

OGC S/F

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MEMORANDUM FOR: Sharon R. Connelly, Director
Office of Inspector and Auditor

G. Wayne Kerr, Director
Office of State Programs

FFOM: William J. Olmstead
Assistant General Counsel for
Rulemaking and Fuel Cycle
Office of the General Counsel

SUBJECT: RELATIONSHIP BETWEEN INVESTIGATIONS/
INSPECTIONS AND ADJUDICATIONS - FINAL
RULE ESTABLISHING PROCEDURES FOR
RESOLVING CONFLICTS CONCERNING THE
DISCLOSURE OR NONDISCLOSURE OF
INFORMATION

Attached for your review and comment is a draft Commission paper transmitting a draft final rule (Enclosure 1) establishing special procedures which NPC offices and staff may use to request that certain information be protected from disclosure in pending adjudicatory proceedings. The draft final rule implements certain provisions in the Commission's 1984 Statement of Policy on Investigations, Inspections and Adjudicatory Proceedings. Copies of the public comments (Enclosure 2) and a comparative text identifying the differences between the proposed and final rule (Enclosure 3) are also attached. Any questions or comments may be referred directly to Jane R. Mapes of my staff at 492-8695.

Please note that the text of § 2.781 used in the draft final rule and mentioned in the first full paragraph on page 3 of the draft Commission paper is the text used in the Commission's proposed rule to amend 10 CFR Parts 0 and 2 to revise the ex parte and separation of functions rules applicable to formal adjudicatory proceedings (51 FR 10393 at 10401, March 26, 1986.) It is our understanding that this text is likely to be retained in the final rule which is expected to be forwarded to the Commission for action by the end of November.

In order to keep final office review and concurrence on schedule, we would appreciate your response on or before c.o.b. November 21, 1986.

William J. Olmstead
Assistant General Counsel for
Rulemaking and Fuel Cycle
Office of the General Counsel

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Enclosures: Draft Commission paper with
Enclosures 1, 2 and 3

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