



OFFICE OF THE
SECRETARY

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

August 28, 1985

0116
Appeal of
Initial FOIA
Decision
85-A-33C
(85-493)

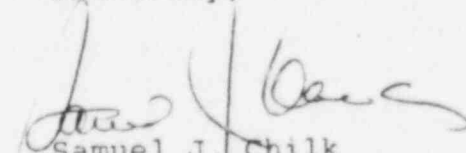
Jay E. Silberg, Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036

Re: Appeal of an Initial FOIA Decision
FOIA-85-493

Dear Mr. Silberg:

Pursuant to your conversation of August 22, 1985 with Richard Levi of the Office of General Counsel, it is our understanding that you are interested in the policies adopted by the Commission in response to SECY-85-80, rather than in SECY-85-80 itself. Since the policies adopted were not identical to those proposed, we are providing you with a copy of the policies as adopted. We understand that this will be a satisfactory disposition of your FOIA appeal.

Sincerely,


Samuel J. Chilk
Secretary

Attachment:
OI Policies

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PDR FOIA
SILBERG85-A-33 PDR

OI Policies on Rights of
Interviewees During Investigations

1. OI investigators will continue the practice of normally not advising individuals in non-custodial interviews that they may be represented by counsel. However, individuals being interviewed should not be told that they cannot employ private counsel for consultation and/or attendance at such interviews.
2. Individuals being interviewed will normally be permitted to have a personal attorney or other personal representative present during interviews. However, if the personal attorney or representative also represents another potential interviewee or the company being investigated, then the investigator will contact headquarters and a case-by-case determination shall be made whether to exclude the personal attorney on conflict of interest grounds. Other third parties, such as licensee management or union stewards, will normally not be permitted to be present during interviews. Requests for other than personal counsel shall be handled on a case-by-case basis after consultation with OGC.
3. The use of stenographic reporters or tape recorders will be at the discretion of the investigator but will not normally be used due to the impediment they may pose to the free flow of information. Requests by an interviewee to have an interview recorded will be dealt with on a case-by-case basis. The investigator may either allow taping or terminate the interview. The NRC normally will make the tape if an interview were to be recorded, and would not provide the interviewee a copy of the tape before the investigation has been completed.