Director, OI, to James L. Blaha, Assistant for Operations, re: Draft Final Rule on the Sequestration of Witnesses Interviewed Under Subpoena and the Exclusion of Attorneys (EDO Control Number 0004630)
- 7/23/91 Professional Reactor Operator Society v. United States Nuclear Regulatory Commission, 939 F.2d 1047 (D.C. Cir. 1991)
- 11/15/91 Rulemaking Issue (Affirmation) Memorandum, SECY 91-370, from William C. Parler, General Counsel to the Commissioners re: Promulgation of a Final Rule Revoking the Vacated Attorney Exclusion Rule for NRC Investigations and Inspections and Promulgation of a Proposed Rule Replacing the Vacated Provisions
- 12/4/91 Memorandum (M911126B) from Samuel J. Chilk, Secretary to William C. Parler, General Counsel re: Staff Requirements
- 12/13/91 Federal Register notice (published 12/19/91; 56 FR 65949-65951) signed by Samuel J. Chilk, Secretary, re: Proposed Rule entitled "Exclusion of Attorneys from Interviews under Subpoena)

DOCUMENTS FOR CENTRAL FILES

- 8/7/91 Memorandum from Ben B. Hayes, Director, OI, to William C. Parler, General Counsel, re: Recent Federal Appellate Court Decision on NRC's Witness Sequestration/Attorney Exclusion Rule
- 10/10/91 Memorandum from James A. Fitzgerald, Assistant General Counsel, to James M. Taylor, EDO, re: Proposed Rule on Exclusion of Counsel

Index
AE11-1

Documents for Central Files (Cont'd)

- 10/28/91 Memorandum from James M. Taylor, EDO, to James A. Fitzgerald, Assistant General Counsel re: Proposed Rule on Exclusion of Counsel
- 10/31/91 Memorandum from Roger K. Davis, Senior Attorney, OGC, to Michael T. Lesar, Chief, Rules Review Section, re: Draft Final Rule and Proposed Rule on Exclusion of Counsel
- 11/5/91 Memorandum from Brenda Jo Shelton, Chief, Information and Records Management Branch to Michael T. Lesar, Chief, Rules Review Section
- 11/12/91 Memorandum from Michael T. Lesar, Chief, Rules Review Section, to Roger K. Davis, Senior Attorney, OGC, re: Review of Draft Final Rule and Proposed Rule Entitled Exclusion of Attorneys from Interviews under Subpoena
- 11/22/91 Memorandum from Roger Davis, OGC, to Andy Bates, Office of the Secretary, re: Attorney Exclusion Rules
- 11/26/91 Memorandum from Samuel J. Chiik, Secretary to the Chairman and Commissioners re: Staff Requirements Memorandum
- 12/6/91 Memorandum from Roger K. Davis, Senior Attorney, OGC, to David L. Meyer, Chief, Regulatory Publications Branch, re: Final Rule and Proposed Rule on Exclusion of Counsel