

NOV 20 1984

bcc: OELD Attorneys

MEMORANDUM FOR: John G. Davis, Director, NMSS
Harold R. Denton, Director, NRR
Richard C. DeYoung, Director, IE
Robert B. Minogue, Director, RES
Thomas E. Murley, Regional Administrator, Region I
James P. O'Reilly, Regional Administrator, Region II
James G. Keppler, Regional Administrator, Region III
Robert D. Martin, Regional Administrator, Region IV
John B. Martin, Regional Administrator, Region V

FROM: Guy H. Cunningham, III
Executive Legal Director

SUBJECT: GRAND JURY INVESTIGATION OF ALLEGED MISCONDUCT BY NRC
EMPLOYEES

A question has arisen regarding the appropriate role, if any, of NRC attorneys (including Regional Counsel) with regard to advising NRC employees who may be called to appear before the Grand Jury investigating alleged misconduct by NRC employees. The Department of Justice has advised that the NRC attorney's client is the Agency and not any individual employees; therefore, according to the Justice Department, the only advice that NRC attorneys may properly render to individual employees is that they should tell the truth and cooperate fully. The Chairman has indicated that this Justice Department guidance should be scrupulously followed.

In view of this guidance, I have concluded that ELD attorneys and Regional Counsel may not participate in activities undertaken in preparation for possible Grand Jury appearances. Such prohibited activities include review of documents for the purpose of identifying possible areas of interest to the Justice Department and the Grand Jury, or advice to retain counsel in specific circumstances. I do not view this guidance as restricting the ability of ELD attorneys and Regional Counsel to answer broad general questions regarding how Grand Juries operate and citizens' rights to counsel in Grand Jury proceedings.

Original signed by
Guy H. Cunningham, III

Guy H. Cunningham, III
Executive Legal Director

cc: William Dircks
Victor Stello
Regional Counsel
James Murray
William Olmstead
Edward Christenbury
James Lieberman
Hudson Ragan
Joanna Becker

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GCunningham chron

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PDR FOIA
BERNAB85-A-10 PDR

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NAME	:GCunningham/rw:	:	:	:	:	:	:	:	: