

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

April 4, 1988

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION  
AND VOTE, 2:00 P.M., WEDNESDAY, MARCH 23,  
1988, COMMISSIONERS' CONFERENCE ROOM, D.C.  
OFFICE (OPEN TO PUBLIC ATTENDANCE)

I. SECY-88-43 Proposed Final Rule Revising Agency Procedures  
Governing Ex Parte Communications and Separation of  
Functions

The Commission, by a 5-0 vote,\* approved final amendments to 10 CFR Parts 0 and 2 that revised the Commission's ex parte and separation of functions rules. The amendments update the existing rules by incorporating requirements imposed by the Government in the Sunshine Act as it relates to ex parte communications. The final rule also allows members of the NRC staff to serve as confidential advisors to the Commission with respect to a contested proceeding so long as those members do not act as investigators or litigators in the proceeding. The rule is intended to aid in maintaining effective communication between decision-making officials and NRC staff personnel and individuals outside the NRC while ensuring that proceedings are conducted in an impartial manner.

(Subsequently, the Federal Register notice was signed on March 25, 1988).

cc: Chairman Zech  
Commissioner Roberts  
Commissioner Bernthal  
Commissioner Carr  
Commissioner Rogers  
GPA  
EDO  
PDR - Advance

DCS - 016 Phillips

\* Section 201 of the Energy Reorganization Act, 42 U.S.C. •5841, provides that action of the Commission shall be determined by a 'majority vote of the members present.' Commissioners Bernthal and Carr were not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Commissioners Bernthal and Carr, however, had previously indicated that they would approve this paper and had they been present they would-have affirmed their prior votes.