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## ADJUDICATORY ISSUE

January 29, 1982 (Notation Vote)

SECY-82-40

L I M I T E D   D I S T R I B U T I O N

For: The Commissioners

From: Leonard Bickwit, Jr.  
General Counsel

Subject: NEWMARK INQUIRY

Discussion: Jim Fitzgerald and Trip Rothschild submitted a report to you yesterday on their inquiry involving Nathan Newmark. As you may remember, this office has advised that there are ex parte concerns associated with the transmission to the Commission of information such as that contained in this report. To relieve those concerns, we recommend that the Commission make the report available to the parties for their comments before making any decision based on this information. Therefore, if the Commission is presently disposed to accept the report's recommendation that the inquiry be closed, the report should be served on the parties at this time.

At the last Commission meeting on this subject, it was decided that if the Commission was not prepared to close the inquiry after receiving this report, the matter of service on the parties would be revisited. In that event, we would suggest an additional meeting at which the dimensions of the additional inquiry could be discussed.

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To: Counsel for the Parties in the Diablo Canyon  
Seismic Proceeding


From: Samuel J. Chilk, Secretary of the Commission

Enclosed is a report that two attorneys from the  
Commission's Office of General Counsel submitted to the  
Commission on January 27, 1982. The Commission invites any  
party who wishes to comment on the matters addressed in the  
report to do so by (ten days after service of report).

Enclosure:  
As Stated

L I M I T E D    D I S T R I B U T I O N

Attached is a draft memorandum from the Secretary to the parties which we recommend that the Commission issue if its present inclination is to close the matter.



Leonard Bickwit, Jr.  
General Counsel

Enclosure:  
Draft Memo from Chilk to Parties

Commissioners' comments should be provided directly to the Office of the Secretary by c.o.b. Friday, February 5, 1982.

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